

CUMBERLAND COUNTY POLICY COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
APRIL 2, 2015 – 10:30 A.M.  
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans  
Commissioner Jeannette Council

MEMBERS ABSENT: Commissioner Jimmy Keefe

OTHER COMMISSIONERS  
PRESENT:

Commissioner Kenneth Edge  
Commissioner Larry Lancaster

OTHERS PRESENT: Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Tracy Jackson, Assistant County Manager  
Melissa Cardinali, Assistant County Manager for Finance/  
Administrative Services  
Sally Shutt, Governmental Affairs and Public Information  
Officer  
Rick Moorefield, County Attorney  
Phyllis Jones, Assistant County Attorney  
Rob Hasty, Assistant County Attorney  
Dr. John Lauby, Animal Control Director  
Jeffery Brown, Engineering and Infrastructure Director  
Vicki Evans, Finance Accounting Manager  
Rochelle Small-Toney, City of Fayetteville  
Jay Reinstein, City of Fayetteville  
Andrew Holland, City of Fayetteville  
Willie Ratchford – WPR Consulting  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Evans called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

MOTION: Commissioner Council moved to elect Commissioner Evans as the Policy  
Committee Chairman.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (2-0)

2. APPROVAL OF MINUTES – NOVEMBER 6, 2014

MOTION: Commissioner Council moved to approve the minutes.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (2-0)

3. PRESENTATION ON CONTINUATION OF THE JOINT CITY/COUNTY HUMAN RELATIONS COMMISSION

BACKGROUND:

The County entered into an Interlocal Agreement in 2004 for the purpose of providing a joint Human Relations Commission and Department for the community. The mission of the Human Relations Commission is to provide equal opportunity by reviewing equal opportunity complaints, developing programs designed to improve human relations, resolving fair housing and landlord/tenant complaints, providing training, and providing strategies to resolve issues that discriminate citizens in any way. Specifically, the Community Development Department has provided services to the Human Relations Commission by assisting with fair housing issues.

With the retirement of the Human Relations Director, Ron McElrath, the City thought it would be a good time to reassess the mission, programs and services of the Human Relations Department. The City has sought guidance in this process from Mr. Willie Ratchford, with WPR Consulting, Inc. The City has invited the County to be a part of this review process. As such, Mr. Ratchford will give a presentation to the Policy Committee on human relations work in other communities, the benefits of having this function, and seek input from the committee on the continuation of this endeavor.

RECOMMENDATION/ACTION REQUESTED:

Receive the presentation and provide feedback regarding the continuation of the Human Relations function.

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Amy Cannon, County Manager, reviewed the background information and recommendation as recorded above. Ms. Cannon recognized the City of Fayetteville staff in attendance and Mr. Willie Ratchford from WPR Consulting, Inc.

Ms. Cannon stated Mr. Willie Ratchford was brought in by the City to perform research and create focus groups to gain information and insight moving forward about the Human Relations Commission and will give the Policy Committee an update on the process.

Ms. Small-Toney, City of Fayetteville, stated Mr. Ratchford has been very busy gaining information from the community to help inform the City and County if the current mission of the Human Relations Department and Commission is right for this community. Ms. Small-Toney stated Mr. Ratchford will help in the recruitment process of the new leadership of the Human Relations Department and help present a proposed job description for that position. Ms. Small-Toney stated the City intends to perform a national search for the position and have Mr. Ratchford help throughout the process.

Mr. Ratchford stated with the current racial and ethnic tensions rising in our country it is obvious the community needs some entity that helps pull the community together to address the racial tensions and to create channels of communications for groups that may not be getting along so we can all live in a harmonious community. Mr. Ratchford stated he has been working in this community for two months and has met with numerous community groups and individuals, former elected officials, staff of the Human Relations Department and members of the Human Relation Commission. Mr. Ratchford stated he has already received some very helpful information that he will be sharing with the City and County within the next few weeks.

Mr. Ratchford stated in January 2015 the City of Fayetteville made the decision to continue to support the Human Relations Commission and the County needs to decide if they want to continue to support the Human Relations Commission. Mr. Ratchford stated he strongly suggests the County continue to support the Human Relations Commission to help resolve conflicts in the community.

Ms. Cannon stated she is very excited to hear the results of Mr. Ratchford's research and she believes based on this diverse community that there is a real need for a Human Relations Commission. Ms. Cannon stated Mr. Ratchford's report and recommendation will be brought back to the Policy Committee in the near future.

Commissioner Evans stated he is also excited about this process and he feels this community has come a very long way but still has a small distance to go. Commissioner Evans further stated he feels this process will be a great asset to what the leaders of this community are trying to do.

No action taken.

#### 4. CONSIDERATION OF REVISIONS TO THE CUMBERLAND COUNTY ANIMAL CONTROL ORDINANCE

##### BACKGROUND:

The County Attorney's office received recommendations from the Animal Control Department for revisions to the Animal Control Ordinance as follows:

##### **Sec. 3-10. Definitions.**

- Add definition for "Domestic Animals".

- “Domestic Animals” means any animals that depend on humans for food, water and shelter to include but not limited to: dogs, cats, horses, cows, pigs, sheep, goats and fowl.
- Add definition for “Memorandum of Understanding”.
  - “Memorandum of Understanding” (MOU) is an agreement by an owner and the Animal Control Department signed by the owner who agrees to certain limitations and/or conditions contained therein.
- Revise definition for “Nuisance/Reckless Owner”.
  - **Current definition of Nuisance/Reckless Owner:**  
An owner who has received a violation under Chapter 3 and has outstanding fees owed to Cumberland County Animal Control for previous violation(s) or who has not complied with the requirements for ownership of a dangerous or potentially dangerous dog.
  - **Proposed revised definition of Nuisance/Reckless Owner:**  
An owner who has received a violation under Chapter 3 and has outstanding fees owed to Cumberland County Animal Control for previous violation(s) or who has not complied with the requirements for ownership of a **nuisance animal**, dangerous or potentially dangerous dog, **or anyone who has signed an MOU with the Animal Control Department and has failed to adhere to the MOU.**

**Sec. 3-15. Nuisance animals; animals posing a threat to the public.**

Slight revision to subsection (a) to add the word “growls” to the description of what could be considered a nuisance.

- (a) For the purposes of this section, “nuisance” means, but is not limited to, the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows, **growls** or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; is unconfined in season; defecates on the property of someone other than the owner; or eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.

**Sec. 3-19. Control of animals required; at large; strays.**

Replace the word “livestock” with “domestic animals”.

- (a) It is unlawful for any owner or person to permit or negligently allow any domestic animal ~~or livestock~~ to run at large. Any dog ~~or cat~~ **or domestic animal** that is not confined as provided in this Chapter, and not under the actual physical leash control or hand restraint of its owner or keeper, shall be deemed to be running at large. Any such animal found running at large shall be either...

**Sec. 3-29. Nuisance/Reckless owner.**

Replace the word “livestock” with “domestic animals”.

- A person cited as a Nuisance/Reckless owner shall be ordered to surrender all of his/her dogs/cats/~~livestock~~/**domestic animals** to Animal Control and shall refrain from owning, keeping, or harboring those dogs/cats/~~livestock~~/**domestic animals** or any dogs/cats/~~livestock~~/**domestic animals** for a period of three (3) years.

**Sec 3-35. Permit required.**

Revise subsection (f) **Revocation of permits** to delete “for not more than thirty (30) days” and replace “suspend” with “revoke”

(f) Revocation of permits. The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the Director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, revoke ~~suspend~~ any permit or any portion thereof ~~for not more than thirty (30) days~~. Good cause for revocation or modification of permit shall include, without limitation, violation of or failure to comply with any provision of this Article or with any term, condition or provision of a permit.

**Sec. 3-81. Penalties for violations.**

Revise subsection (d) to change \$100 to \$200 in order to be consistent with the appropriate fine for a class 3 misdemeanor as stated in the North Carolina General Statutes; add a subsection (e) to set forth the penalty for a dog biting a human causing severe injury.

(d) In addition to the civil penalties prescribed in this section, any violation of this Chapter, also designated as Chapter 3 of the Cumberland County Code, shall also constitute a Class 3 misdemeanor punishable by a fine or not more than ~~\$100~~ **\$200** and imprisonment of not more than 20 days.

**(e) The penalty for a dog biting a human causing injury which requires professional medical or hospital treatment shall be \$500 for the first offense.**

**RECOMMENDATION/PROPOSED ACTION:**

The Animal Control Department recommends that the Ordinance be revised. The Legal Department has reviewed the proposed revisions for legal sufficiency.

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Dr. Lauby reviewed the background information and recommendation as recorded above. Dr. Lauby stated he continues to work on the Animal Control Ordinance to make it more enforceable so Animal Control is better able to serve and protect the public and protect the animals of Cumberland County. Rob Hasty, Assistant County Attorney, has reviewed the proposed revisions for legal sufficiency.

Dr. Lauby stated he is requesting to add “domestic animals” to the Ordinance because there are several people in the County that are hoarding domestic animals and this will allow Animal Control to stop the process and enforce the law.

Dr. Lauby stated he is requesting to add “Memorandum of Understanding” at the request of the County Manager to give pet owners one last chance before animals are euthanized.

Dr. Lauby stated the revision of penalties for violations is because of the increasing amount of animal bites to humans in the past few years. Dr. Lauby stated animal bites are getting much worse and Animal Control needs to do something to let citizens know it is against the law for an animal to bite and pet owners will be punished if this is allowed. Dr. Lauby further stated another major metropolitan area started this penalty and significantly reduced the amount of animal bites in their community over time.

MOTION: Commissioner Council moved to recommend to the full board approval of staff’s recommendation of the proposed Animal Control Ordinance revisions.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (2-0)

## 5. REPORT REGARDING PERSONNEL ORDINANCE AND POLICY

### BACKGROUND:

This is an update regarding work that is underway to revise the personnel ordinance and policies.

On August 15, 2011, the Board of Commissioners approved a resolution repealing Chapter 10 (Personnel Ordinance) from the County Code and adopted the provisions of this chapter and all updates as a stand-alone ordinance. Since publishing changes to the Code through Municode is a costly and cumbersome process, adopting a stand-alone Personnel Ordinance provides a more efficient and cost-effective way to revise and publish updates to the Ordinance. This is particularly important based on the need to make revisions to the Personnel Ordinance.

On June 18, 2012, the Board approved revisions to the Personnel Ordinance provisions regarding the classification and salary plan, as part of the implementation of the results of a classification and pay study conducted during that time.

Since that time, additional work has taken place towards preparing additional proposed revisions to the Personnel Ordinance, as well as the Personnel Policy Manual. It is important to distinguish that whereas the Personnel Ordinance is our local law that establishes rules adopted by the Board of Commissioners, Personnel Policies are County Manager rules established through the authority granted by the Personnel Ordinance.

County Human Resources and Legal are working cooperatively in preparing proposed revisions to the ordinance and policy manual pertinent to our current workforce issues and challenges. As part of the process, we have formed an internal committee of department heads and key staff to review and provide input on the policies. The intent is to obtain input and consensus on policies that are relevant and practical in effectively addressing the issues routinely encountered across our County departments.

In upcoming Policy Committee meetings, we will bring forward ordinance and policy recommendations from our internal committee for your consideration. We expect this process to take several sessions to complete.

**RECOMMENDATION/PROPOSED ACTION:**

No action required, for informational purposes only.

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James Lawson, Deputy County Manager, reviewed the background information and recommendation as recorded above.

No action taken.

**6. CONSIDERATION OF APPROVAL OF THE REVISED ORDINANCE REGULATING THE USE OF WATER AND SEWER FACILITIES CONTROLLED BY THE COUNTY OF CUMBERLAND**

**BACKGROUND:**

Revisions are needed to the Ordinance Regulating the Use of Water and Sewer Facilities Controlled by the County of Cumberland to address the connection of new construction near public water or sewer lines and connection after the mains are available. The current language as well as the proposed addition/revision for each section is listed below for your convenience;

**Section 12. Connection Privilege**

**Current Language**

The County may give a privilege for early connection to the water or sewer system to any owner as the water or sewer mains are installed. From time to time, the County may give privileges for connections at reduced amounts in order to encourage additional hookups to increase revenue.

**Proposed Addition**

Before connection to an existing main all availability fee charges or debt service charges which would have accrued had the connection been made when the main was available to connect must be paid in full.

Section 14. Connection of Newly Constructed Buildings

Current Language

The connection to the County's water or sewer system of buildings constructed after the adoption of this ordinance on parcels of land that are subject to the County's Subdivision Ordinance shall be governed by the requirements of the County's Subdivision Ordinance.

Revised Language

Any new construction or improvements requiring a building or zoning permit will be required to connect to any County owned water main or gravity sewer main located within 300 feet of the structure.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Policy Committee approve the revised Ordinance Regulating the Use of Water and Sewer Facilities Controlled by the County of Cumberland and place it on the agenda of the April 20, 2015 Board of Commissioners meeting for adoption.

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Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation as recorded above.

MOTION: Commissioner Council moved to recommend to the full board approval of the revised Ordinance Regulating the Use of Water and Sewer Facilities Controlled by the County of Cumberland.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (2-0)

7. DISCUSSION REGARDING ANY AGENCY THAT DELIVERS SERVICES ON BEHALF OF THE COUNTY REQUIRING EMPLOYEES TO WEAR NAME TAGS FOR IDENTIFICATION PURPOSES

BACKGROUND

Commissioner Evans will provide discussion regarding whether any agency that delivers services on behalf of Cumberland County should require their employees to wear name tags for identification purposes.

RECOMMENDATION

Receive the information and provide feedback regarding the subject.

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Ms. Cannon stated the Department of Social Services contracts out some federal funding eligibility services for the crisis intervention funds and the low energy economic



assistance funds which are programs that assist citizens during the winter months when they have difficulty paying utility bills.

Ms. Cannon stated she met with Commissioner Evans and some citizens who brought forward concerns with the outside provider during the eligibility process. Ms. Cannon further explained the citizens felt the outside provider gave conflicting directions which caused confusion. Ms. Cannon stated the citizens were unable to name the employee because the employee was not wearing a name tag. Ms. Cannon stated when discussing the issue with Commissioner Evans the thought was it would be easier for accountability purposes if any outside agency providing services on behalf of the County were asked to wear nametags.

Commissioner Evans stated he feels if you are an agency dispersing County funds to citizens in need you should wear a nametag. Commissioner Council stated she feels this entire situation needs to be looked into with this particular outside provider. Ms. Cannon stated she met with Mr. Lawson and the DSS Director Brenda Jackson about this incident and Ms. Jackson indicated training has been provided over the last year because of customer service concerns. Ms. Cannon further stated based on this situation some quality assurance measures and training have been put into place.

Rick Moorefield, County Attorney, stated all work performed by non-profit agencies are through contract arrangements with the County and it would be a simple matter to insert a requirement in future contracts that any service provider is to wear an appropriate nametag.

The consensus of the Policy Committee was to include a provision in future contracts that any service provider or outside agency providing services on behalf of the County is required to wear an appropriate nametag.

#### 8. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 11:10 AM