

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 2, 2011 –9:30 AM
SPECIAL MEETING MINUTES

MEMBERS PRESENT: Commissioner Ed Melvin, Chairman
Commissioner Jimmy Keefe
Commissioner Charles Evans

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge
Commissioner Jeannette Council

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
Dr. John Lauby, Animal Control Director
Amy Hall, Public Utilities Engineer Tech
Candice White, Deputy Clerk to the Board
Press

Commissioner Melvin called the meeting to order.

1. APPROVAL OF MINUTES: MAY 5, 2011 MEETING

Commissioner Melvin recognized Dr. John Lauby, Animal Control Director. Dr. Lauby requested on page 4, paragraph 4, that the text “Dr. Lauby stated countywide there is approximately \$27,000 to \$29,000 collected for county tags compared to the 200,000 to 300,000 animals in Cumberland County” be revised to “Dr. Lauby stated countywide there are approximately 27,000 to 29,000 licensed dogs in Cumberland County but there are still about 270,000 dogs not licensed; this results in over \$2 million in uncollected fees”.

Commission Melvin asked the committee to consider the requested revision.

MOTION: Commissioner Keefe moved to approve the minutes with the requested revision.

SECOND: Commissioner Evans

VOTE: UNANIMOUS

2. DISCUSSION OF GUIDELINES FOR HIRING TEMPORARY AND PART-TIME EMPLOYEES

James Martin, County Manager, referred to the suggested guidelines in the packet of materials provided to committee members and called on Rick Moorefield, County Attorney.

Mr. Moorefield stated he used Section 10-51 of the existing Personnel Ordinance as his basis for the suggested guidelines. Mr. Moorefield stated employees may be appointed for less than full-time service when it is in the best of the county or the department and there are some occasional and extreme circumstances in which part-time or temporary appointments may need to be made upon approval by the county manager. Mr. Moorefield reviewed conditions which might support such appointments as follows:

- (a) seasonal work, *such as mowing or youth programs conducted only in the summer;*
- (b) budget constraints, *such as not using general fund moneys to supplement the administrative allowance in grant funded programs when the amount of the administrative allowance is not sufficient to fund a full-time position;*
- (c) unanticipated temporary increases in the regular workload which cannot be completed without incurring overtime or compensatory time for full-time employees, *such as the need for disaster assistance services on a scale beyond the capacity of the organization to provide;*
- (d) the prolonged absence of a full-time employee whose duties cannot be readily absorbed by the other employees in the department, *such as an employee on extended medical leave or receiving specialized training or certification;*
- (e) a limited and temporary need for an employee with specialized skills, experience or certification, *such as the contracted employment of such a person to transition Workforce Development to FTCC;*
- (f) the maintenance of a pool of qualified employees willing to fill-in for absent regular employees on short notice and for short durations *due both (i) to the difficulty of scheduling operations requiring the continuous coverage of a minimum number of employees, such as the Detention Center, and (ii) to the occasional need to cover the absence of a regular employee and that position's backup personnel, such as at the county manager's reception desk.*
- (g) under any circumstances in which the department's needs can be met most efficiently and at a lesser cost by using part-time or temporary employees.

Mr. Moorefield stated in order to address concurrence with succession planning and to avoid the use of temporary or part-time personnel in lieu of full-time personnel, he incorporated the following language in the suggested guidelines: “temporary or part-time personnel should not be used merely as a convenience to a department in substitution of the process of hiring and training qualified full-time employees for needed permanent positions. When making hiring decisions, department heads should consider their department’s needs for the succession of qualified, trained employees to replace those employees who leave service”.

Mr. Moorefield stated the suggested guidelines are very broad, as guidelines should be, and are a good statement of what the county currently does. Mr. Moorefield explained the italicized language represents real-life situations he has observed and suggested it be omitted when the policy is adopted.

Commissioner Evans expressed concern that the suggested policy guidelines did not address his initial intent which was not to place a retiree in a position that would prevent someone within the county from moving up into that position. Mr. Moorefield stated he attempted to follow the directive of the committee at their May 5, 2011 meeting as expressed through their approved motion. Mr. Martin and Mr. Moorefield responded to questions and discussion followed. In response to a question posed by Commissioner Evans, Mr. Moorefield advised all county employees are subject to the county’s Personnel Ordinance.

MOTION: Commissioner Keefe moved that the Policy Committee approve the guidelines as presented by the county attorney for hiring temporary and part-time employees and that the italicized text be kept within the guidelines.

SECOND: Commissioner Melvin

Commissioner Evans stated the suggested policy guidelines did not address his concern about retired individuals being placed in positions for a lengthy time. Mr. Martin stated the suggested guidelines put into writing a compilation of what the county’s practices have been. Commissioner Evans inquired whether there was a set timeframe for how long a retired individual could work in a position. Commissioner Keefe stated per the guidelines, a retiree would be considered a part-time or temporary employee that should not be used in substitution of a full-time employee in a permanent position. Mr. Martin stated as in the past, a beginning and ending date would be set at the time the arrangement was made.

VOTE: PASSED (voting in favor Commissioners Keefe and Melvin; voting in opposition Commissioner Evans)

3. CONSIDERATION OF PROPOSED REVISIONS TO ANIMAL CONTROL ORDINANCE

Mr. Moorefield stated at the May 5, 2011 Policy Committee meeting, there was some concern expressed about the interplay between the Animal Control Ordinance and the county's Zoning Ordinance. Mr. Moorefield called attention to a memo from Patti Speicher regarding kennel provisions as set out in the county's Zoning Ordinance. Mr. Moorefield advised the county's Zoning Ordinance regulates the number of dogs that may be maintained in a household within each residential zoning district. Mr. Moorefield explained for anything less than 20,000 SF, there can only be three dogs and if there are more than three dogs, they are regulated as a kennel. Mr. Moorefield further explained for agricultural districts and large lot rural districts, there are no limits placed on the number of dogs and they are regulated as a kennel.

Mr. Moorefield advised that he and Dr. Lauby visited with the New Hanover County Animal Control Director to discuss New Hanover County's system of tying its pet licensing to the rabies vaccinations and rabies tag IDs through a program administered by veterinarians. Mr. Moorefield explained the program is based on the privilege tax statute and raised about one half of the operating revenue of the New Hanover County Animal Control Department. Mr. Moorefield further explained that since he had written the memo on the licensing tax to the committee he had discovered that there was only a single county privilege license tax and the City of Fayetteville did not levy a separate tax. Mr. Moorefield stated this would make the transition to a pet registration system like the one in New Hanover County easier to accomplish in Cumberland County.

Mr. Moorefield stated he requested county-wide privilege license collections back to 2003 and the trend has been that every year the amount collected has declined at an average of \$25,000; this means fewer people are listing their animals through the county tax office. Mr. Moorefield further stated the methodology of collecting through veterinarians may be a way to turn this around and Dr. Lauby is confident he can get the same level of cooperation and participation from our community's veterinarians as has been accomplished by New Hanover County. Mr. Moorefield also stated Dr. Lauby is excited about moving his department to a pet licensing program modeled after the one in New Hanover County. Mr. Moorefield cautioned that any change in the current privilege tax administered by the tax office would have to be phased in to avoid charging any license fee this year to those pet owners who have already listed their pets and will pay the privilege tax.

Dr. Lauby stated as in New Hanover County, veterinarian participation in Cumberland County would have to be voluntary and the program would provide pet owners with the opportunity to purchase a county tag at the same time they are getting their rabies tag. Dr. Lauby further stated the veterinarian associations are adamant that they do not want to collect taxes, but under this program, they would be collecting a countywide registration fee rather than a tax.

Mr. Moorefield advised Dr. Lauby has already moved his department to the same software program used in New Hanover County and has greatly enhanced his department's capability to retrieve data and track specific animals, complaints, and issues. Dr. Lauby explained the processes involved with and the capabilities of the full-

service software program which would enable his department to administer the pet registration system. Dr. Lauby stated the Animal Control Department will likely invest \$30,000 to \$35,000, to hire a staff person for data entry but that this system might generate up to \$2 million in revenue.

Discussion followed regarding cautionary measures that should be taken when implementing the program. Mr. Martin stated he supported Dr. Lauby but feels there is a need for more preliminary work as it relates to signing up veterinarians, pet owner tax listings, and the levying of taxes through the tax office. Mr. Martin further stated his thoughts are that efforts should be to get veterinarians on board over the next six months and that the program for charging through veterinarians should likely be imposed in January 2012 so that pet owners either do not list or are removed from the tax listing for 2012. Mr. Martin stated even then, there is a likelihood that the county will suffer an initial loss of revenue, but there is an opportunity for revenues to increase substantially going forward.

Dr. Lauby and Mr. Moorefield explained how the program was implemented by New Hanover County. Mr. Moorefield stated the challenge will be to get the veterinarians on board and explained that New Hanover County used the failure to provide rabies certification, which is state law, and actually turned veterinarians into the state licensing board. Dr. Lauby stated the new software program will enable the county to check monthly to see whether pets are registered in Cumberland County. Dr. Lauby and Mr. Martin responded to questions and additional discussion followed.

Commissioner Keefe asked whether the funds from fee collections would be dedicated to Animal Control and education of the public as it relates to pet ownership. Amy Cannon, Deputy County Manager, stated that would be a Board decision; however, without Board direction, the funds would first be applied to operations and remaining revenues would go to the general fund.

Mr. Martin stated the county needs time to find out which veterinarians are on board and work out some of the details. Mr. Martin also stated the county should move forward as it normally would for animals in 2011 and pick up the program as soon as possible after that.

Commissioner Keefe asked if the Animal Control Ordinance would be presented to the Board on June 20th. Mr. Moorefield advised he had not redrafted the particular revisions into the ordinance brought forward from the last committee meeting because he wanted to get the committee's input with respect to the number of dogs. Mr. Moorefield further advised that even though he presented language from New Hanover County, it would also be better if the committee provided some direction before he drafted the language for the ordinance.

Commissioner Keefe stated he had concerns about the ordinance since there has been no feedback from the municipalities. Mr. Moorefield clarified he had received feedback on the ordinance, just not on the handling of pet registrations. Mr. Moorefield stated City

Attorney Karen McDonald did let him know the city was interested in this type of pet registration approach.

Commissioner Keefe asked Dr. Lauby whether he felt the ordinance could be enforced. Dr. Lauby stated the number of dogs is not enforceable. Commissioner Keefe stated he did not want to adopt an ordinance that was not enforceable. Mr. Moorefield stated Dr. Lauby's input is critical, and stated the only way the zoning ordinance is enforced is by complaint and follow up. Mr. Moorefield advised this is also true for the Animal Control Ordinance and because the number of dogs has always been a zoning enforcement, it has not been an issue he has had to deal with. Commissioner Keefe asked whether an ordinance should be adopted that is based solely on complaints and stated he is reluctant to approve an ordinance without all of the information.

Mr. Moorefield noted he was also awaiting the committee's direction as it relates to the make up of the Dangerous Dog Appeals Board. Dr. Lauby stated he would make a presentation to the Animal Control Board at their June 13th meeting that may provide some input. Mr. Moorefield advised he has done everything he can to make the municipalities aware of and informed about the process and everyone, including the city of Fayetteville, seems to be on board with a countywide ordinance that is applicable in all jurisdictions.

Commissioner Council suggested that the Policy Committee set a deadline for staff to work out some of the details and bring the ordinance back. Commissioner Council stated the county should take the lead. Mr. Martin confirmed staff would return with a plan. Mr. Moorefield requested clarification as to whether the Policy Committee wanted to limit the number of animals within the Animal Control Ordinance, instead of the zoning ordinance, and whether the Policy Committee wanted the pet registration from New Hanover County included in the ordinance. Mr. Moorefield explained the Animal Control Ordinance does not have the substantial limitations on pets that the zoning ordinance has, and the biggest disconnect at this time is that the municipalities do not necessarily have zoning ordinances structured like the county's zoning ordinance. The consensus of the Policy Committee was that the number of animals should be based on the zoning district. Commissioner Keefe stated he felt the ordinance should express a limitation to the number of pets for multi-family in R10 residential district and R5 residential district and no limitation for multi-family in R40 residential district; commercial does not matter. Mr. Moorefield confirmed this would be incorporated within the Animal Control Ordinance.

4. CONSIDERATION OF DRAFT GRAYS CREEK WATER AND SEWER DISTRICT WATER USE ORDINANCE

Mr. Moorefield advised the proposed ordinance does not mandate connections to the rural water system because if someone has a water line adjacent to their property and if there is a dwelling or a structure on the property, they will be charged a minimum fee whether or not they are connected. Mr. Moorefield stated if someone has a vacant

property adjacent to a water line, they will be charged an availability charge regardless of whether there are any improvements to the property. Mr. Moorefield explained the ordinance as proposed can be changed at the discretion of the Board, however, in order to make rural water a cost effective system that can be afforded by individuals living within the district, minimum charges will need to be required of those with availability.

Mr. Moorefield stated connection of new construction is not mandated by the draft water use ordinance, because in some instances it would be impossible to do and cost prohibitive, and it is already required for new construction under the Subdivision Ordinance. Mr. Moorefield stated the Planning Board is allowed to make exceptions to the requirements under the Subdivision Ordinance in what may be characterized as hardship cases. Mr. Moorefield also stated because this is a rural system and there may be long distances between developments and existing water lines, the subdivision regulation is a very reasonable approach. Mr. Moorefield further stated the draft water use ordinance does not address new construction on lots that are not subdivided.

Mr. Moorefield reviewed Section 20: Classifications, Rates, Charges, and Fees and stated although all those fees may not be charged, the draft ordinance authorizes the county to charge them. Mr. Moorefield also stated this section describes the rate structure, minimum charges, and usage charges for those connected, and minimum charges and availability charges for those not connected. Mr. Moorefield advised he is awaiting the actual charges from Hi Marzianno and will provide to the Board upon receipt.

Mr. Moorefield explained the ordinance proposes to allow for dry-taps on vacant property at the request of a property owner for which no meter is installed. Mr. Moorefield stated although there is a risk of damage to the dry-tap and a leak that could go unnoticed because there is no meter to read, he included the requirement that the owner express the intent to develop the property within two years and assume responsibility for any damage.

Mr. Moorefield reviewed Section 33: Use of Fire Hydrants and stated although required by the United States Department of Agriculture (USDA), it is doubtful that many of the fire hydrants will have sufficient pressure to extinguish a fire. Mr. Moorefield stated strict control of fire hydrants is necessary because water taken from hydrants is not metered and will be paid for by all the customers. Mr. Moorefield also stated the draft ordinance only allows water to be taken from hydrants that have sufficient pressure for fire suppression and then used only for fire suppression.

Mr. Moorefield reviewed Section 36: Enforcement, and stated stealing or contaminating public water are serious criminal offenses under State law and should be persecuted in that manner. Mr. Moorefield also stated the draft ordinance proposes criminal enforcement with a maximum fine of \$500 and up to twenty days imprisonment for other violations; this is the maximum punishment allowed by statute. Mr. Moorefield explained the Board has discretion to decrease the maximum fine to as little as \$50.

Mr. Moorefield stated in addition to the water use ordinance, there are rules and regulations that will need to be adopted by the Board. Mr. Moorefield stated it will be beneficial to have an ordinance in place to provide information to interested citizens in advance of the bond referendum and will enable citizens to be provided with a definite answer rather than a staff opinion. Mr. Moorefield responded to questions.

MOTION: Commissioner Keefe moved that the proposed ordinance for the Gray's Creek Water and Sewer District be approved and sent to the full Board.
SECOND: Commissioner Evans
VOTE: UNANIMOUS

5. OTHER ITEMS OF BUSINESS

Commissioner Evans asked Mr. Moorefield to explain the reasons behind the change to Section 3-12 of the Animal Control Ordinance. Mr. Moorefield stated the ordinance was changed at the request of the Board and explained why, in his professional opinion, the ordinance never applied to Ben the Bear and why the change made on March 21, 2011 did not affect the bear. In response to a question posed by Commissioner Evans, Mr. Moorefield stated the ordinance only applied to the alligator, the fox and the raccoon and to the best of his knowledge only affected Jambass Ranch because no other parties with wild animals have come forward.

There were no further items of business.

MEETING ADJOURNED AT 12:03 PM