

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 5, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman
Commissioner Charles Evans
Commissioner Jimmy Keefe

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications and Strategic Initiatives
Manager
Tom Lloyd, Planning Director
Cecil Combs, Deputy Planning Director
Dr. John Lauby, Animal Control Director
Buck Wilson, Public Health Director
Rodney Jenkins, Deputy Public Health Director
Kellie Beam, Deputy Clerk to the Board
Candice White, Clerk to the Board
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 1, 2012

MOTION: Commissioner Evans moved to approve the minutes as presented.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (3-0)

2. CONSIDERATION OF APPROVAL TO INCREASE ANIMAL CONTROL
DEPARTMENT SHELTER FEES

James Martin, County Manager, called on Dr. Lauby, Animal Control Director, to discuss the proposed increase to Animal Control's shelter and privilege license fees.

Dr. Lauby stated the current fees are:

- Privilege License = \$7.00 if spayed or neutered
\$25.00 if not altered
- Shelter Fees = \$7.00 per day of impoundment

Dr. Lauby stated Animal Control is requesting an increase as follows:

- Privilege License = \$10.00 if spayed or neutered
\$30.00 if not altered
- Shelter Fees = \$30.00 for first day of impoundment, \$10.00 per day thereafter.

Dr. Lauby stated the reason for the request of the increase in the privilege license fee is because the Animal Control Department is more involved in licensing process now and there is an added expense in trying to enforce and keep track of the licenses. Dr. Lauby stated the reason for the request of the increase in the shelter fees is because of the added responsibilities involved in the first day of impoundment. Dr. Lauby further stated all animals that come into the shelter with no proof of vaccination are administered the distemper vaccine, parvo vaccine, bordatella vaccine, and are de-wormed.

Commissioner Council asked Dr. Lauby if the increase in fees would cover an increase in personnel. Dr. Lauby stated the increase in fees would not cover an increase in personnel. Commissioner Keefe stated he would support the increase in shelter fees without a problem. Commissioner Keefe further stated he hoped for a reduction in the privilege license fee because there would be an increase in the number of documented animals. Commissioner Keefe stated he would like to see a delay on the privilege license fee until the new program is set up.

MOTION: Commissioner Keefe moved to increase the shelter fee as requested and take no action on the privilege fee with the understanding the privilege fee will be brought back to the Policy Committee within the next year once the new licensing program is up and running.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF RECOMMENDATION FOR A SMOKE FREE CAMPUS FOR CERTAIN COUNTY FACILITIES

Mr. Martin called on Buck Wilson, Public Health Director, and Rodney Jenkins, Deputy Public Health Director, to discuss the recommendation for a smoke-free campus for the following county facilities: Public Health Department, Historic Courthouse (which houses Public Health Department employees), and Department of Social Services. Mr. Jenkins stated the Public Health Department will begin a mandatory accreditation process

on January 1, 2013. Mr. Jenkins stated the accreditation process requires a benchmark that includes ensuring that all facilities involved with the Public Health Department shall provide safe and accessible facilities and services to include prohibiting the use of tobacco within the facility and grounds. Mr. Wilson stated the Board of Health and the Social Services Board support the effort under certain guidelines.

Commissioner Evans asked if a smoke-free campus needed be approved in order for the Public Health Department to receive accreditation. Mr. Wilson stated an effort and request for a smoke-free campus had to be made but the request did not have to be approved in order for the Public Health Department to receive their accreditation. Commissioner Evans stated he believes requiring county departments to be smoke-free would be infringing on smokers' rights. Mr. Jenkins stated there will be an educational component to inform employees of the risk factors involved with smoking along with smoking cessation programs. Commissioner Keefe stated his only issue would be the enforcement aspect and asked if there could be any adjustments made. Mr. Wilson stated there is major flexibility on this issue.

MOTION: Commissioner Council moved to approve the smoke-free campus policy as recommended by the health director.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner Keefe stated if an ordinance is put together he wants to make sure it is clear and enforceable. Commissioner Keefe stated he will vote to approve this policy since it only covers the Public Health Department, Historic Courthouse, and Department of Social Services. Commissioner Evans confirmed there would be a gazebo set up for the smokers during the transition. Mr. Wilson stated the policy can be written to include the specific details requested. Mr. Martin asked Mr. Wilson to speak with the county attorney to work out details on how the policy will be written.

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF PLANNING AND INSPECTIONS DEPARTMENT PROPOSED MINIMUM HOUSING ORDINANCE CHANGES

Tom Lloyd, Planning and Inspections Director, stated he would like to address two issues. Mr. Lloyd stated the first issue is the appearance and safety of manufactured homes which can be addressed by the minimum housing ordinance proposed changes. Mr. Lloyd stated the second issue is the appearance of mobile homes based on zoning regulations.

Cecil Combs, Deputy Director Planning and Inspections, stated the proposed changes to the minimum housing ordinance will enhance the living conditions of the dwelling and grounds as well as overall appearance.

Mr. Combs stated the proposed changes are:

- Sec. 4-67 - Definitions: Add definition of “garbage receptacle”. Garbage shall be stored in a durable, rust resistant, non-absorbent, watertight, rodent proof and easily cleanable container with a close-fitting, insect tight cover. Container must be large enough to contain one full weeks refuse.
- Sec. 4-72 - Space and Use Standards: Add requirement for carbon monoxide detectors if a gas appliance exists in the dwelling.
- Sec. 4-75 - Heating Standards: Add that the installation of more than one portable heating appliance shall not be constructed as meeting the minimum standard for the heating of an occupied dwelling.
- Sec. 4-79 - Property Maintenance: Add “protective treatment”. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. The elements and decay by painting or other protective covering or treatment, peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- Sec. 4-79 - Liability, Responsibility of Owner: Strengthen section to include adding “should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area”. This provision will aid in the continued enforcement of unoccupied dwellings that are not necessarily uninhabitable but pose a threat to the surrounding community by being left unsecured by owners and thus attracting undesirables.

Mr. Combs stated the majority of complaints received are in reference to the appearance of manufactured homes and quality of living issues. Mr. Combs confirmed the proposed changes would apply to all housing in Cumberland County. Mr. Lloyd stated he would like to add “skirting” to the list.

Mr. Lloyd stated the second issue pertains to the Colonial Heights area. Mr. Lloyd stated lots in older pre-existing neighborhoods such as Colonial Heights are 100’ x 150’, and three or more of those lots could be combined as long as the set back requirements were met.

Mr. Lloyd stated the Zoning Ordinance addresses density and Colonial Heights is zoned R6A which means for the first three units, there needs to be 6,000 SF per unit. Mr. Lloyd explained under R6A, if a lot was 18,000 SF it could contain one house and two manufactured homes.

Mr. Lloyd stated under the subdivision ordinance, a group development is two or more units on one lot and a mobile home park (MHP) is defined as three or more mobile homes on the same

tract. Mr. Lloyd stated there can not be three mobile homes in a group development because if there are three or more on one tract, then it is considered a MHP.

Mr. Lloyd stated under the existing ordinance, one land owner can own ten lots in a row all zoned R6A and if each lot was 12,000 SF there could be two mobile homes per lot stacked ten deep. Mr. Lloyd explained this would give the appearance of a MHP but would actually be a group development with lots that allow two manufactured homes on each lot.

Mr. Lloyd stated no manufactured homes are allowed on smaller lots except in a R6A zoning district and to allow mobile homes otherwise the zoning districts have to be A1 or RR or R40A meaning one-half, one acre or two acre lots. Mr. Lloyd stated a proposal that could be taken to the Codes Committee and Joint Planning Board would be not to allow a group development consisting of manufactured homes in the R6A district. Mr. Lloyd explained this would take away the ability to stack two mobile homes on one lot in an area which could give the appearance of a MHP. Mr. Lloyd further explained this would treat the R6A zoning district different but it is already singled out as being different because it allows MHPs which no other district allows. Mr. Lloyd stated this proposal may not help the occupied lots in Colonial Heights or in any other subdivision but it would help lots that are still vacant or lots that contain only one manufactured home.

Commissioner Council expressed concerns regarding the appearance and safety of manufactured homes and suggested that the guidelines for the age of mobile homes be considered. Mr. Lloyd stated zoning could not be used to regulate the age of manufactured homes. Mr. Moorefield stated staff could look into it but the regulations regarding age were not cut and dry.

Commissioner Evans stated he would like for staff to look into developing an ordinance aimed at rental properties so there are no slum lords or excessive criminal activities in particular areas. Mr. Lloyd stated areas such as Colonial Heights contain manufactured homes that meet minimum housing requirements but tend to draw law enforcement problems. Mr. Lloyd stated complaints regarding minimum housing have been reduced because of the existence of Environmental Court. Commissioner Keefe stated areas within the county such as Colonial Heights with low-income, high-crime areas should be addressed in some way other than by the adoption of an ordinance because that would be punitive on 95% of the county's rental property owners.

Mr. Moorefield stated the current minimum housing code applies to all dwelling units and the concerns addressed by Commissioner Evans regarding rental units are already covered and being effectively enforced by the Environmental Court. Mr. Moorefield advised the direction should not be the adoption of a new ordinance or something that would apply just to rental units but the imposition of additional requirements under the minimum housing ordinance. Mr. Lloyd stated the county Planning Department can not regulate through land use the element of rental property residents or law enforcement issues. Commissioner Edge stated he felt the Board could strengthen its minimum housing ordinance by addressing these safety issues.

Commissioner Council called on Gary Blackwell whose mother is a forty-eight year resident of Colonial Heights. Mr. Blackwell offered comments regarding landlords and conditions in the Colonial Heights area.

MOTION: Commissioner Council moved that the Policy Committee send forward to the full Board the minimum housing proposed changes to include skirting requirements for mobile homes.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

Commissioner Keefe asked whether staff's proposal was to eliminate the R6A zoning district. Mr. Lloyd responded staff's proposal was to eliminate a group development in R6A consisting of two manufactured homes on one lot. Commissioner Evans asked that Mr. Lloyd take the proposal to the Joint Planning Board and report back to the Policy Committee with its recommendation. There was consensus from members of the Policy Committee.

5. OTHER ITEMS OF BUSINESS

There were no further items of business.

MEETING ADJOURNED AT 12:10 PM