

CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 7, 2016 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Larry Lancaster

OTHER COMMISSIONERS

PRESENT: Commissioner Jimmy Keefe
Commissioner Kenneth Edge

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
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Buck Wilson, Public Health Director
Ockidde Harris, Public Health
Barbara Stelly, Board of Health Chairman
Julean Self, Human Resources Director
Laura Blackley, Human Resources
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Adams called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

MOTION: Commissioner Lancaster moved to appoint Commissioner Council as
chairman of the Policy Committee.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (4-0)

2. APPROVAL OF MINUTES – OCTOBER 1, 2015 POLICY COMMITTEE MEETING

MOTION: Commissioner Evans moved to approve the minutes.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (4-0)

3. CONSIDERATION OF APPROVAL TO EXPAND CURRENT SMOKE FREE ORDINANCE

BACKGROUND

The Board of Health approved interest in expanding the current smoke free ordinance. The presentation will highlight health and economic considerations and additional areas where smoking may be restricted.

RECOMMENDATION/PROPOSED ACTION

Request is for the Policy Committee to consider approval of the expansion of the current smoke free ordinance.

Buck Wilson, Public Health Director, reviewed the background information and recommendation as recorded above. Mr. Wilson stated there has been an ongoing discussion regarding Cumberland County's poor health rankings and what needs to be done to improve the ranking. Mr. Wilson stated he believes the discussion today could give the County the opportunity to improve the health rankings in Cumberland County.

Mr. Wilson introduced Ockidde Harris, Regional Tobacco Control Manager, and Barbara Stelly, chairman of the Board of Health. Mr. Harris stated establishing smoke-free policies, which increases the number of smoke-free spaces, has been shown to reduce smoking rates as well as tobacco-related diseases and deaths. Mr. Harris stated cigarette smoking is the #1 preventable cause of death in the United States and North Carolina. Mr. Harris explained there are nearly 480,000 annual deaths related to tobacco including 42,000 deaths related to secondhand smoke. Mr. Harris stated smoking is still a major contributor to the leading causes of death in Cumberland County. Mr. Harris further stated 22% of Cumberland County adults smoke.

Mr. Wilson stated scientists have identified more than 7,000 chemicals and chemical compounds in tobacco smoke and at least 70 of them are known to specifically cause cancer. Mr. Wilson further stated secondhand smoke exposure can cause stroke, nasal irritation, lung cancer, coronary heart disease and reproductive effects in women.

Mr. Wilson stated the County's current smoke-free ordinance includes local government buildings, local governmental vehicles and local government grounds. Mr. Wilson stated

the Board of Health unanimously passed the recommendation to expand the current smoke-free ordinance and restrict smoking in:

- All municipal buildings, vehicles and grounds including playgrounds, trails and athletic fields
- Crown Complex grounds
- Bus stops
- Sidewalks that are maintained by the County or Municipalities
- Common areas of multi-unit residential facilities/buildings
- Indoor office, retail and other commercial establishments where the public is invited or permitted
 - Polling places, child care facilities, shopping malls, public restrooms, elevators, galleries and museums, entertainment and sports arenas, gaming facilities, bingo halls

Mr. Wilson stated his initial plan was to add a step to the ordinance each year but it was determined that it costs \$1,000 each time the ordinance is changed. Mr. Wilson stated this step would restrict smoking in only the unincorporated areas of the county and would not restrict the areas in the municipalities.

Commissioner Evans stated he feels the last ordinance took care of the majority of the County as far as prohibiting smoking and he does not see the need for further expansion. Mr. Harris stated the expansion would mainly affect the Crown Complex grounds and certain parks. Commissioner Adams stated he feels there are more pressing issues that need to be handled before this is adopted. Mr. Wilson stated expanding the smoke-free ordinance will cost the County a total of \$1,000 which he feels is a minimal cost to change the health of the County. Mr. Wilson further stated the number one problem in the County is tobacco and he feels it is something the County can do to improve the public's health at a minimal cost.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the expansion of the current smoke-free ordinance.

SECOND: Commissioner Council

DISCUSSION:

Commissioner Keefe stated he feels the County needs to look at a comprehensive county health initiative to try and concentrate on improving the County's current ranking of 73rd. Commissioner Keefe stated he would like to work with the Public Health Department and the County Commissioners to be in the top 50 counties in the state within the next five years. Commissioner Keefe stated healthy communities have better jobs, higher employment, better parks and recreation and better quality of life. Commissioner Edge asked about the municipalities' involvement in the expansion of the smoke-free ordinance. Mr. Wilson stated his next step is to go to the City of Fayetteville to see what they are willing to do. Commissioner Adams stated he would like to see a draft ordinance before voting on this and it would give Mr. Wilson the

opportunity to speak with the municipalities he has not already spoke to regarding participation.

AMENDED MOTION:

Commissioner Lancaster moved to request the draft smoke-free expansion ordinance be brought back to the May Policy Committee for consideration of approval.

SECOND: Commissioner Council

VOTE ON AMENDED MOTION: UNANIMOUS (4-0)

4. REPORT ON LEGAL STATUS OF COMMISSIONER-APPOINTED BOARDS AND COMMISSIONS

BACKGROUND

The Policy Committee asked the Clerk and Attorney to review the status of all the boards and commissions to which the Board of Commissioners appoints citizens for the purpose of determining if any of these boards or commissions might or should be eliminated. The Clerk provided the Attorney the information in the Clerk’s files as to the creation of these boards and commissions. The Attorney researched the relevant State and Federal laws and regulations to verify the correct status of each of these.

In summary:

Those identified in Table I are actually mandated.

Those identified in Table II have the same status as being actually mandated.

Those identified in Table III are required incident to other actions taken by the Board.

The appointment of the hospital trustees has been carried over from the original controls the Board of Commissioners exercised over management of the hospital when it was a county-owned hospital.

The continuation of those identified in Table V is discretionary with the Board of Commissioners.

Those identified in Section VI need to be further researched.

Table 1. Commissioner-appointed boards required to be in place by State statute or session law:

ABC Board	G.S. 18B-700
Adult Care Home Community Advisory Committee	G.S. 131D-31
Board of Equalization and Review Note: County uses a special Bd. of E & R	G.S. 105-322; S.L 1977-175

Board of Health	G.S. 130A-35
Civic Center Commission	S.L 1991-27; S.L. 2015-61
Cumberland County Community Child Protection/ Fatality Prevention team	G.S. 7B-1406
Cumberland County Juvenile Crime Prevention Council	G.S. 143B-846
FTCC Board of Trustees	G.S. 115D-12
Jury Commission	G.S. 9-1
Nursing Home Advisory Board	G.S. 131E-128
Social Services Board	G.S. 108A-1

Table II. Commissioner-appointed boards required to be in place by Federal law or regulation if the county is to receive federal funding for those programs:

Cumberland County Local Emergency Planning Committee	Sections 301-303, 42 U.S.C. §§ 11001-11003
Cumberland County Workforce Development Board	<i>Workforce Innovation and Opportunity Act of 2014</i>

Table III. Commissioner-appointed boards required to be in place by Board adopted ordinance, resolution or other action:

Animal Control Board	<i>Animal Control Ordinance</i>
Board of Adjustment	<i>Zoning Ordinance</i>
Alliance Behavioral Healthcare Board of Directors	Interlocal Agreement approved June 17, 2013
FACVB Board of Directors	required by levy of the prepared food and beverage tax, S.L. 1993-413
Fayetteville-Cumberland County Economic Development Corporation	Interlocal Agreement approved September 21, 2015
Joint Planning Board	<i>Subdivision Ordinance; Zoning Ordinance</i>
Minimum Housing Appeals Board	<i>Minimum Housing Ordinance</i>
Parks and Recreation Advisory Board	Interlocal Agreement approved January 5, 2004
Tourism Development Authority	required by levy of occupancy tax, S.L. 2001-484
Wrecker Review Board	<i>Wrecker and Tow Service Ordinance</i>

Table IV. Commissioner-appointed boards subject to the special provisions:

Cumberland County Hospital System, Inc., d/b/d Cape Fear Valley Health System, Board of Trustees: Commissioners serve on the Board of Directors of this corporation and make other appointments pursuant to the Restated and Amended Articles of Incorporation filed February 21, 2006.

Table V. Commissioner-appointed boards created by the Board of Commissioners for specific purpose which are not mandated by any law, regulation or condition of funding:

Cumberland Cemetery Commission	Board Resolution adopted November 20, 1978
Cumberland County Finance Corporation	Articles of Incorporation filed December 27, 1994
Cumberland County Industrial Facilities and Pollution Control Financing Authority	Board Resolution adopted September 10, 1979
Farm Advisory Board	Board Resolution adopted April 5, 2004
Human Relations Commission	Interlocal Agreement approved June 21, 2004
Joint Appearance Commission	Interlocal Agreement approved August 2, 2004
North Carolina's Southeast	voluntary participation by payment of annual dues
Senior Citizens Advisory Commission	Board Resolution adopted October 12, 1978
Southeastern Economic Development Commission	Voluntary participation by payment of annual dues

VI. It will take additional research to give an opinion on status of the following commissioner-appointed boards for the reasons indicated for each:

Air Quality Stakeholders Committee: This committee was required by an agreement among the county, each municipality in the county, FAMPO, the N. C. Department of Environmental and Natural Resources, and the United States Environmental Protection Agency Region 4. It was approved by the Board on December 16, 2002. By its terms, this agreement expired December 31, 2007; however; the Board adopted Resolutions on September 17, 2007, and April 6, 2009, requesting the EPA to consider allowing the County and its municipalities to enter into new agreements for new air quality standards. The County Attorney has been unable to determine at this time whether any further action was taken with respect to these resolutions.

Cumberland County Home & Community Care Block Grant Committee: The County Attorney has not found the minutes reflecting Board Action creating this committee. It may have been the intent of action taken by the Board September 2, 1991, but it is not clear in the context of the discussion reported in the minutes. The County Attorney has not found any State administrative code regulations that mandate the creation of this committee. The County Attorney needs to do further research on the status of this committee.

Mid-Carolina Aging Advisory Committee: It appears from the committee's by-laws that it was established by the Board of Directors of the Mid-Carolina Council of

Governments as a Regional Committee before January 20, 1983. The County Attorney needs to do further research on the status of this committee.

Transportation Advisory Board: It appears from the board's by-laws that it was established pursuant to Federal regulations and was required by NCDOT incident to the Cumberland County Community Transportation Program before December, 2003. The County Attorney needs to do further research on the status of this board to determine how and when it was created.

Commissioner Council stated she feels the information is very interesting but she is not sure what the next step should be. Commissioner Keefe stated this item was for information and gives the Policy Committee the opportunity to look at the boards/commissions mandated by the state and review them to see if there are any that the Policy Committee does not see the purpose of continuing. Commissioner Council stated the Policy Committee would accept his item for information only. No action taken.

5. CONSIDERATION OF REVISION TO THE PRE-EMPLOYMENT BACKGROUND CHECK PROCEDURES

BACKGROUND

In September 2011, the Board of Commissioners approved the Policy Committee's recommendation to "ban the box", i.e. remove the question from the employment application that asked applicants about criminal convictions. In addition, a comprehensive pre-employment background check policy was implemented. The Ban the Box initiative was proposed in an effort to ensure that all applicants received equal consideration for an interview based on their job qualifications.

As part of the revised recruitment process, a supplemental application was created for completion by applicants selected for interview. This form requires candidates to acknowledge several job requirements prior to their participation in an interview. In addition, the form asks candidates about criminal convictions.

The intent of including the question on the supplemental application was to facilitate conversation during the interview about convictions in relation to the respective job requirements. However, we recently became aware of candidates expressing concerns about the question being included on this form; further that the perception is that we have in essence not "banned the box" from the application process.

RECOMMENDATION

In order to address the above-reference concerns, County Human Resources and County Management recommends revisions to the Supplemental Application. This includes:

- Renaming the form to "Candidate Acknowledgement Form"

- Removing the question that asks candidates about criminal convictions
- Including an acknowledgement that a criminal background check will be conducted prior to consideration for hire.

James Lawson, Deputy County Manager, reviewed the background information and recommendation as recorded above. Commissioner Evans thanked the Human Resources Department for putting the packet and application together.

MOTION: Commissioner Council moved to recommend to the full board approval of the revisions to the Supplemental Application that include: renaming the form to “Candidate Acknowledgement Form”, removing the question that asks candidates about criminal convictions and including an acknowledgement that a criminal background check will be conducted prior to consideration for hire.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (4-0)

6. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:43 AM