

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA  
AUGUST 6, 2012  
7:00 P.M.**

**CALL TO ORDER & WELCOME – CHAIRMAN DUNEVANT**

**INVOCATION – COMMISSIONER DENNIS**

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

**SCHEDULED AGENDA ITEMS**

**1. RETIREMENT AWARD PRESENTATIONS**

**Ms. Carolyn Little, Stanly County Tax Administration**

**Ms. Kay Deese, Stanly County Health Department**

**2. HOMES OF HOPE**

**Presenter: Samantha Taylor, Program Director**

**Request the Board's consideration in donating the County's surplus computers to Homes of Hope**

**3. UTILITIES**

**Presenter: Donna Davis, Utilities Director**

**A. Contract award for the Carpenter Road Waterline Relocation Project**

**B. Request approval to submit an application for the 2012 CDBG Infrastructure Grant Program**

**4. TAX ADMINISTRATION**

**Presenter: Melia Miller, Tax Administrator**

**Presentation of the Annual Settlement and Charge to Collect**

**5. HEALTH DEPARTMENT**

**Presenter: Dennis Joyner, Health Director**

- A. Request approval of a full-time in- house physical therapist position and the associated budget amendment #2013-02**
- B. Consideration of the new Stanly County Animal Control Ordinance**

**6. DISCUSSION OF THE SWIFT ISLAND BRIDGE**

**Presenter: Andy Lucas, County Manager**

**7. CONNECT OUR FUTURE**

**Presenter: Andy Lucas, County Manager**

**8. CONSENT AGENDA**

- A. Minutes – June 26, 2012 budget workshop and July 9, 2012 regular meeting minutes**

**PUBLIC COMMENT**

**GENERAL COMMENTS & ANNOUNCEMENTS**

**CLOSED SESSION**

**To consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) to discuss the 401 water quality permit intervention and APGI's public records requests lawsuit.**

**ADJOURN**

**The next regular meeting is scheduled for Tuesday, September 4, 2012.**





# Stanly County Board of Commissioners

Meeting Date: August 6, 2012  
 Presenter: Salem Taylor, Program Director for the  
 Homes of Hope

\_\_\_\_\_ | 2  
 Consent Agenda | Regular Agenda

Presentation Equipment:  Lectern PC\*  Lectern VCR  Lectern DVD  Document Camera\*\*  Laptop\*\*\*

Please Provide a Brief Description of your Presentations format: \_\_\_\_\_

\* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

\*\* If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

\*\*\* You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

## ITEM TO BE CONSIDERED

### HOMES OF HOPE

Subject

Salem Taylor will be present to request the Board's consideration in approving the donation of the county's surplus computers to Homes of Hope. These computers will be given to families when they enter the Homes of Hope program in order to take on-line personal finance courses through the community college, to look for employment and housing, and to do homework.

Requested Action

Request the Board's consideration of the above request.

Signature: \_\_\_\_\_

Dept. \_\_\_\_\_

Date: \_\_\_\_\_

Attachments: Yes \_\_\_\_\_ No    x   

#### Review Process

	Approved		Initials
	Yes	No	
Finance Director	___	___	
Budget Amendment Necessary	___	___	
County Attorney	___	___	
County Manager	___	___	
Other:	___	___	

#### Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

\_\_\_\_\_

Tyler Brummitt, Clerk to the Board      Date \_\_\_\_\_



### Part 3. Disposition of County Property.

#### **§ 153A-176. Disposition of property.**

A county may dispose of any real or personal property belonging to it according to the procedures prescribed in Chapter 160A, Article 12. For purposes of this section references in Chapter 160A, Article 12, to the "city," the "council," or a specific city official are deemed to refer, respectively, to the county, the board of commissioners, and the county official who most nearly performs the same duties performed by the specified city official. For purposes of this section, references in G.S. 160A-266(c) to "one or more city officials" are deemed to refer to one or more county officials designated by the board of county commissioners. (1868, c. 20, ss. 3, 8; Code, ss. 704, 707; Rev., ss. 1310, 1318; C.S., ss. 1291, 1297; 1973, c. 822, s. 1; 1983, c. 130, s. 2.)

#### **§ 160A-280. Donations of personal property to other governmental units.**

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)





## Chambers Engineering, PA

7/19/2012

Mrs. Donna Davis, Director  
County of Stanly Public Utilities  
1000-12 North First St.  
Albemarle, NC 28001

Re: Carpenter Road Waterline Relocation  
Recommendation of Award

Dear Mrs. Davis:

Sealed bids were received on Wednesday, July 18<sup>th</sup>, 2012 at 5:00 PM EST for the above referenced project at the County Offices at the Stanly County Commons. There were 4 record plan holders with 4 received bids prior to the specified Bid Opening time. The bid tabulation is as presented in the attached Certified Bid Results.

After canvassing all bids received, it is our recommendation that this project be awarded to the apparent responsive, responsible low bidder, RDR Incorporated of 12685 Barrier Store Rd, Locust, NC 28097, for the total bid amount of \$64,657.50.

The proposed contract award would be on a unit price basis with reimbursement for work completed compensated in accordance with the Contract Bid Form Unit Price schedule. Again, thank you for your time and efforts in this matter. I am available at your convenience should you need additional information or assistance.

Sincerely,

A handwritten signature in blue ink that reads "A. Granseur Dick".

A. Granseur Dick, PE

Attach: Certified Bid Results  
Unit Price Bid Tabulation





## Chambers Engineering, PA

### CERTIFIED BID RESULTS

<b>Project</b>	Carpenter Road Waterline Relocation
<b>Description</b>	Informal Bid Opening
<b>Owner</b>	Stanly County Public Utilities
<b>Bid Opening Date/ Time</b>	July 18 <sup>th</sup> , 2012/ 5:00 PM EST

Bid Rank	Bidder	Bid Bond Enclosed	Total Base Bid
1	RDR Inc.	<input checked="" type="checkbox"/> YES NO	\$64,657.50
2	Concord Builders Inc.	<input checked="" type="checkbox"/> YES NO	\$69,654.00
3	Ritchie Construction Company Inc.	<input checked="" type="checkbox"/> YES NO	\$90,585.82
4	B.R.S. Inc.	<input checked="" type="checkbox"/> YES NO	\$122,947.50

I, A. Granseur Dick, PE, hereby certify that the above tabulation of Bids is true and accurate to the best of my knowledge and that all Bids were received and processed in accordance with the requirements of the solicitation and Contract Documents.

Signed this the 19<sup>th</sup> day of July, 2012

A. Granseur Dick, PE

Owner: Stanly County Public Utilities  
 Project Name: Carpenter Road Waterline Relocation  
 Description: Unit Price Bid Tabulation

1

RDR, Inc.

Concord Builders, Inc.

2

Ritchie Construction, Inc.

3

BRS, Inc.

4

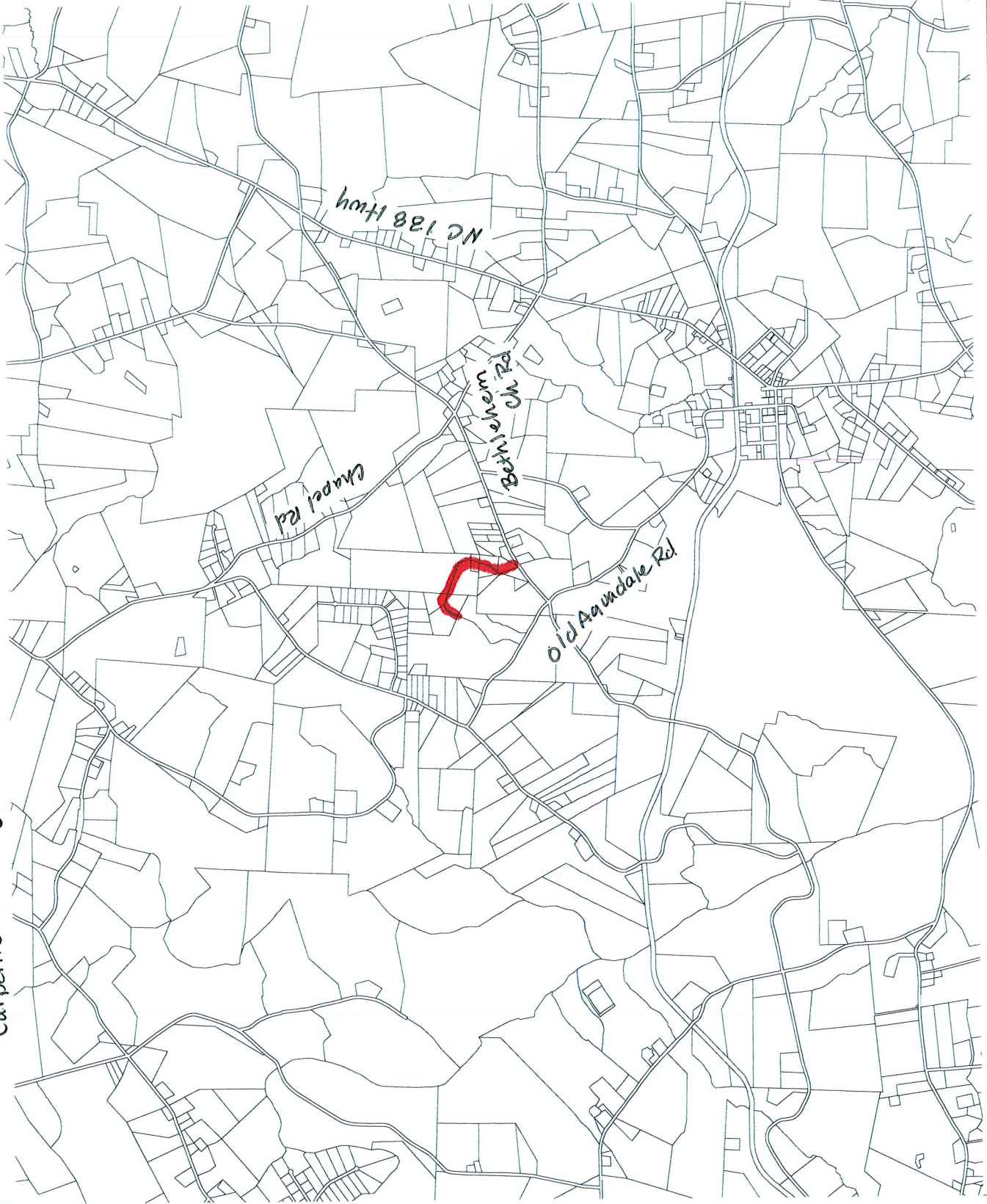
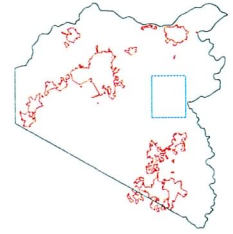
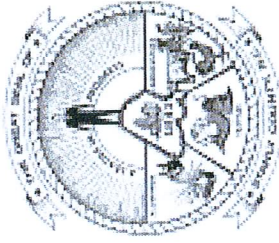
No.	Item Description	Unit	Est. Qty.	Unit Price	Total Line Price	Unit Price	Total Line Price	Unit Price	Total Line Price	Unit Price	Total Line Price	
1.0	Mobilization (3% Bid Max.)	Lump Sum	1	\$ 1,800.00	\$ 1,800.00	\$ 2,100.00	\$ 2,100.00	\$ 2,600.00	\$ 2,600.00	\$ 3,500.00	\$ 3,500.00	
1.1	6" C900 DR 18 PVC Waterline	Plan Linear Feet	1450	\$ 12.60	\$ 18,270.00	\$ 12.30	\$ 17,835.00	\$ 16.65	\$ 24,142.50	\$ 29.25	\$ 42,412.50	
1.2	6" Ductile Iron Pipe Pressure Class 350 WL	Plan Linear Feet	70	\$ 22.75	\$ 1,592.50	\$ 25.25	\$ 1,767.50	\$ 26.59	\$ 1,861.30	\$ 38.50	\$ 2,695.00	
1.3	12.75" SCP Bore & Jack	Plan Linear Feet	40	\$ 110.00	\$ 4,400.00	\$ 215.00	\$ 8,600.00	\$ 174.16	\$ 6,966.40	\$ 224.00	\$ 8,960.00	
1.4	2" SDR 21 PVC WL	Plan Linear Feet	950	\$ 9.00	\$ 8,550.00	\$ 7.93	\$ 7,248.50	\$ 13.10	\$ 12,445.00	\$ 17.00	\$ 16,150.00	
1.5	6" Gate Valve	Each	3	\$ 625.00	\$ 1,875.00	\$ 634.00	\$ 1,902.00	\$ 632.29	\$ 1,896.87	\$ 1,025.00	\$ 3,075.00	
1.5	6" x 6" Tee	Each	1	\$ 2,000.00	\$ 2,000.00	\$ 2,260.00	\$ 2,260.00	\$ 3,046.85	\$ 3,046.85	\$ 3,875.00	\$ 3,875.00	
1.7	6" 22.5 Deg. Bend	Each	1	\$ 150.00	\$ 150.00	\$ 202.00	\$ 202.00	\$ 166.59	\$ 166.59	\$ 235.00	\$ 235.00	
1.8	6" Plug Tapped 2"	Each	1	\$ 150.00	\$ 150.00	\$ 172.00	\$ 172.00	\$ 96.65	\$ 96.65	\$ 135.00	\$ 135.00	
1.9	Fire Hydrant Assembly	Each	2	\$ 3,000.00	\$ 6,000.00	\$ 3,262.00	\$ 6,524.00	\$ 3,120.72	\$ 6,241.44	\$ 5,575.00	\$ 11,150.00	
2.0	3/4" Domestic Service, Long Side	Each	6	\$ 650.00	\$ 3,900.00	\$ 703.00	\$ 4,218.00	\$ 767.34	\$ 4,604.04	\$ 1,075.00	\$ 6,450.00	
2.1	3/4" Domestic Service, Short Side	Each	5	\$ 550.00	\$ 2,750.00	\$ 495.00	\$ 2,475.00	\$ 617.34	\$ 3,086.70	\$ 1,020.00	\$ 5,100.00	
2.2	Select Backfill, No. 67 Stone, As Needed	Ton	50	\$ 1.00	\$ 50.00	\$ 27.00	\$ 1,350.00	\$ 59.48	\$ 2,974.00	\$ 25.00	\$ 1,250.00	
2.3	Replace Gravel Driveways	Square Feet	300	\$ 1.00	\$ 300.00	\$ 1.02	\$ 306.00	\$ 3.64	\$ 1,092.00	\$ 0.50	\$ 150.00	
2.4	Seeding & Mulching	Acre	0.7	\$ 3,000.00	\$ 2,100.00	\$ 3,450.00	\$ 2,415.00	\$ 3,369.56	\$ 2,358.69	\$ 2,750.00	\$ 1,925.00	
2.5	Erosion Control - Sediment Fence	Plan Linear Feet	600	\$ 0.50	\$ 300.00	\$ 1.75	\$ 1,050.00	\$ 2.96	\$ 1,776.00	\$ 1.60	\$ 960.00	
2.6	Erosion Control - Check Dams	Each	29	\$ 30.00	\$ 870.00	\$ 31.00	\$ 899.00	\$ 35.24	\$ 1,021.96	\$ 75.00	\$ 2,175.00	
2.7	Erosion Control - Rock Pile Inlet Protection	Each	1	\$ 100.00	\$ 100.00	\$ 130.00	\$ 130.00	\$ 208.83	\$ 208.83	\$ 250.00	\$ 250.00	
2.8	Cleanup & Certification	Lump Sum	1	\$ 2,000.00	\$ 2,000.00	\$ 700.00	\$ 700.00	\$ 6,500.00	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00	
<b>Allowances</b>												
A1	Rock Excavation	Cubic Yard	150	\$ 50.00	\$ 7,500.00	\$ 50.00	\$ 7,500.00	\$ 50.00	\$ 7,500.00	\$ 50.00	\$ 7,500.00	
					<b>Total Base Bid</b>	<b>\$ 64,657.50</b>	<b>Total Base Bid</b>	<b>\$ 69,654.00</b>	<b>Total Base Bid</b>	<b>\$ 90,585.82</b>	<b>Total Base Bid</b>	<b>\$ 122,947.50</b>



**Stanly County GIS**

**Carpenter Rd Project - NC DOT Relocation**

**8/1/2012**





# Stanly County Board of Commissioners

Meeting Date: August 6, 2012  
 Presenter: Donna Davis

\_\_\_\_\_ | 3B  
 Consent Agenda | Regular Agenda

Presentation Equipment:  Lectern PC\*  Lectern VCR  Lectern DVD  Document Camera\*\*  Laptop\*\*\*

Please Provide a Brief Description of your Presentations format: \_\_\_\_\_

\* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

\*\* If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

\*\*\* You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

## ITEM TO BE CONSIDERED

<b>Subject</b>	<p><b>Stanly County Utilities</b></p> <p>Applications for the 2012 CDBG Infrastructure Grant program are due for submission to the NC Department of Commerce Division of Community Investment and Assistance between August 31, 2012 and September 14, 2012. Grants up to \$750,000 will be awarded for selected infrastructure projects. Stanly County Utilities requests authorization for the submission of a project application for this funding cycle.</p>
<b>Requested Action</b>	<p>1) Authorization to submit an application for the 2012 CDBG Infrastructure Grant program</p>

Signature: _____	Dept. _____						
Date: <b>July 31, 2012</b>	Attachments:      yes <u>X</u> No						
<b>Review Process</b>	<b>Certification of Action</b>						
<table border="0" style="width: 100%;"> <tr> <td></td> <td style="text-align: center;">Approved</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Yes    No</td> <td style="text-align: center;">Initials</td> </tr> </table>		Approved			Yes    No	Initials	<p>Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on</p> <p>_____</p> <p>Tyler Brummitt, Clerk to the Board      Date</p>
	Approved						
	Yes    No	Initials					
Finance Director	—    —						
Budget Amendment Necessary	— <u>X</u>						
County Attorney	—    —						
County Manager	—    —						
Other:	—    —						

## CDBG 2012 Infrastructure Program Overview

### Approved Activities

- Installation of New Public Water or Sewer Lines
- Replacement of Public Water or Sewer Lines
- Replacement of Appurtenances
- Improvements to Water or Sewer treatment Plants with Special problems (e.g. moratoriums or special orders of consent)
- Priority given to drought related activities

Maximum grant amount - \$750,000

Required local matching funds – 5% (\$37,500)

Minimum need requirement - 70%

Application Window – August 31, 2012 – September 14, 2012

### Review Criteria

- Severity of needs
- Benefit
- Feasibility of the project
- Basic required criteria
- Level of readiness
- Overall priorities
- Commitment of other funds for the project

**Owner:** Stanly County Utilities  
**Project Name:** WL to Sundale Village  
**Description:** Total Estimated Cost

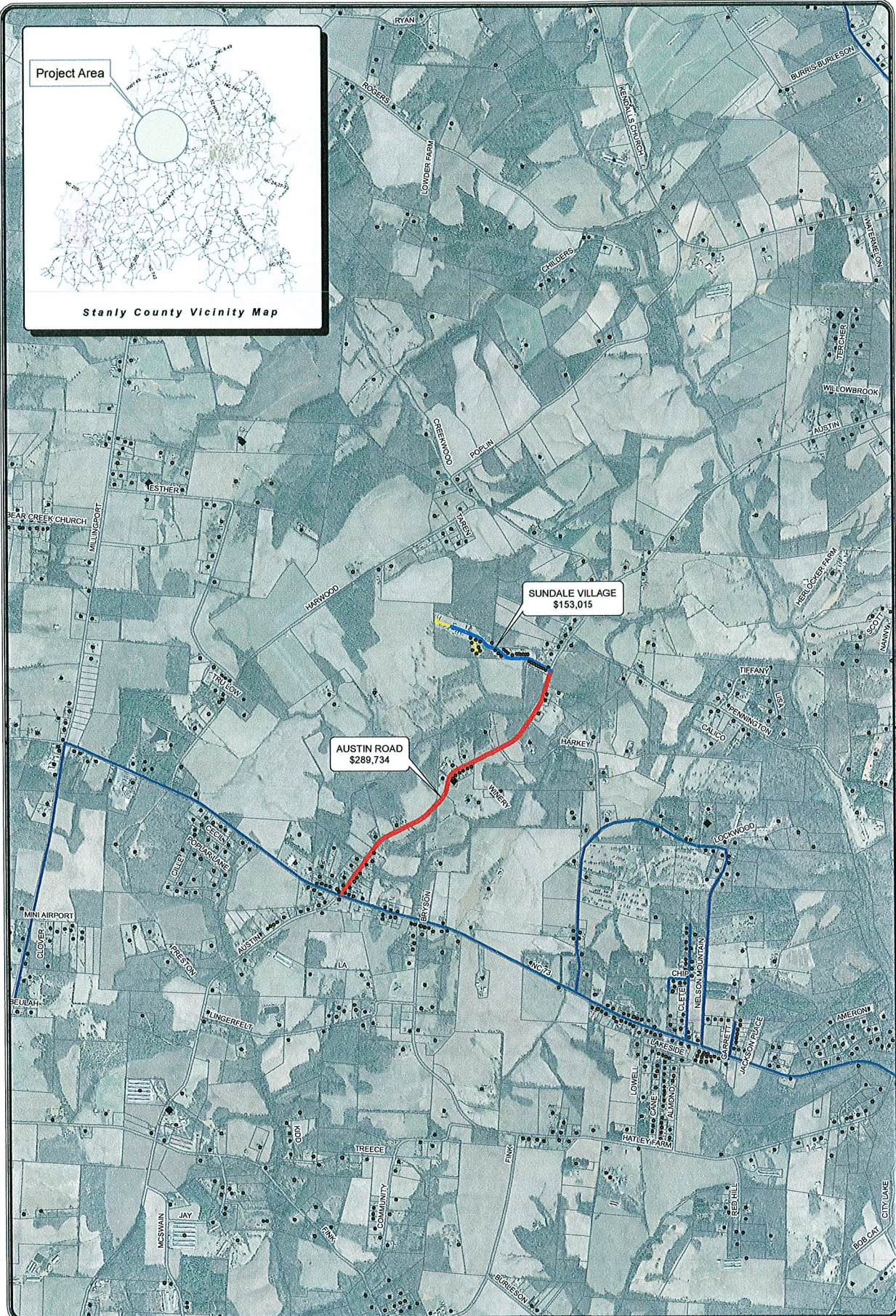
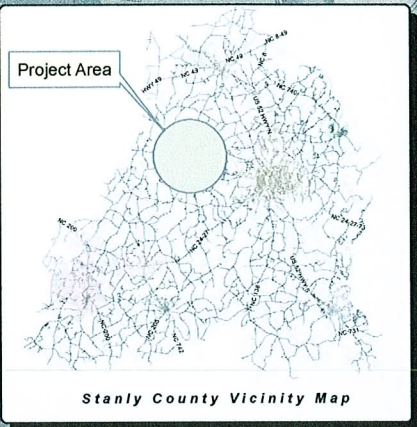
No.	Item Description	Unit Measure	Estimated Quantity	Unit Price	Total Line Price
1.0	Mobilization (3% Bid Max.)	Lump Sum	1	\$ 10,279.02	\$ 10,279.02
1.1	8" C900 DR 18 PVC Waterline	Plan Linear Feet	6930	\$ 17.00	\$ 117,810.00
1.2	8" Ductile Iron Pipe Pressure Class 350 WL	Plan Linear Feet	300	\$ 30.00	\$ 9,000.00
1.3	8" Ductile Iron Pipe PC 350 WL, Restrained Joint	Plan Linear Feet	70	\$ 34.00	\$ 2,380.00
1.4	6" C900 DR 18 PVC Waterline	Plan Linear Feet	2470	\$ 16.00	\$ 39,520.00
1.5	6" Ductile Iron Pipe Pressure Class 350 WL	Plan Linear Feet	60	\$ 25.00	\$ 1,500.00
1.6	6" Ductile Iron Pipe PC 350 WL, Restrained Joint	Plan Linear Feet	40	\$ 28.00	\$ 1,120.00
1.7	2" ASTM 2241 SDR 21 PVC Waterline	Plan Linear Feet	850	\$ 10.00	\$ 8,500.00
1.8	16" SCP Bore & Jack	Plan Linear Feet	60	\$ 190.00	\$ 11,400.00
1.9	12.75" SCP Bore & Jack	Plan Linear Feet	30	\$ 160.00	\$ 4,800.00
2.0	8" Gate Valve	Each	3	\$ 930.00	\$ 2,790.00
2.1	6" Gate Valve	Each	3	\$ 640.00	\$ 1,920.00
2.2	8" 22.5 Deg. Bend	Each	1	\$ 275.00	\$ 275.00
2.3	8" x 6" Tee	Each	2	\$ 350.00	\$ 700.00
2.4	8" Plug	Each	1	\$ 300.00	\$ 300.00
2.5	6" Plug	Each	3	\$ 200.00	\$ 600.00
2.6	6" 45 Deg. Bend	Each	2	\$ 200.00	\$ 400.00
2.7	Fire Hydrant Assembly	Each	6	\$ 3,200.00	\$ 19,200.00
2.8	2" Blowoff Assembly	Each	2	\$ 950.00	\$ 1,900.00
2.9	1" Long Side Service Less PRV	Each	13	\$ 950.00	\$ 12,350.00
3.0	1" Short Side Service Less PRV	Each	18	\$ 750.00	\$ 13,500.00
3.1	1 1/2" PVC SCH 40 Sleeve	Each	27	\$ 275.00	\$ 7,425.00
3.2	3/4" Domestic Service, Long Side Less PRV	Each	14	\$ 750.00	\$ 10,500.00
3.3	3/4" Domestic Service, Short Side Less PRV	Each	19	\$ 625.00	\$ 11,875.00
3.4	Replace Gravel Driveways	Square Feet	7200	\$ 1.10	\$ 7,920.00
3.5	Replace Concrete Driveways	Square Feet	2000	\$ 6.25	\$ 12,500.00
3.6	Asphalt Replacement	Ton	35	\$ 150.00	\$ 5,250.00
3.7	Seeding & Mulching	Acre	3.67	\$ 2,000.00	\$ 7,340.00
3.8	Erosion Control - Sediment Fence	Plan Linear Feet	2930	\$ 1.80	\$ 5,274.00
3.9	Erosion Control - Check Dams	Each	153	\$ 45.00	\$ 6,885.00
4.0	Erosion Control - Inlet Protection	Each	18	\$ 150.00	\$ 2,700.00



**Owner:** Stanly County Utilities  
**Project Name:** WL to Sundale Village  
**Description:** Total Estimated Cost

No.	Item Description	Unit Measure	Estimated Quantity	Unit Price	Total Line Price
4.1	Rock Excavation	Cubic Yard	205	\$ 50.00	\$ 10,250.00
4.2	Select Backfill	Ton	190	\$ 25.00	\$ 4,750.00
4.3	Cleanup & Certification	Lump Sum	1	\$ 6,852.68	\$ 6,852.68
<b>Sub-Total Construction</b>					<b>\$ 359,765.70</b>
Contingencies (5%)					\$ 17,988.29
Legal					\$ 2,500.00
Surveying					\$ 2,000.00
Basic Design Services					\$ 31,839.26
Construction Management & Inspection					\$ 28,655.33
<b>Sub-Total Other</b>					<b>\$ 82,982.88</b>
<b>Total Project Budget</b>					<b>\$ 442,748.58</b>





Legend	
Proposed Waterlines	Existing Waterlines
2" Waterline	Structures
6" Waterline	Arsenic Positive Test
8" Waterline	



**Chambers Engineering, PA**  
 129 North First St., Albemarle, NC 28001 704-954-6427  
 NCBELS Firm License No. C-1660

Stanly County Utilities  
 2012 CDBG Application  
 Waterline to Sundale Village







# Stanly County Board of Commissioners

Meeting Date: August 6, 2012  
 Presenter: Melia M. Miller

\_\_\_\_\_ | \_\_\_\_\_  
 Consent Agenda | Regular Agenda 4

Presentation Equipment:  Lectern PC\*  Lectern VCR  Lectern DVD  Document Camera\*\*  Laptop\*\*\*

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\*\*\* You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

## ITEM TO BE CONSIDERED

### Tax Collector's Annual Settlement for FY 2012

Subject

Pursuant to GS 105-373, the Tax Collector must present an annual settlement report to the governing board. The attached financial reports provide an overview of collection activity for FY 2012. The real and personal property collection rate (excluding registered motor vehicles) was 96.00. The collection rate for the registered motor vehicles was 86.77, yielding an overall collection rate of 95.16. The overall collection rate represents a slight decrease in the overall rate from the prior fiscal year (FY 2011) which had an overall rate of 95.86. The statutory remedies of garnishment, attachment, debt setoff, escheat, and pre-foreclosure, have been utilized to the extent possible for the collection of ad valorem taxes.

As part of the settlement, the governing board charges the Tax Collector with collecting taxes for the current fiscal year, FY 2013 in this instance. This "charge" gives the Tax Collector authority to use enforced collections measures and it gives notice that the tax lien is first in priority.

Attachments: Analysis of Countywide Levy; Annual Audit Report; Delinquent Collections Report; Affidavit; Charge to Collect

Requested Action

I respectfully request the Board:

- (1) Accept and approve the annual settlement report
- (2) Charge the Tax Collector with collecting FY 2013 taxes

Signature: Melia M. Miller

Dept. Tax Administration

Date: 8-6-2012

Attachments: Yes X No \_\_\_\_\_

### Review Process

	Approved		Initials
	Yes	No	
Finance Director	___	___	
Budget Amendment Necessary	___	___	
County Attorney	___	___	
County Manager	___	___	
Other:	___	___	

### Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

\_\_\_\_\_

Tyler Brummitt, Clerk to the Board      Date

**County of Stanly**  
201 South Second Street  
ALBEMARLE, NORTH CAROLINA  
28001



Office of

Tax Administrator

**AFFIDAVIT**

Melia M. Miller, Tax Collector for Stanly County, being sworn, says:

That in accordance with NCGS 105-373, the following lists will be available for inspection on August 6, 2012: (a) a list of the persons owning real property whose taxes for the preceding fiscal year (FY 2012) remain unpaid and the principal amount owed by each person; and (b) a list of the persons not owning real property whose personal property taxes for the preceding fiscal year (FY 2012) remain unpaid and the principal amount owed by each person. I have made a diligent effort to collect the taxes due from the persons listed out of their personal property and by other means available to me for collection. The lists of unpaid property taxes will be filed in the Tax Administration Office and retained as required by law.

This is the 31<sup>ST</sup> day of July 2012

Affiant Melia M. Miller

Sworn to and subscribed before me the 31 day of July 2012.

Sylvia L. Brunnett  
Notary Public

My Commission Expires: MY COMMISSION EXPIRES JUNE 7, 2014  
(SEAL) AFFIDAVIT

**Order Directing the Tax Collector to Collect the Taxes Charged in the  
Tax Records and Receipts**

**State of North Carolina**

**County of Stanly**

To: The Tax Collector of Stanly County

Pursuant to North Carolina General Statute 105-321(b), you are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in Stanly County, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this the 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_

Lindsey Dunevant, Chairman

Stanly County Board of Commissioners

ATTEST:

\_\_\_\_\_

Tyler Brummitt, Clerk to the Board

Stanly County Board of Commissioners

Stanly County  
Annual Audit Report  
Fiscal Year 2011/2012  
June 30, 2012

<b>MONTH</b>	<b>Motor Vehicle Valuation</b>	<b>Rate</b>	<b>Levy</b>
July	35,302,074	0.6700	\$ 236,526.20
August	34,903,063	0.6700	233,853.37
September	35,652,854	0.6700	238,876.62
October	34,606,172	0.6700	231,863.38
November	35,377,040	0.6700	237,028.18
December	36,814,776	0.6700	246,661.42
January	32,019,789	0.6700	214,534.65
February	28,399,549	0.6700	190,280.25
March	26,181,291	0.6700	175,417.48
April	29,696,819	0.6700	198,971.26
May	31,280,582	0.6700	209,582.86
June	32,311,614	0.6700	216,491.65
<b>TOTAL VALUE</b>	<b>392,545,623</b>		<b>\$ 2,630,087.32</b>
Real & Personal Value	3,759,303,667	0.6700	\$ 25,187,362.67
Public Service Value	100,004,681	0.6700	670,031.51
<b>TOTAL</b>	<b>3,859,308,348</b>		<b>\$ 25,857,394.18</b>
<b>ORIGINAL VALUE &amp; LEVY</b>	<b>4,251,853,971</b>		<b>\$ 28,487,481.50</b>
Discoveries			\$ 151,786.14
Releases			(137,998.42)
Prior Year Discoveries			6,517.53
Releases on Prior Year Discoveries			-
<b>RELEASE &amp; DISCOVERY NET</b>			<b>\$ 20,305.25</b>
Late Listing			\$ 18,622.11
Late Listing Public Service			-
Late Listing Discoveries			9,377.71
Late Listing on Prior Year Discoveries			746.07
Releases on Late Listings			(1,499.44)
Releases on Prior Year Late Listings			-
<b>LATE LISTING NET</b>			<b>\$ 27,246.45</b>
<b>ADJUSTED LEVY</b>			<b>\$ 28,535,033.20</b>
Collections & Discounts Allowed			\$ 27,132,619.78
Late Listings Collected			20,975.24
<b>TOTAL COLLECTED</b>			<b>\$ 27,153,595.02</b>
Uncollected as of June 30, 2012			\$ 1,375,166.97
Late Listings Uncollected			6,271.21
<b>TOTAL UNCOLLECTED</b>			<b>\$ 1,381,438.18</b>
<b>PERCENT CURRENT YEAR COLLECTED</b>			<b>95.16%</b>



Stanly County, North Carolina  
 Analysis of Countywide Levy  
 Summary Report FY 2011/2012

	<u>COUNTYWIDE PROPERTY VALUATION</u>	<u>RATE</u>	<u>AMOUNT OF LEVY</u>	<u>TOTAL LEVY EXCLUDING REG MTR VEH</u>	<u>REGISTERED MOTOR VEHICLES</u>
<b>ORIGINAL LEVY:</b>					
Current Year	4,251,853,971	0.6700	\$ 28,487,481.50	\$ 25,857,394.18	\$ 2,630,087.32
Penalties			18,622.11	18,622.11	-
<b>TOTAL</b>	4,251,853,971		\$ 28,506,103.61	\$ 25,876,016.29	\$ 2,630,087.32
<b>DISCOVERIES:</b>					
Current Year	22,654,648	0.6700	\$ 151,786.14	\$ 137,762.65	\$ 14,023.49
Current Year Penalties			9,377.71	9,377.71	-
Current Year Public Service Penalties			-	-	-
Prior Year Penalties			746.07	746.07	-
Prior Year Taxes			6,517.53	6,517.53	-
<b>TOTAL</b>	22,654,648		\$ 168,427.45	\$ 154,403.96	\$ 14,023.49
<b>RELEASES</b>					
Current Year	(20,596,779)	0.6700	\$ (137,998.42)	\$ (103,922.00)	\$ (34,076.42)
Penalties			(1,499.44)	(1,499.44)	-
Prior Year Penalties			-	-	-
Prior Year Taxes			-	-	-
<b>TOTAL</b>	(20,596,779)		\$ (139,497.86)	\$ (105,421.44)	\$ (34,076.42)
<b>TOTAL VALUE</b>	<b>4,253,911,840</b>				
<b>TOTAL LEVY:</b>			<b>\$ 28,535,033.20</b>	<b>\$ 25,924,998.81</b>	<b>\$ 2,610,034.39</b>
Collections as of June 30, 2012			27,153,595.02	24,888,978.34	2,264,616.68
Uncollected Taxes			\$ 1,381,438.18	\$ 1,036,020.47	\$ 345,417.71
<b>COLLECTION PERCENTAGES</b>			<b>95.16%</b>	<b>96.00%</b>	<b>86.77%</b>

Stanly County  
Delinquent Collections  
Fiscal Year 2011/2012  
June 30, 2012

Fiscal Year	Uncollected As of 7/01/11	Discoveries(+)	Releases(-)	Payments(-)	Uncollected As of 6/30/12
2010-2011	\$ 1,176,158.40	\$ 18,090.79	\$ (100,000.38)	\$ (528,120.84)	\$ 566,127.97
2009-2010	521,347.34	18,188.93	(16,427.55)	(109,273.58)	413,835.14
2008-2009	308,208.35	13,210.35	(16,637.13)	(50,952.50)	253,829.07
2007-2008	181,624.39	3,922.12	(4,150.72)	(23,692.20)	157,703.59
2006-2007	144,664.67	-	(54.84)	(16,699.92)	127,909.91
2005-2006	103,660.63	-	(50.80)	(10,015.70)	93,594.13
2004-2005	96,699.01	-	(143.75)	(6,715.73)	89,839.53
2003-2004	89,198.43	-	(120.13)	(4,103.58)	84,974.72
2002-2003	84,734.34	-	(131.57)	(3,842.28)	80,760.49
	\$ 2,706,295.56	\$ 53,412.19	\$ (137,716.87)	\$ (753,416.33)	\$ 1,868,574.55
<b>2001-2002*</b>	70,203.76	-	(296.43)	(2,580.17)	67,327.16
	\$ 2,776,499.32	\$ 53,412.19	\$ (138,013.30)	\$ (755,996.50)	\$ 1,935,901.71

\* Purged due to N.C.G.S 105-378(10-year statute of limitations)  
(Figures do not include late listing penalties)



# Stanly County Board of Commissioners

Meeting Date: August 6, 2012

Presenter: **Dennis R. Joyner, Health Director**

Consent Agenda	<div style="font-size: 2em; font-weight: bold;">5A</div>
Regular Agenda	

## ITEM TO BE CONSIDERED

**Subject**

The Stanly County Health Department's Home Health Program requests an amendment to the Home Health Program budget to transfer funds from Professional Services and Home Health Fund Balance to Salary & Fringe Benefits to support physical therapy services. The purpose of this transfer is to move the majority of our contracted physical therapy service to an in-house salaried position. The Home Health program currently contracts for physical therapy services on a "per visit" basis but we are unable to efficiently meet our physical therapy needs because we have limited control of the caseloads that the contract therapists are able or willing to see since their contracts are not for fulltime work. Having a fulltime salaried position will allow us greater flexibility to more efficiently meet our physical therapy needs and promote our services which can further increase revenue. Total 10 month budget outlay for this is \$79,615. The average number of monthly physical therapy visits in FY 11-12 was 15% higher than in the previous year.

**Requested Action**

Request amending the Stanly County Health Department's Home Health Program budget (FY 12-13) to allow for an in-house physical therapist.

Signature: _____ Date: _____	Dept: <u>Public Health</u> Attachments: <input type="checkbox"/> yes <input type="checkbox"/> no								
<b>Review Process</b>	<b>Certification of Action</b>								
<table border="0" style="width: 100%;"> <tr> <td></td> <td colspan="2" style="text-align: center;">Approved</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">Initials</td> </tr> </table>		Approved				Yes	No	Initials	Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on  _____  _____ Tyler Brummitt, Clerk to the Board                      Date
	Approved								
	Yes	No	Initials						
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>							
Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>							
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>							
County Manager	<input type="checkbox"/>	<input type="checkbox"/>							
Other:	<input type="checkbox"/>	<input type="checkbox"/>							

**STANLY COUNTY-BUDGET AMENDMENT**

BE IT ORDAINED by the Stanly County Board of Commissioners that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

To amend Fund 110, the expenditures are to be changed as follows:

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.5138	121.000	Salary	\$ 361,473	\$ 62,500	\$ 423,973
110.5138	127.000	Cell Stipend	2,520	300	2,820
110.5138	181.000	FICA	30,867	4,804	35,671
110.5138	182.000	Retirement	25,847	4,233	30,080
110.5138	183.000	Health/Dental	78,624	7,778	86,402
110.5138	190.000	Professional Services	480,260	(59,615)	420,645
<b>TOTALS</b>			<b>\$ 979,591</b>	<b>\$ 20,000</b>	<b>\$ 999,591</b>

This budget amendment is justified as follows:

To budget and transfer funds in Home Health to support an in-house physical therapist position.

This will result in a net increase of \$ 20,000 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.3500	990.5138	Fund Balance- Home Health	\$ 30,000	\$ 20,000	\$ 50,000
<b>TOTALS</b>			<b>\$ 30,000</b>	<b>\$ 20,000</b>	<b>\$ 50,000</b>

SECTION 2. Copies of this amendment shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and to the Finance Director.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Verified by the Clerk of the Board \_\_\_\_\_

  
Department Head's Approval

8/13/12  
Date

  
Finance Director's Approval

8-2-12  
Date

\_\_\_\_\_  
County Manager's Approval

Date

Posted by
Journal No.
Date





# Stanly County Board of Commissioners

Meeting Date: August 6, 2012

Presenter: Dennis R. Joyner, Health Director

Consent Agenda	<div style="font-size: 2em; font-weight: bold; margin-bottom: 5px;">5B</div> Regular Agenda
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## ITEM TO BE CONSIDERED

**Subject**

The Stanly County Health Department and Stanly County Board of Health request consideration of a newly revised Stanly County Animal Control Ordinance. The last revision to our current Animal Control Ordinance was in 2001 and a new Ordinance is needed to better meet the animal control needs of the county. Changes & additions contained in the new ordinance draft are extensive and some of the highlights include: instituting a civil penalty system for violations of the ordinance; establishing more stringent “dangerous and potentially dangerous” dog requirements; redefining restraint of dogs that does not allow tethering; and establishing restrictions on inherently dangerous exotic animals. Staff would like to present and discuss the recommended revisions. Given the broad scope of the changes and additions, scheduling a future public hearing may be advisable after review of the draft.

**Requested Action**

Request consideration of a new Stanly County Animal Control Ordinance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Dept: Public Health

Attachments:       yes                       no

**Review Process**

**Certification of Action**

	Approved		Initials
	Yes	No	
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	
County Manager	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

\_\_\_\_\_  
Tyler Brummitt, Clerk to the Board                      Date



# STANLY COUNTY ANIMAL CONTROL ORDINANCE

Adopted \_\_/\_\_/12

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# STANLY COUNTY ANIMAL CONTROL ORDINANCE

## ARTICLE I - AUTHORITY, PURPOSE, AND GENERAL PROVISIONS

### SECTION 1

**AUTHORITY.** This ordinance is established pursuant to the following grants of statutory authority:

(A) North Carolina General Statute 153A-121 which delegates to counties the power to regulate by ordinance, acts, omissions, or conditions detrimental to the health, safety or welfare of their citizens and the peace and dignity of the county.

(B) North Carolina General Statute 153A-123, which authorizes counties to levy fines and penalties for violation of their ordinances and allows counties to secure injunction and abatement orders to further insure compliance with their ordinances.

(C) North Carolina General Statute 153A-127 which authorizes counties to define and prohibit the abuse of animals.

(D) North Carolina General Statute 153A-131 which authorizes counties to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.

(E) North Carolina General Statute 153A-442 which authorizes counties to establish, equip, operate and maintain animal shelters.

(F) North Carolina General Statute 153A-153 which authorizes counties to levy an annual license tax on the privilege of keeping dogs and other pets within the county.

(G) North Carolina General Statute 130A-192 which authorizes Animal Control Officers to determine if there are any dogs, cats, and ferrets not wearing valid rabies vaccination tags and to take appropriate action regarding said dogs, cats, and ferrets.

(H) North Carolina General Statute 67, Article 1A which authorizes Health Directors to declare a dog dangerous or potentially dangerous.

(I) North Carolina General Statute 130A-186 which authorizes the local health director to appoint one or more certified rabies vaccinators.

(J) North Carolina General Statute 14-4 which makes it a misdemeanor, unless otherwise specified, if any person shall be found guilty of violating an ordinance of the county.

### SECTION 2

**PURPOSE AND OBJECTIVE.** This ordinance is established for the following purposes and objectives:

(A) **ANIMAL CRUELTY:** To define and prohibit the abuse of animals;

(B) **RABIES:** To protect citizens and animals of Stanly County from rabies transmitted by unconfined, uncontrolled, or unimmunized dogs, cats or ferrets;

- (C) ANIMALS AT LARGE: To regulate, restrict or prohibit the running at large of any domestic animals;
- (D) STRAY ANIMALS: To regulate, restrict or prohibit the keeping of stray domestic animals;
- (E) ANIMAL NUISANCE: To regulate animals that may be nuisance;
- (F) INHERENTLY DANGEROUS EXOTIC ANIMALS: To regulate, restrict or prohibit the harboring or keeping or ownership of, wild or exotic animals, poisonous reptiles and dangerous animals;
- (G) ANIMAL BITES: To establish rules and procedures for dealing with animal bites;
- (H) IMPOUNDMENT OF ANIMALS: To regulate the impoundment and confinement of animals;
- (I) REDEMPTION OF IMPOUNDED ANIMALS: To regulate and establish procedures and fees for redeeming impounded animals in the County's Animal Shelter; and
- (J) DESTRUCTION OF ANIMALS: To regulate and establish procedures for destroying diseased, stray, unwanted or unclaimed animals.

### **SECTION 3**

**GENERAL PROVISIONS.** The following general provisions shall apply to this Ordinance:

- (A) ANIMAL CONTROL. Authority is hereby granted to the Stanly County Animal Control Department to enforce this Ordinance. This Ordinance shall be enforced by all Animal Control Officers (as defined in Section 3(C), having all rights, powers and immunities granted in Section 3(a)(1)-(13). All employees of Animal Control are hereby granted the following rights, powers, and immunities and said employees, through Animal Control shall:
- (1) Have the responsibility, along with law enforcement agencies, to enforce all laws of North Carolina and all ordinances of Stanly County pertaining to animals and to cooperate with all law enforcement officers within Stanly County in fulfilling this duty except within townships and municipalities that have adopted their own animal-related ordinances that conflict with this Ordinance.
  - (2) Enforce and carry out all laws of North Carolina and all ordinances of Stanly County pertaining to rabies control;
  - (3) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog, cat or ferret suspected of having rabies for a period of not less than ten (10) days, and for reporting to the local Health Director as soon as practical the occurrence of any such animal bite and the condition of any quarantined animal;
  - (4) Be responsible for the operation of the animal shelter;
  - (5) Be responsible for the seizure and impoundment, when necessary, of any animal in Stanly County involved in a violation of this or any other ordinance or state law;
  - (6) Investigate cruelty or abuse of animals and protect animals from cruelty or abuse;
  - (7) Be empowered to seize animals with the consent of an owner or occupant of the property, or as evidence if the animals are in "plain view," or by criminal or administrative search warrant if the animals are being cruelly treated or abused;
  - (8) Patrol homes and businesses in the county as necessary for the purpose of ascertaining compliance with this ordinance or state statute;

- (9) Keep, or cause to be kept, accurate and detailed records of seizures, impoundments, and disposition of animals coming into the custody of Animal Control, bite cases, violations, complaints, investigations, and monies collected;
- (10) Be empowered to issue Notices of Violation and assess civil penalties for violations of this Ordinance;
- (11) Be empowered to go in the yard of animal owners to inspect the condition of animals;
- (12) Be empowered to make inspections of buildings or dwellings with the consent of the owner or occupant, or by administrative search warrant, or criminal search warrant when there is probable cause to believe that this Ordinance or state law is being violated; and
- (13) Be empowered to go upon private property to seize animals pursuant to the provisions of this Ordinance or Court Order.
- (14) Be authorized to carry such firearms as deemed necessary to perform the duties required by provisions of this ordinance and policies established by the Director of the Stanly County Health Department to ensure safety of Officers and the public. Animal Control Officers will exercise caution and prudence in the use and discharge of firearms within the County limits. Firearms may be used within the county if absolutely necessary and after other means of capture have been exhausted. Animal Control Officers will use due diligence and be aware of surroundings when using firearms. Each Animal Control officer shall complete an annual firearms certification course given by a Licensed Firearms Instructor in North Carolina. A passing score of 70% must be attained and a copy must be placed in the employee file upon receiving a passing score. Cost of this training will be covered by the County.

(B) ANIMAL CONTROL DIRECTOR. The Animal Control Director shall be the Chief Animal Control Officer, be in charge of Animal Control, and supervise the Stanly County Animal Shelter. The Animal Control Director shall have the authority to delegate to his Animal Control Officers or Administrative Staff any of the powers granted him by this Ordinance. Any act done by an Animal Control Officer or a member of the Administrative Staff that is in compliance with or within the scope of this Ordinance, shall be considered the official act of the Animal Control Director.

(C) ANIMAL CONTROL OFFICER. All persons employed by the Animal Control Department shall be considered Animal Control Officers and shall have all rights, powers, and immunities granted under this Ordinance and by the general laws of this state to enforce the provisions of this Ordinance and the General Statutes of North Carolina as they relate to animal control and animal welfare.

(D) LICENSURE OF DOGS. No person shall own, keep, or harbor any dog four (4) months or older within the county limits unless it has been licensed as herein provided. Written application for the license shall be made to the county tax collector and shall state the name and address of the owner or harborer and the name, breed, color, age and sex of each dog. The fee for each tag shall be paid when the application is made. A numbered receipt will be given to the applicant, and a numbered metallic tag shall be issued to the applicant. A fee will be paid at the rate set by the Commissioners of Stanly County and must be purchased at the rate of one tag for each dog owned. If the county tag is lost, a duplicate may be procured from the Stanly County Tax Collector at a fee as provided by the Stanly County Board of Commissioners. It shall be unlawful for any person to use a receipt and/or an issued license tag for a dog other than the dog for which the receipt and license tag were originally issued.

(E) ANIMAL CONTROL COMMITTEE. Review of contested decisions concerning the enforcement of this ordinance by the Animal Control Department shall be made by the Stanly County Board of Health or by a designated Animal Control Committee. If such a committee is designated, it shall be comprised of the



Veterinarian, Physician, and Chairperson representatives of the Board of Health or other members so designated by the Board of Health.

## **ARTICLE II - RABIES CONTROL**

### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms are defined below:

- (A) **ANIMAL:** Domestic dogs, cats, and ferrets.
- (B) **BITE:** The act of an animal seizing flesh with its teeth or jaws so as to tear, pierce or injure the flesh.
- (C) **CATS:** Any and all domestic felines.
- (D) **CONFINEMENT:** Impoundment within the county's Animal Shelter or other appropriate facility.
- (E) **DOGS:** Any and all domestic canines.
- (F) **HARBORER:** Any person, group of persons, firm, partnership or corporation keeping, providing shelter or refuge, hiding, or concealing an animal or allowing an animal to remain on their property.
- (G) **OWNER:** Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours.
- (H) **POTENTIAL CARRIER OF RABIES:** Any wildlife or domestic animal known to harbor or carry the rabies virus;
- (I) **RABIES VACCINATOR:** A person appointed and certified to administer rabies vaccine or a licensed veterinarian.
- (J) **RABIES VACCINE:** An animal rabies vaccine approved by the United States Department of Agriculture for use in this State.
- (K) **RESTRAINT:** The owner of an animal shall keep the animal on his property or under restraint at all times. An animal is under restraint if it is:
  - (1) inside a secure enclosure with a minimum dimension of 10 feet by 10 feet and with sides of sufficient height and depth to prevent the animal from jumping, climbing or digging out of the enclosure; or
  - (2) inside the primary residence of the owner/harbinger when on the owner's/harbinger's property; or
  - (3) controlled by a leash of sufficient means to restrain the animal and under control of a competent person when outside a secure enclosure or home; or
  - (4) inside an area on the owner's property secured by a functional, properly maintained electronic fencing device; or
  - (5) within the passenger area of a vehicle, restrained in a safe manner to prevent the animal from jumping over the sides or out of an open bed truck, or in a secure enclosure on a vehicle or trailer; or

- (6) under the control of a licensed hunter while said animal is in the act of hunting; an animal is in the act of hunting when, during a season designated for the hunted game, the Owner of the animal holds a hunting license as required by the State of North Carolina, and the animal is in fact hunting for said game; or
- (7) participating in an animal show, competition or field trial.

An animal control officer may, at their discretion, order a more restrictive restraint requirement if circumstances require and it is not detrimental to the health, safety or welfare of the animal.

Use of tethering by means of chains, ropes, cables or like devices is not allowed unless approved by an Animal Control Officer on a case-by-case basis where existing secure enclosures or electronic fencing devices are being repaired. Owners using tethering as a means of restraint at the time of the adoption of this ordinance shall have six (6) months from the date of the adoption of this ordinance to comply with the aforementioned restraint requirements.

Voice command is not recognized as adequate restraint.

Exemptions: Law enforcement working canines, service dogs, search and rescue dogs, HRD (Human Remains Detection) dogs.

(L) VACCINATION: The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

## **SECTION 2**

**VACCINATION FOR RABIES.** Owners of dogs, cats and ferrets shall comply with the provisions of this Section.

(A) VACCINATION. The owner of every dog, cat and ferret shall have the animal vaccinated against rabies at four (4) months of age, again at one (1) year after initial vaccination, and then every three (3) years by a licensed veterinarian or by a certified rabies vaccinator with a rabies vaccine approved by the United States Department of Agriculture and approved by the North Carolina Commission for Health Services for use in this State. A vaccine will be considered current 28 days after the vaccine is administered.

(B) RABIES TAGS. A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog, cat, or ferret shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words North Carolina or the initials "NC" and the words "rabies vaccine". The owner shall make sure that their dog wears the rabies tag at all times and the owner of a cat or ferret shall make sure that the rabies tag for the cat or ferret is readily available at all times.

(C) RABIES VACCINATION CERTIFICATES. The owner of a dog, cat or ferret must be able to produce a current rabies vaccination certificate. This certificate shall be issued by a licensed veterinarian or a certified vaccinator at the time the dog, cat or ferret is vaccinated. A copy of the certificate shall also be mailed or delivered to the Animal Control Director by the licensed veterinarian or certified rabies vaccinator within thirty (30) days of the animal being vaccinated. The Animal Control Director may implement another method for collecting vaccination certificates. Stanly County residents who have their animals vaccinated outside of Stanly County are responsible for filing the rabies vaccination certificate within Animal Control within three (3) days of the inoculation or within three (3) days of their return to the local area. A vaccine must be given by a veterinarian or certified rabies vaccinator in the State of North Carolina.

(D) NON-TRANSFERABLE. Rabies tags cannot be transferred from animal to animal.

(E) LOST, DESTROYED OR STOLEN RABIES TAGS. If a rabies tag is lost, destroyed or stolen, a duplicate tag must be obtained from the veterinarian at a fee not to exceed the actual cost of the tag, link and rivets, plus transportation cost.

### SECTION 3

**BITES.** In order that rabies may be controlled and treated, all persons shall comply with the provisions of this Section.

(A) PERSONS BITTEN. Wounds inflicted by a potential carrier of rabies shall be reported immediately to the Animal Control Department by the person who has been bitten, or in case of a child, his or her parents or guardian or other responsible party. Any person who has knowledge of a potential carrier of rabies inflicting a wound shall immediately report the same to the Animal Control Department, and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known. Every physician who treats a wound inflicted by a potential carrier of rabies shall report the incident to the Animal Control Department and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known, within twenty-four (24) hours of rendering treatment.

(B) CONFINEMENT OF BITING DOGS, CATS, AND FERRETS AND CONFINEMENT OF ANIMALS SUSPECTED OF HAVING RABIES. Every dog, cat, or ferret that bites a human being shall be confined immediately. The animal shall be delivered by the owner within twenty four (24) hours of the incident to the County Animal Shelter or to a licensed veterinary hospital located in Stanly County. If the owner fails to deliver said animal within twenty four (24) hours to an approved location, the animal shall be picked up by an Animal Control Officer for transport to the County Animal Shelter. The animal shall be confined for observation for not less than ten (10) days. The owner shall be responsible for the cost of confinement at either place. The Animal Control Director shall have authority to order confinement of a dog, cat or ferret to the County's Animal Shelter or to a licensed veterinary hospital located in Stanly County. Stanly County Animal Control may waive the cost of confining the animal at the shelter if the bite occurred on the owner's premises and the animal was provoked. Final authority as to place of confinement rests with the County Health Director. After reviewing the circumstances of a particular case, the County Health Director may permit the animal to be confined on the premises of the owner, but only after an inspection and recommendation from the Animal Control Director and proof that the animal is current on vaccination against rabies. The Animal Control Officer's recommendation shall be based on the availability of a suitable secure enclosure on the owner's premises and whether or not other circumstances warrant confinement on the owner's premises.

An owner, harbinger or possessor of an animal which is suspected of having rabies shall immediately notify the Animal Control Department and shall, if safely possible, securely confine the animal until further instructed by the County Health Director or Animal Control Director.

(C) DESTRUCTION OF INFECTED DOGS, CATS, AND FERRETS. If a dog, cat or ferret, in or out of confinement, is suspected of having rabies, as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized and sent for appropriate testing under the supervision of the Animal Control Director. Any dog, cat or ferret known to have been bitten by another animal which is known or proved to be rabid shall be euthanized immediately by the owner or by the Animal Control



Director unless the dog, cat or ferret has been vaccinated against rabies more than 28 days prior to being bitten and is given a booster dose of rabies vaccine within 72 hours of the bite. As an alternative to euthanasia, the dog, cat or ferret may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the health director.

#### **SECTION 4**

**SANCTIONS, PENALTIES, FINES, AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) **FAILURE TO KEEP RABIES TAGS ON DOGS AND FAILURE TO KEEP RABIES TAGS OF CATS AND FERRETS READILY AVAILABLE AT ALL TIMES.** It shall be a violation of this Article if a dog is observed by an Animal Control Officer not wearing a valid rabies tag, regardless of whether or not the dog is on or off the owner's property and regardless of whether or not the dog has been vaccinated. It shall be a violation of this Article if upon request of an Animal Control Officer, the owner of a cat or ferret cannot readily produce a valid rabies tag for said cat or ferret regardless of whether or not the cat or ferret is on or off the owner's property and regardless of whether or not the cat or ferret has been vaccinated.

(B) **FAILURE TO PRODUCE PROOF OF VACCINATION AND/OR FAILURE TO HAVE ANIMAL VACCINATED WHEN THE OWNER IS KNOWN.** In addition to any civil penalties that may be imposed for violation of subsection (A) above, the owner of a dog, cat, or ferret may be assessed a civil penalty for violation of this subsection, if he or she fails to produce proof of vaccination and/or fails to have the animal vaccinated within seventy-two (72) hours of the issuance of a written Notice of Violation of subsection (A) above. The Notice of Violation of subsection (A) above shall specify that the owner has seventy-two (72) hours to produce proof of vaccination and/or to have the animal vaccinated and failure to do so shall result in the assessment of a civil penalty for violation of this subsection. If the owner presents proof of vaccination within seventy-two (72) hours of the Issuance of the Notice of Violation of subsection (A) above, a civil penalty for violation of this subsection shall not be assessed. Having the animal vaccinated or showing proof of vaccination shall not discharge any civil penalties previously assessed for violation of subsection (A) above.

If the animal is not vaccinated and/or the civil penalty/penalties is/are not paid within seventy-two (72) hours, Animal Control shall have the authority to summarily seize the animal. The owner shall have three (3) days from the date of seizure to redeem the animal. The owner may redeem the animal by paying the civil penalty/penalties, the redemption fee and all boarding fees. If the owner wishes to request a review of the seizure of the animal, the owner must file a written request with the Stanly County Health Director within three (3) days of the seizure. If a timely request is filed, the Board of Health's Animal Control Committee shall convene within ten (10) days of the receipt of said request. The Board of Health's Animal Control Committee shall hear the case and render a written decision within three (3) days after the hearing and serve the same on the owner. If the owner disagrees with the Board of Health's Animal Control Committee decision, the owner must seek a review by the Stanly County Superior Court within ten (10) days of the issuance of the Board Committee's written decision. If the owner fails to redeem the animal, or fails to timely request a review of the seizure, or fails to timely appeal the Board Committee's written decision, the animal shall become the property of Stanly County and shall be disposed of according to this Ordinance.

The Animal Control Officer may, in addition, issue a criminal summons or warrant, pursuant to G.S. 130A-25 for the owner's violation of the North Carolina General Statute 130A-185 or 130A-192. Any owner, if convicted, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

(C) DOGS, CATS, AND FERRETS WITHOUT VALID RABIES TAGS AND THE OWNER IS UNKNOWN. If a dog, cat, or ferret is observed not wearing a valid rabies vaccination tag and the owner is unknown and cannot be found, the Animal Control Director or his designee may impound the animal. Written notice of impoundment shall be posted at the Animal Shelter for a minimum of three (3) days. If the animal has not been redeemed by the owner after three (3) days, the animal shall become the property of Stanly County to be disposed of according to this Ordinance. If the owner is found, the animal shall be released upon payment of all redemption fees and a civil penalty for failure to wear a valid rabies vaccination tag. The owner may also be subject to other appropriate penalties described in Article IV, such as a civil penalty for the animal being at large.

(D) FAILURE TO PROVIDE ANIMAL CONTROL WITH RABIES VACCINATION CERTIFICATES. Any veterinarian or certified rabies vaccinator, who willfully refuses to turn over rabies vaccination certificates to Animal Control pursuant to N.C. General Statute 130A-189, shall be subject to the issuance of a criminal summons or warrant or the filing of a civil action to obtain the certificates.

(E) FAILURE TO NOTIFY THE ANIMAL CONTROL DEPARTMENT OF A BITING INCIDENT AND FAILURE TO CONFINE BITING DOGS, CATS, AND FERRETS. If the owner of a dog, cat, or ferret, or the person being bitten, or the parent of a child or other legal guardian or person standing in loco parentis of the person, fails to notify the Animal Control Department and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved in a biting incident; or the owner, who has knowledge of a dog, cat, or ferret biting incident, fails to confine the animal pursuant to Article II, Section 3, an Animal Control Officer or Health Director may seek the issuance of a criminal summons or warrant charging the person with a violation of North Carolina General Statute 130A-196.

### **ARTICLE III - ANIMAL CRUELTY**

#### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms are defined below:

(A) ANIMAL: Every non-human domestic species, livestock, or fowl.

(B) CRUELTY AND CRUEL TREATMENT: Every act, omission, or act of neglect whereby unjustifiable, pain, suffering or death is caused or permitted, or attempted to be caused or permitted, against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping animals unlawfully. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:

- (1) a collar, rope or chain embedded in or causing injury to an animal's neck;
- (2) dogs or cats left out in the rain, snow, extreme heat or cold without shelter (this includes not providing shelter from the elements when using a humane trap for lawfully capturing an animal);
- (3) animals that have not been fed or watered adequately;
- (4) intentionally allowing animals to engage in a fight;
- (5) allowing animals to live in unsanitary conditions;

- (6) allowing animals to live under crowded conditions; and
- (7) failure or refusal of an owner to obtain medical treatment for an animal when in an Animal Control Officer's opinion such treatment is needed.

(C) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours.

(D) PERSON: Any human being, firm, partnership or corporation including any nonprofit corporation.

(E) ADEQUATE SHELTER: An enclosure of at least four (4) sides, a roof, and a floor that provides adequate protection from the elements, including but not limited to heat, cold, rain, wind, and snow. The enclosure should be large enough to allow the dog to freely and comfortably stand up and turn around, but small enough to enable the dog to retain body heat. The enclosure shall have a slanted, waterproof roof to allow the elements to run off. If the house is made of wood, it shall be raised off the ground at least two (2) inches in order to prevent the rotting of the floor. The door shall be just large enough to allow the dog to enter easily. Clean, dry bedding, such as hay, straw, or cedar shavings, shall be provided. The bedding shall be changed as often as necessary to keep it sanitary. During warmer months, the dog shall be provided with shade from the sun. Shade may be provided via a tree or a tarp at a minimum. Anytime the dog is outside, the water should be provided in a container secured in a manner to prevent spilling. During colder months, the outside container(s) of water shall be monitored to prevent freezing.

The following methods of housing/sheltering animals are considered inadequate:

- (1) underneath outside steps, decks and stoops; or
- (2) inside of vehicles; or
- (3) underneath vehicles; or
- (4) inside metal or plastic barrels or
- (5) inside cardboard boxes.

## **SECTION 2**

**EXEMPTIONS.** This Article shall not apply to agencies conducting biomedical research or training, lawful activities for sport, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

## **SECTION 3**

**GENERAL CARE AND PROHIBITED ACTS.** All animals shall be kept and treated under sanitary and humane conditions and failure of the owner or possessor of the animal to abide by the provisions listed below shall subject the owner or possessor to the sanctions described in Section 5.

(A) FOOD, WATER AND SHELTER. All animals in the possession of any persons shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this Ordinance, shall be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a constant supply of clean, fresh water. All animals shall be provided proper and adequate shelter from the weather at all times.

(B) CLEAN SHELTER. All shelter for animals and the area surrounding said shelter shall be kept clean and sanitary at all times. Unacceptable unsanitary conditions shall include, but not be limited to the accumulation of feces, urine, debris, plant overgrowth, and/or pest infestation within and/or around the area confining the animal.

(C) MEDICAL TREATMENT. All owners or possessors of animals shall provide proper medical attention for sick, diseased or injured animals. A sick animal shall go no longer than twenty-four (24) hours without veterinary care.

(D) CRUELTY AND CRUEL TREATMENT. No person shall beat, torment, overload, overwork, tease, molest or bait an animal or otherwise cruelly treat an animal as defined in Section 1(B) above. No person shall shoot a dog or any other animal, either on or off the owner's property, unless the animal is in the act of attacking a human being, sheep, cattle, hog, goat, or poultry or any domestic animal. This shall not apply to Animal Control Officers when in the performance of their duties.

(E) ILLEGAL CONTEST OR COMBAT. No person shall cause, permit or instigate any dogfight, cockfight, bullfight or other illegal contest or combat between animals or animals and humans.

(F) POISONING OF ANIMALS. No person shall expose any known poisonous substance or mix a poisonous substance with food, so that it will likely be eaten by any animal. This does not include acts or attempts of persons to rid their own property of rats and vermin.

(G) CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS. No person shall leave an animal in a closed car, truck or other vehicle for such duration or at temperatures as an Animal Control Officer, in his sole discretion, deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner. No animals shall be allowed to ride in the back of an open truck bed, without the animal being restrained in the truck in a safe manner to prevent the animal from jumping over the sides or out of the vehicle.

(H) ABANDONMENT. No person shall turn loose or discard any domesticated animal or pet. Any dog, cat, or ferret left without food, water, or shelter for 24 hours will be considered abandoned and may be seized by the Animal Control Department.

(I) DISPOSING OF DEAD ANIMALS. All possessors or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground on his or her leased or owned property. No animal shall be buried within three hundred (300) feet of any flowing stream or public body of water. In the alternative, said animal shall be completely burned or otherwise disposed of in a manner approved by the State Veterinarian or N.C Department of Agriculture. In any event, all dead animals shall be disposed of within twenty-four (24) hours after knowledge of the death. No possessor or owner of a dead animal shall remove the carcass of a dead animal from his premises to the premises of another person without written permission of the person having charge of such premises and without burying said carcass as provided above.

(J) REPORTING INJURED OR KILLED DOMESTIC ANIMALS. All persons who injure or kill a domesticated animal by running over, into, or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately. If the owner is not known, the person who injured or killed the animal shall immediately notify the Animal Control Department or the Police Department if the injury or death occurred in the city or the Sheriff's



Department if the injury or death occurred in the county. The person who injured or killed the animal shall give his or her name and address to the appropriate authority. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to Animal Control as soon as the animal is discovered on the real property.

(K) ANIMALS GIVEN AWAY AS PRIZES. No live animal shall be given away, raffled or offered as a prize, premium or advertising device for, or as an inducement to enter, any contest, game or other competition involving skill or chance.

(L) PUBLIC EXHIBITS OF ANIMALS. Animal Control shall have the authority to inspect public exhibits of animals which are a part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried on in Stanly County. Stanly County Animal Control shall have the authority to close down any exhibit, function or activity if it is determined that animals are being cruelly treated or animals run the risk of causing injury or harm to the public or run the risk of being injured or harmed themselves. Animal Control, the Health Department nor Stanly County accept any liability for any injury, damage of property or loss visiting or monitoring public exhibits of animals.

#### **SECTION 4**

**FAILURE TO REPORT ANIMAL CRUELTY.** An owner or lessee of property who knows, or based on facts and circumstances should know, that animals are being or have been cruelly treated on the owner's or lessee's real property, shall report said act or acts of cruelty to the Animal Control Department. The owner or lessee of real property who fails to report acts of animal cruelty shall be subject to the appropriate sanctions described in Section 5 below.

#### **SECTION 5**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4, G.S. 14-360, and/or G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s). Whenever it has been determined by an Animal Control Officer that the Owner of an animal is in violation of any of the provisions found in Section 3, in addition to the aforementioned criminal and civil remedies, the Officer may seize the animal(s) and/or issue written Notices of Violation to the Owner. Should the Notice(s) of Violation require the Owner to correct the condition or problem within seventy two (72) hours or the Owner or possessor of the animal fails to cease or desist from the cruel treatment or fails to adequately provide for the animal, the Animal Control Officer may institute seizure and/or criminal proceedings, if he has not done so already.

(A) VIOLATION OF SECTION 3, SUBSECTION (A) FOOD, WATER AND SHELTER, (C) MEDICAL TREATMENT, (D) CRUELTY AND CRUEL TREATMENT, (E) ILLEGAL CONTEST OR COMBAT, (F) POISONING OF ANIMALS, (G) CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS, (H) ABANDONMENT, OR (I) DISPOSING OF DEAD ANIMALS. When it has been determined by an Animal Control Officer that there has been a violation of one (1) or more of the following subsections: (D), (E), (F), (G), (H), or (I) he may initiate the issuance of a criminal summons or warrant for violating the following criminal statutes:

N.C. General Statute 14-360, Cruelty to Animals

N.C. General Statute 14-361.1, Abandonment of Animals

N.C. General Statute 14-362 and 14-362.1, Cockfighting and Animal Fights and Baiting, Other

Than Cock Fights, Dog Fights, and Dog Baiting  
N.C. General Statute 14-363, Conveying Animals In A Cruel Manner  
N.C. General Statute 14-401, Putting Poisonous Foodstuffs, Antifreeze, etc. In Certain Public  
Places, Prohibited  
N.C. General Statute 106-403 and 106-405, Disposition of Dead Domesticated Animals and  
Prohibited Acts, Penalties

Any person found guilty under any of the above criminal statutes shall be subject to the penalty therein prescribed, or if no penalty is therein prescribed, then according to N.C. General Statute 14.4.

(B) VIOLATION OF SECTION 3, SUBSECTION (J) REPORTING INJURED OR KILLED DOMESTIC ANIMALS. When it has been determined by an Animal Control Officer that a domesticated animal has been injured or killed, as a result of coming into contact with an automobile, motorcycle, bicycle or other vehicle, and the person operating said conveyance fails to report the same, and the operator can be identified by an eyewitness or physical evidence, the Animal Control Officer may issue a written Notice of Violation and Civil Penalty to the operator.

Any Owner or lessee of real property who fails to report the existence of an injured or suffering domesticated animal on his property as required by Section 3, Subsection (J) above, may be issued a written Notice of Violation and Civil Penalty.

#### **ARTICLE IV - DOGS AT LARGE AND CONFINEMENT OF DOGS IN ESTRUS**

##### **SECTION 1**

**DEFINITIONS.** As used in this Article, the following terms shall have the meanings set forth below:

(A) DOG: Any and all domestic canines.

(B) AT LARGE: Any dog out of compliance with Section 2 (G), and not under physical restraint.

(C) IN ESTRUS: A female dog in what is commonly called "heat."

(D) NIGHTTIME: The time from one-hour after sunset until one hour before sunrise.

(E) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge or taking care of any animal or allowing any animal to remain on their property for seventy two (72) hours.

(F) OWNER'S PROPERTY: The owner's property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the "Common Areas" as being owned by the Homeowner's Association. In a situation involving leased apartments, Animal Control will treat the "Common Areas," as being owned by the Lessor/Property Owner.

(G) PRIOR COMPLAINTS: For purposes of this Ordinance, any prior verbal or written complaint to Animal Control about a specific dog being at large, or any verbal or written complaint about any dogs of an owner being at large, shall constitute a prior complaint.

(H) RESTRAINT: The owner of a dog shall keep the dog on his property or under restraint at all times. A dog is under restraint if it is:

(1) inside a secure enclosure with a minimum dimension of 10 feet by 10 feet and with sides of

- sufficient height and depth to prevent the animal from jumping, climbing or digging out of the enclosure; or
- (2) inside the primary residence of the owner/harbinger when on the owner's/harbinger's property; or
- (3) controlled by a leash of sufficient means to restrain the dog and under control of a competent person when outside a secure enclosure or home; or
- (4) inside an area on the owner's property secured by a functional, properly maintained electronic fencing device; or
- (5) within the passenger area of a vehicle, restrained in a safe manner to prevent the dog from jumping over the sides or out of an open bed truck, or in a secure enclosure on a vehicle or trailer; or
- (6) under the control of a licensed hunter while said dog is in the act of hunting; a dog is in the act of hunting when, during a season designated for the hunted game, the Owner of the dog holds a hunting license as required by the State of North Carolina, and the dog is in fact hunting for said game;
- (7) participating in an animal show, competition or field trial.

An animal control officer may, at their discretion, order a more restrictive restraint requirement if circumstances require and it is not detrimental to the health, safety or welfare of the dog.

Use of tethering by means of chains, ropes, cables or like devices is not allowed unless approved by an Animal Control Officer on a case-by-case basis where existing secure enclosures or electronic fencing devices are being repaired. Owners using tethering as a means of restraint at the time of the adoption of this ordinance shall have six (6) months from the date of the adoption of this ordinance to comply with the aforementioned restraint requirements.

Voice command is not recognized as adequate restraint.

Exemptions: Law enforcement working canines, service dogs, search and rescue dogs, HRD (Human Remains Detection) dogs.

## **SECTION 2**

**DOGS AT LARGE.** The owner of a dog shall keep the dog on his property or under restraint at all times as specified in Section 1 Subsection (H) above.

## **SECTION 3**

**FEMALE DOG IN ESTRUS.** An owner shall secure a female dog in estrus within a building or secure enclosure.

## **SECTION 4**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) **DOG AT LARGE.** If Animal Control received a "first time" at large complaint and an Animal Control Officer does not personally observe the dog at large, the officer shall investigate said complaint. The

Animal Control Officer shall have authority to go on and about private property to investigate said complaint. Upon a finding of probable cause to believe the dog was at large he may issue a written Notice of Violation and Civil Penalty. If an Animal Control Officer observes a dog not under restraint, he may impound the dog even on a "first time" complaint.

The owner of a dog deemed at large may be issued a written notice of violation and assessed a civil penalty for the first violation and additional civil penalties for each subsequent violation. If the dog is impounded, the owner must redeem the dog within three (3) days. If the owner fails to redeem the dog within three (3) days, the dog shall become the property of Stanly County and may be disposed of according to this Ordinance. To redeem the dog the owner must pay the civil penalty, all boarding fees and the redemption fee.

When the same dog has been impounded three (3) times or the owner has been cited three (3) times for his dog(s) being at large, the Animal Control Director shall declare the dog(s) a public nuisance and/or cite the owner for maintaining a public nuisance. The dog(s) shall then be housed or confined according to the instructions of the Animal Control Officer. If the dog(s) is/are subsequently found at large or the owner is subsequently cited for his dog(s) being at large, the Animal Control Officer may impound the dog(s) due to the owner's failure to abate the nuisance.

The owner of a dog, which is involved in the unprovoked bite of another person, while the dog is running at large, shall be assessed a civil penalty for the unprovoked bite in addition to a civil penalty for the dog running at large.

(B) DOG AT LARGE AT NIGHT. When the Animal Control Officer has probable cause to believe that a dog was or is at large at night, he may initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-12. Any person convicted under North Carolina General Statute 67-12 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. The owner of a dog that allows same to run at large at night shall also be liable in damages to any person injured or suffering lost to his property or chattels.

(C) FAILURE TO CONFINE FEMALE DOG IN ESTRUS. When the Animal Control Officer has probable cause to believe that an owner has failed or refused to confine a female dog in estrus (heat) in a building or secure enclosure, he shall initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-2. Any person convicted under G.S. 67-2 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months.

(D) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a dog, which has caused injury to said private citizen or his property for damages or any other loss resulting from a dog being at large.

## ARTICLE V - CATS AS PUBLIC NUISANCE AND CONFINEMENT OF CATS IN ESTRUS

### SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:



(A) CATS: Any and all domestic felines.

(B) IN ESTRUS: A female cat in what is commonly called "heat."

(C) NUISANCE: The owner shall be responsible for any cat(s) creating a nuisance. The commission on more than one (1) occasion of any of the following qualifying act(s) or conditions described in numbers one (1) through seven (7) shall be deemed prima facie evidence of a cat nuisance:

- (1) gets into or turns over garbage pails; or
- (2) walks on, sleeps on or scratches an automobile of another; or
- (3) damages gardens or other foliage or other real or personal property; or
- (4) is found on the property of another; or
- (5) roams; or
- (6) is maintained in an unsanitary condition so as to be offensive to sight or smell; or
- (7) in estrus is not confined to a building or secure enclosure.

(D) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge or taking care of any cat or allowing any cat to remain on their property for than seventy two (72) hours or more.

(E) OWNER'S PROPERTY. The owner's property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the "Common Areas" as being owned by the Homeowner's Association. In a situation involving leased apartments, Animal Control will treat the Common Areas" as being owned by the Lessor/Property Owner.

(F) PRIOR COMPLAINTS. Any verified verbal or written complaint to Animal Control about a specific cat being a nuisance or any verified verbal or written complaint about an owner allowing his cat or cats to be a nuisance shall constitute a prior complaint.

(G) STRAY CATS AT LARGE: Animal Control will NOT routinely pick up stray cats but will assist residents to trap and seize these animals

## **SECTION 2**

**CAT NUISANCE.** It shall be a violation of this Ordinance for an owner to allow his cat(s) to engage in any of the acts listed in Section 1, Subsection (C) above on more than one (1) occasion. The owner and the cat shall be subject to the sanctions, penalties, fines and remedies stated in Section 4.

## **SECTION 3**

**FEMALE CATS IN ESTRUS.** Any owner who fails to secure a female cat in estrus (heat) within a building or secure enclosure shall be in violation of this Article.

## **SECTION 4**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) CAT NUISANCE. Upon receiving a first complaint about a cat or cat owner and after finding probable cause to believe that the cat or cat owner has committed one or more acts listed in Section 1, Subsection (C) above, Animal Control may issue a written or verbal warning to the owner. If Animal Control received a second complaint about a cat and after investigating said complaint there is probable cause to believe that a cat or the owner has again engaged in one (1) or more acts described in Section 1, Subsection (C) above, the Animal Control Officer may issue a written Declaration of Nuisance to the owner. If, while Animal Control is investigating the second complaint, the cat is physically caught on the property of another, it may be returned to its owner, if known, if the owner is at home. If the owner is known but not at home or if the owner is unknown, the cat may be impounded. The owner shall have three (3) days to redeem the cat. The owner must pay all boarding fees in order to redeem the cat. If the owner fails to redeem the cat within three (3) days, the cat shall become the property of Stanly County and may be disposed of according to this Ordinance. No civil penalty shall be issued for the cat or the owner allowing the cat to be a nuisance at this time.

If a second complaint is substantiated, the Animal Control Officer may issue or have issued a Declaration of Nuisance. The Declaration of Nuisance shall inform the owner that a civil penalty will be issued if the cat or any other cat owned by him is found to be in violation of this Article again. If this Article is violated after the issuance of the Declaration of Nuisance, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for each subsequent offense.

If, after the issuance of a Declaration of Nuisance, a cat is physically caught off of the owner's property, the cat may be impounded. A Notice of Impoundment and Notice of Violation and Civil Penalty shall be left with the owner or affixed to the owner's premises. The owner must redeem the cat within three (3) days. The owner must pay all outstanding civil penalties, redemption fees, and boarding fees in order to redeem the cat. If the owner fails to redeem the cat within three (3) days, the cat shall become the property of Stanly County and shall be disposed of according to this Ordinance.

When the same cat has been impounded three (3) times or the owner has been cited three (3) times for his being a nuisance, the Animal Control Officer may issue a Notice of Abatement which contains specific written instructions as to how the cat(s) must be confined to the owner's property. If the cat(s) is/are subsequently found to be a nuisance or the owner is subsequently cited for allowing his cat(s) to be a nuisance, Animal Control may impound the cat(s) and the Animal Control Officer shall initiate an action in District Court for custody of the cat(s) based on the owner's failure to abate the nuisance.

(B) FAILURE TO CONFINE A FEMALE CAT IN ESTRUS. When the Animal Control Officer has probable cause to believe that an owner has failed or refused to confine a female cat in heat in a building or secure enclosure, he may initiate the issuance of a civil penalty as provided under this ordinance.

(C) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a cat, which has caused injury to said private citizen or his property for damages or any other loss resulting from a cat being a public nuisance.

## **ARTICLE VI - DOG NUISANCE**

### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

(A) **DOG:** Any and all domestic canines.

(B) **DOG NUISANCE:** The owner shall be responsible for any dog creating a nuisance. The following qualifying act(s) or conditions described in numbers one (1) through eight (8) shall be deemed prima facie evidence of an animal nuisance.

- (1) is at large off of the premises of its owner and not under restraint of a person; or
- (2) chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals; or
- (3) gets into or turns over garbage pails; or
- (4) damages gardens or other foliage or other real or personal property; or
- (5) habitually or continuously loiters on school grounds or official County parks or recreation areas or City parks or recreation areas (applicable in the City only if the enforcement of this Ordinance is adopted by a city in Stanly County by resolution); or
- (6) is a dangerous animal as defined in Article VIII; or
- (7) is maintained in an unsanitary condition as to be offensive to sight or smell; or
- (8) is diseased and dangerous to the health of the public.

(C) **OWNER:** Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours.

### **SECTION 2**

**DOG CREATING A NUISANCE.** The owner shall be responsible for any dog creating a nuisance, and it shall be a violation of this Article if a dog engages in any of the acts mentioned in Section 1, Subsection (B) above, or Section 3 below.

### **SECTION 3**

**DOG HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY.** Any dog housed or restrained less than fifteen (15) feet from public street, road or sidewalk may be deemed a public nuisance if, in the discretion of Animal Control, the dog poses a threat to the general safety, health and welfare of the general public.

### **SECTION 4**

**INTENTIONALLY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE.** It shall be a violation of this ordinance for a person to intentionally or willfully cause a dog to be a public nuisance.

### **SECTION 5**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) WARNINGS. When an Animal Control Officer determines that a violation of Section 3 of this Article has occurred, he may issue a written Warning of Violation and Notice of Public Nuisance, which shall be served on the owner. The owner shall be responsible for abating the nuisance within seventy-two (72) hours by making sure his dog does not engage in any further act or acts which may constitute a nuisance.

(B) FAILURE TO ABATE THE NUISANCE. If the dog engages in any further act(s) or if the owner of the dog fails to abate the condition which constitutes the nuisance within seventy (72) hours, the Animal Control Officer may issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for any subsequent offense. If the owner fails to abate the nuisance after the second civil penalty, Animal Control may seize and impound the dog. If the dog is seized, the Animal Control Officer must post a notice of seizure and impoundment with the owner. The owner may reclaim the dog upon payment of civil fees, redemption fees and boarding fees. If the dog is not reclaimed within three (3) days, it shall become the property of Stanly County Animal Control and shall be disposed of according to this ordinance.

(C) OWNER UNKNOWN. In situations where the owner of a dog is unknown and the dog is a nuisance, the Animal Control Officer shall impound the dog. If the owner does not redeem the dog within three (3) days, the dog shall become the property of Stanly County and can be disposed of according to this Ordinance.

(D) DOG HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY. Notwithstanding the other sanction mentioned above, when it has been determined by an Animal Control Officer that a dog has been housed or restrained within fifteen (15) feet of a public street, road or sidewalk, and the dog poses a threat to the public, but the dog is not in the street, road or on the sidewalk, he shall issue a warning to the owner requesting the owner to move the dog. If the owner refuses to move the dog, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for each subsequent offense. After the second offense, the Animal Control Officer may impound the dog. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The owner shall have three (3) days to redeem the dog. The owner must pay any and all outstanding civil penalties, redemptions fees, and boarding fees in order to redeem the dog. If the owner fails to redeem the dog within three (3) days the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

If a dog is housed or restrained within fifteen (15) feet of a public street, road or sidewalk and the dog poses a threat to the public, and it is found in the public street, road or on the sidewalk and the owner is not at home or refuses to remove said dog from the public street, road or sidewalk, the Animal Control Officer may impound the dog. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The Animal Control Officer may issue a Notice of Violation and Civil Penalty for a first offense and additional penalties for each subsequent offense. The owner shall have three (3) days to redeem the dog. The owner must pay any and all outstanding civil penalties, redemptions fees, and boarding fees in order to redeem the dog. If the owner fails to redeem the dog within three (3) days the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

(D) INTENTIONALLY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE. If Animal Control finds that there is probable cause to believe that a person has intentionally or willfully caused or enticed a dog to be in violation of this Article, it may initiate the issuance of a criminal summons or warrant. Any person found guilty of Section 4 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.



(E) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a dog with has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance.

## **ARTICLE VII - KEEPING STRAY ANIMALS**

### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

(A) ANIMAL: domestic animals such as dogs, cats, and ferrets.

(B) STRAY: An animal within the County wandering at large or lost without evidence of the identification of an owner, or any animal within the County whose owner, if determinable, has failed to pay for and procure a license or vaccination tag, shall be deemed a stray.

### **SECTION 2**

**KEEPING STRAY ANIMALS.** It shall be unlawful for any person to harbor, feed, or keep in possession by confinement or otherwise any stray animal which does not belong to him or her. Any person harboring, feeding, keeping in his or her possession by confinement or otherwise any stray animal which does not belong to him or her must notify Animal Control within seventy two (72) hours from the time such animal came into his or her possession. It shall be unlawful for any person to fail to notify Animal Control within seventy two (72) hours from the time a stray animal comes into his or her possession.

### **SECTION 3**

**REFUSAL TO SURRENDER A STRAY ANIMAL.** It shall be unlawful for any person to refuse to surrender a stray animal to Animal Control upon demand.

### **SECTION 4**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) KEEPING STRAY ANIMALS. When the Animal Control Officer has determined that a person has violated Section 2 above, he may issue a written Notice of Violation and Civil Penalty to the person in violation. Once Animal Control takes possession of a stray animal, it shall be placed in the County's Animal Shelter for redemption by the Owner.

If the Owner is not found or the animal is not redeemed after three (3) days, the animal shall become the property of Stanly County and may be disposed of according to this Ordinance.

(B) REFUSAL TO SURRENDER STRAY ANIMAL. Any person who fails or refuses to surrender a stray animal to Animal Control after demand, if convicted, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

## ARTICLE VIII - DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL

### SECTION 1

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

(A) **ANIMAL:** Domestic dogs, cats, and ferrets.

(B) **AT LARGE:** When any previously determined dangerous animal is off of the property of its owner and not under restraint or when any previously determined dangerous animal is not confined to a secure enclosure while on the property of its owner, it shall be deemed at large.

(C) **DANGEROUS ANIMAL:**

(1) An animal that:

- (a) without provocation has killed or inflicted severe injury on a person, or
- (b) is determined by the Animal Control Department to be potentially dangerous because the animal has engaged in one or more of the behaviors listed in the definition of a potentially dangerous animal; or
- (c) is owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.

(D) **POTENTIALLY DANGEROUS ANIMAL:** An animal that has been determined to have:

- (1) Inflicted a bite on a person that resulted in any of the following: broken bones, disfiguring lacerations or injuries requiring cosmetic surgery, hospitalization, or other medical care.
- (2) Killed or inflicted severe injury upon a domestic animal, when not on the owner's real property.
- (3) Approached a person (if the person was not trespassing on the owner's property) in a vicious or terrorizing manner in an apparent attitude of attack. (NCGS 67-4.1(2))

(E) **OWNER:** Any person, group of persons, firm, partnership or corporation owning, keeping, harboring, having charge of or taking care of a dangerous or potentially dangerous animal or allowing a dangerous or potentially dangerous animal to remain on their property for seventy two (72) hours.

(F) **OWNER'S PROPERTY:** Any real property owned or leased by the owner of a dangerous animal, not including any public right-of-way or the common areas of a condominium, apartment complex or townhouse development.

(G) **RESTRAINT:** A dangerous or potentially dangerous animal is restrained if it is in a secure enclosure or firmly under the control of a competent person. When the animal is not in a secure enclosure on the owner's property, it shall be securely muzzled and under restraint by a competent person who by means of a non-retractable appropriately sized leash, not to exceed six (6) feet in length, has such animal firmly under control at all times. For purposes of this section, tying a dangerous or potentially dangerous animal to a stake, pipe, tree or any other stationary object shall not constitute restraint. When the animal is not under the control of a competent person, restraint shall mean confinement to a secure enclosure deemed appropriate by the Animal Control Director or his designee.

(H) **SECURE ENCLOSURE:** An enclosure, the specifications of which are listed below, from which a dangerous animal or potentially dangerous animal cannot escape unless freed by an owner. The secure enclosure shall be enclosed as a permanent structure with dimensions of at least 10x10x6 feet with at least

6-gauge wire and S-20 framing at the top, sides, and bottom of the structure. If the structure does not have a concrete floor, it shall have vertical sides made of a least 6-gauge wire that are at least eight (8) feet tall with at least six (6) feet above ground and at least two (2) feet buried underground. The door or doors of the secure enclosure must have secure locks on them at all times the animal is within the structure and not under control of its owner as outlined in item F of this section. The Animal Control Officer may approve in writing other structures that will appropriately confine the animal. Human dwelling units shall not be approved as enclosures for dangerous animals.

## **SECTION 2**

**EXEMPTION.** This Article shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or a dog being used in a lawful hunt, or a dog used as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, or a dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

## **SECTION 3**

**DETERMINATION OF DANGEROUSNESS.** If the Animal Control Department or Health Director receives information that an animal has exhibited or committed any of the acts described in the dangerous animal or potentially dangerous animal definitions above, the animal shall be immediately impounded by the Animal Control Department at the Stanly County Animal Shelter or other facility approved by the Health Director or his designee. The Health Director or his designee shall make a determination as to whether the animal is dangerous or potentially dangerous. The Health Director or his designee must issue a written determination within three (3) days of learning about the dangerous propensity of the animal. Whatever determination Animal Control makes must be placed in writing. The written decision must contain his reasons for declaring or not declaring the animal potentially dangerous. If the animal is declared potentially dangerous, specific instructions in accordance with Section 4 of this Article and any other controls as deemed as necessary by the Health Director or his designee shall be given. These instructions must be followed during the pendency of any appeal filed by the owner and at all times thereafter unless the owner prevails on appeal. Animals declared dangerous or potentially dangerous shall remain impounded at the Stanly County Animal Shelter or other facility approved by the Health Director or his designee. The animal shall be impounded until such time as the Health Director or his designee is satisfied that a secure enclosure is constructed by the owner and all the aforementioned instructions and controls have been met; however, dangerous animals or potentially dangerous animals not reclaimed by the owner within thirty (30) days of being deemed dangerous shall become property of Stanly County and be humanely destroyed except in cases in which there are pending appeals. All fines, penalties and fees shall be paid by the owner of the dangerous animal or potentially dangerous animal prior to the animal being reclaimed.

The written decision shall be served on the owner of the animal. If the owner of the animal agrees with the Animal Control Department's decision, he shall go to the Animal Control Department during its normal operating hours to meet with an Animal Control Officer and review applicable confinement information/ documents within 72 hours of receiving the written decision. If the owner of the animal disagrees with the Animal Control Department's decision, he must file a written Appeal and Request for Hearing with the Board of Health's Animal Control Committee within three (3) days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee shall render a written decision within three (3) days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's Animal Control Committee's decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health's Animal Control

Committee. The appeal shall be heard de novo in Superior Court pursuant to N.C. General Statute 67-4.1(c). If the owner of the animal has no contact with the Animal Control Department within 72 hours of receiving the written decision, the animal will be disposed of in accordance with this Ordinance. If the owner so chooses at any time during the determination of dangerousness process, he may surrender the animal.

**SECTION 4  
CONFINEMENT AND RESTRAINT OF A DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL.**

The owner of a dangerous animal or potentially dangerous animal shall keep the animal within a secure enclosure, as defined in Section 1 of this Article, on his property. When the animal is not in a secure enclosure on the owner's property, it shall be securely muzzled and under restraint by a competent person who by means of a non-retractable, appropriately sized leash, not to exceed six (6) feet in length, has such animal firmly under control at all times. The owner shall notify Animal Control immediately of an escape by the animal.

All dangerous animals and potentially dangerous animals must be microchipped for identification by a licensed Veterinarian within twenty (20) days at the owner's expense and Animal Control provided with the identification number.

All owners of dangerous animals and potentially dangerous animals must post a sign that states "DANGEROUS DOG," if the animal is a dog, or "DANGEROUS ANIMAL," if the animal is not a dog, at the common entrance(s) to the property and post same on the enclosure where said animal is confined. The Animal Control Department may use their discretion in requiring additional, non-English languages or pictures on signs.

The Animal Control Department shall have the authority to require the owner of a dangerous or potentially dangerous animal to procure, and provide proof of liability insurance in the amount of at least \$100,000 at the owner's expense and to require the owner to have the insurer notify the department of any change in the insurance or policy.

**SECTION 5  
TRANSFER OF OWNERSHIP OF A DANGEROUS ANIMAL.** If the owner of a dangerous animal or potentially dangerous animal transfers ownership or possession of the animal to another person, the owner shall provide the Animal Control Department with written notice prior to the transfer of ownership or possession. Minimally, said written notice shall contain the anticipated date of transfer and the name, address, and telephone number of the new owner or person taking possession. Additionally, the owner shall provide written notice to the new owner or person taking possession that the animal is dangerous or potentially dangerous, as defined in this Article. If the new owner or person taking possession of the animal resides in Stanly County, then the new owner or person taking possession of the animal shall be subject to the same confinement restrictions as the prior owner. The Animal Control Department shall verify the new owner's or new person taking possession's ability to comply with the confinement restrictions prior to the actual transfer of the animal. If the new owner or person taking possession of the animal does not reside in Stanly County, then the Animal Control Department shall notify the County of residence of the new owner or person taking possession of the animal of the animal's location, dangerousness, and/or potential dangerousness.



Should a Stanly County resident come into ownership or possession of an animal previously declared dangerous or potentially dangerous by another County, Stanly County shall give full faith and credit to the other County's deeming of the animal as dangerous or potentially dangerous. Stanly County shall require the animal and its owner/possessor to comply with the dangerous and/or potentially dangerous requirements contained in this Ordinance.

## SECTION 6

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

### (A) DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL FOUND AT LARGE.

If a previously determined dangerous or potentially dangerous animal is found at large and an Animal Control Officer is unsuccessful in catching the animal, the animal may be tranquilized or humanely destroyed at the Animal Control Officer's discretion with or without prior notice to the owner. If an Animal Control Officer does tranquilize or humanely destroy such an animal, he shall submit a written report of the incident to the Animal Control Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a previously determined dangerous or potentially dangerous animal is determined by an Animal Control Officer to pose immediate danger to the health and safety of any person or animal, the dangerous animal or potentially dangerous animal may be tranquilized or humanely destroyed at the Animal Control Officer's discretion, with or without prior notification to the owner. In the event the Animal Control Officer does tranquilize or humanely destroy such animal, he shall submit a written report of the incident to the Animal Control Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a dangerous animal or potentially dangerous animal is caught while at large or seen at large, it may be impounded and humanely destroyed. Animal Control may go upon private property to seize the animal. The Health Director may issue a Notice of Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Board of Health's Animal Control Committee within three (3) working days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee shall hear the appeal and render a final written decision within three (3) working days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's Animal Control Committee decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health's Animal Control Committee. If the owner fails to seek a timely review of the Animal Control Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Board of Health's Animal Control Committee's decision, Animal Control may humanely destroy the animal.

If the owner of a dangerous or potentially dangerous animal has failed to adhere to the written instructions provided by the Health Director, the Health Director may issue an Order of Seizure with Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Board of Health's Animal Control Committee within three (3) working days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of



receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee shall hear the appeal and render a final written decision within three (3) working days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's Animal Control Committee decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health's Animal Control Committee. If the owner fails to seek a timely review of the Health Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Board of Health's Animal Control Committee's decision, Animal Control may humanely destroy the animal.

(B) FAILURE TO CONFINE OR RESTRAIN A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL AND FAILURE TO PROVIDE NOTICE OF TRANSFER. Any owner who fails to confine or restrain a dangerous animal or any owner who fails to provide the written notices described in Section 5 above or violates any provisions of this Article shall be subject to the sanctions, fines, penalties and remedies mentioned above, as well as being subject to the issuance of a criminal warrant or summons. If convicted, the owner shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both (N.C.G.S. 67-4.2) (c)).

## **ARTICLE IX - INHERENTLY DANGEROUS EXOTIC ANIMALS**

### **SECTION 1**

#### **DEFINITIONS.**

(A) INHERENTLY DANGEROUS EXOTIC ANIMAL: An animal which falls within any of the following categories:

- (1) a non-human primate;
- (2) Canidae, including any member of the dog (Canid) family not customarily domesticated by man, or any hybrids thereof, including but not limited to wolves and wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*);
- (3) Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, and any hybrids thereof, but not including domestic cats (*Felis catus*);
- (4) Ursidae, including any member of the bear family, or any hybrids thereof;
- (5) reptiles, insects, or arachnids, which are venomous, or a constrictor not indigenous to Stanly County.

(B) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours. As used with Inherently Dangerous Exotic Animals, "Owner" also includes one who allows an inherently dangerous exotic animal to remain in, be lodged, fed, given shelter or refuge within the Owner's home, store, yard, enclosure, out-building, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

## **SECTION 2**

**PROHIBITION.** It shall be unlawful to own, possess, keep, or harbor an inherently dangerous exotic animal, as defined in this Ordinance, within Stanly County. Upon Animal Control's discovery of the owning, possessing, keeping, or harboring of an inherently dangerous exotic animal, as defined in this Ordinance, within Stanly County, the Owner of said animal shall have 72 hours to remove said animal from Stanly County. The Owner shall provide the Animal Control Department with written notice containing the name, address, and telephone number of the new owner or person taking possession of said animal. Additionally, the Owner shall provide written notice to the new owner or person taking possession that the animal is inherently dangerous. The Animal Control Department shall notify the County of residence of the new owner or person taking possession of the animal of the animal's location and inherent dangerousness.

Should the Owner not remove the inherently dangerous exotic animal from the County within 72 hours of discovery, the Animal Control Department shall institute seizure of said animal and any and all costs of seizure shall be paid by the Owner.

**TEMPORARY GRANDFATHER CLAUSE:** An Owner who owned, possessed, kept or harbored such inherently dangerous exotic animal on or before the effective date of this Ordinance shall remove said animal(s) from the County within six (6) months following the adoption of this Ordinance.

## **SECTION 3**

### **EXEMPTIONS.**

This Article IX shall not apply to:

- A. Veterinary clinics in possession of such animals for treatment or rehabilitation purposes;
- B. Institutions regulated by the USDA;
- C. Institutions accredited by the American Zoo and Aquarium Association;
- D. Registered non-profit humane societies;
- E. Animal Control authority or law enforcement officers acting under authority of this Act;
- F. Any wildlife rehabilitator licensed by the State;
- G. Non-resident circuses for no longer than one 7-day period for separate locations where such circuses are held within the County per calendar year;
- H. Non-resident carnivals for no longer than one 7-day period for separate locations where such carnivals are held within the County per calendar year;
- I. Persons temporarily transporting such animals through the County, providing that such transport shall not be longer than 24 hours.
- J. Any licensed or accredited research or medical institution or educational institution.

## **SECTION 4**

### **IMPOUNDMENT.**

Disposition of Impounded Animals:

- A. Any inherently dangerous exotic animal which is kept by any person in violation of this Ordinance may be taken and impounded by the Animal Control Officer for the protection of the animal, the public, or both. Whenever possible, the Animal Control Officer shall take and impound the animal in



the presence of its owner; however, if such is not practical, the Animal Control Officer may take and impound such animal consistent with the provisions of this Ordinance.

- B. If an inherently dangerous exotic animal is impounded pursuant to this Ordinance, the Owner of the animal shall be notified by the Animal Control Officer in person or by certified mail.
- C. Any inherently dangerous exotic animal impounded pursuant to this Ordinance will be held three (3) days for the Owner to reclaim same, but if the animal cannot be taken and impounded safely by the Animal Control Officer, or if proper and safe housing cannot be found for the animal, the Animal Control Officer may immediately destroy the animal.
- D. The Owner of the inherently dangerous exotic animal can reclaim the animal if he or she can satisfy the Animal Control Officer that the safe transfer of the animal to an appropriate location outside the County has been arranged.
- E. If the Owner cannot be located, or has not claimed the inherently dangerous exotic animal within three (3) days after taking and impoundment, the Animal Control Officer shall have the discretion to sell, adopt or euthanize the animal.
- F. All costs of taking, impoundment and care of the inherently dangerous exotic animal will be charged to the Owner regardless of whether the animal is claimed by or returned to said Owner. Such costs, along with any applicable civil penalties, fines, and fees, must be paid in full by the owner prior to the animal being reclaimed.

## **ARTICLE X - INTERFERENCE**

**INTERFERENCE.** It shall be unlawful for any person to interfere with, hinder, or molest an employee of Animal Control or any other person duly authorized by this Ordinance while in the performance of duty. It shall also be unlawful for any person to seek release, or attempt to release, or to release any animal in the custody of Animal Control, except as otherwise specifically provided in this Ordinance. The Animal Control Officer may initiate the issuance of a criminal warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

## **ARTICLE XI - TRAPPING OF DOGS AND CATS**

### **SECTION 1**

**TRAPPING.** It shall not be a violation of this Ordinance for a person to apprehend an animal on his property by trap or by hand; however, the person must call Animal Control within twelve (12) hours of catching the animal. It shall be unlawful for any person to go on the property of another and release a dog or cat from a trap set by Animal Control or from a trap set by the property owner(s). The Animal Control Officer may initiate the issuance of a criminal summons or warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

At the request of a responsible adult, and if a trap is available and deemed an appropriate measure by an Animal Control Officer, the Stanly County Animal Control Department may place and set an animal trap upon property located in Stanly County that is owned or controlled by the individual making the request for said trap. The person making the request will be required to sign a written agreement authorizing the Animal Control Department personnel to enter the property at all reasonable hours for the purpose of



placing or setting the trap, retrieving trapped animals from the trap, and removing trap from property. The person requesting and/or signing for the trap will be responsible for any damage to or loss of the trap. Animal traps will not be set on the property of another and traps are not to be removed from the county

## **SECTION 2**

### **DAMAGE, DESTRUCTION, AND OR THEFT OF COUNTY ANIMAL CONTROL PROPERTY.**

It shall be unlawful for any person to damage, destroy, or steal property belonging to the Stanly County Animal Control Department. Violators will be cited and fined in accordance with this ordinance, to include the cost of replacement or repair of the lost, damaged, destroyed, or stolen property, or criminally charged and prosecuted pursuant to the applicable North Carolina General Statutes.

A citizen may petition the Stanly County Board of Health for a hearing to determine the circumstances for the loss or damage of a trap. The Board of Health may determine the extent of non-intentional loss, destruction, or damage to traps. The Board may relieve the citizen of any financial responsibility; however, the burden of proof will be upon the citizen to show the loss was not caused by intentional loss, damage, or destruction. The citizen may appeal any decision of the Board to the Stanly County Board of Commissioners within ten (10) days for a hearing de novo. Any person assessed a monetary obligation regarding the loss of a trap must provide the monetary restitution within twenty (20) days to the Stanly County Animal Control Department. Any violator will be cited and fined in accordance with this ordinance.

## **ARTICLE XII - IMPOUNDMENT OF ANIMALS**

### **SECTION 1**

**DEFINITIONS.** As used in this Article, the following terms shall have the meanings set forth below:

(A) **ANIMAL:** Domestic dog, cat and ferret; includes other wildlife only in case of rabies exposure to human(s) or unvaccinated domestic animal(s).

(B) **FERAL CAT:** A domestic cat which has adapted to survive in the wild, is homeless and ownerless, and may have descended from stray cats and possibly generations of abandoned house pets.

(C) **IMPOUNDMENT:** Possession or seizure of an animal by Stanly County Animal Control for placement in the County's Animal Shelter or any other appropriate facility.

### **SECTION 2**

**IMPOUNDMENT.** Not inconsistent with the preceding Articles of this Ordinance, any healthy animal, which appears to be lost, strayed or unwanted, or any dog, cat or ferret which is found not wearing a current valid rabies vaccination tag, may be confined to the Animal Shelter for a minimum period of three (3) days, unless otherwise specified by this Ordinance, for redemption by the owner. Any animal not redeemed within three (3) days shall become the property of Stanly County and shall be disposed of pursuant to this Ordinance. Stanly County Animal Control is authorized to obtain suitable board, maintenance and care from any available source for any impounded animal for which the Animal Shelter is not equipped to care. The owner of any animal impounded and cared for under this provision of the Ordinance may redeem the animal upon payment of all costs for maintenance, transportation and care plus regular redemption fees provided in Article XII.

**SECTION 3**

**FERAL CATS.** A feral cat shall be held for three (3) working days for redemption by a possible owner. If the feral cat is not redeemed within three (3) working days, it may be euthanized pursuant to this Ordinance.

**SECTION 4**

**NOTICE.** A good faith effort shall be made to notify known owners of impounded animals. If the owner is known, a written Notice of Impoundment shall be served on the owner or affixed to the owner’s premises. The written notice shall describe the animal, state the date, time and place the animal was picked up and inform the owner of the conditions whereby the animal may be redeemed. Instructions on how to determine if an animal has been impounded shall be posted at the Animal Shelter. The posting of these instructions at the Animal Shelter shall constitute adequate notice to an unknown owner.

**SECTION 5**

**BOARDING FEES.** Pursuant to conditions of this ordinance, the Animal Control Director, with the assistance of Animal Shelter personnel, shall charge to the owner the following fees, which must be paid before an animal may be redeemed:

Per Day Boarding Fee for dogs	\$15.00
Per Day Boarding Fee for cats	\$15.00
Per Day Boarding fee for all other animals kept at the Animal Shelter	\$15.00
Per Day Boarding fee for all other animals not kept at the Animal Shelter	Actual amount charged by the caretaker or boarder of the animal
Non-Routine Charge for transporting the animal	Actual amount charged by the person providing the transportation

The above fees are in addition to the Redemption fees set forth in Article XIV and are subject to adjustment or change by the Stanly County Board of County Commissioners at any time.

**ARTICLE XIII - CIVIL PENALTIES**

**CIVIL PENALTIES.** Animal Control is authorized to assess civil penalties for violations of this Ordinance. Animal Control may attempt to collect any assessed civil penalty that is not paid within 20 days of its issuance via the filing of a civil action and/or the use of a collection agency to the extent permitted by applicable law(s).

Failure to Wear Rabies Tag	\$50.00
Failure to Vaccinate	\$100.00
Failure to Notify, or Provide Information of a Bite	\$100.00
Manner of Keeping and Treating Animals	\$100.00
Failure to Give Notice of Injuring Animal	\$100.00
Failure to Give Notice of Injured Animal On Property	\$100.00
Unprovoked Dog Bite While Running at Large	\$500.00 plus at- large citation
Animals Running at Large 1 <sup>st</sup> Time	\$50.00



2 <sup>nd</sup> Time	\$75.00
3 <sup>rd</sup> Time	\$100.00
4 or More Times	Court Proceedings
Failure to Confine Dog/Cat in Estrus	\$75.00
Animal Public Nuisance	
1 <sup>st</sup> Time	\$50.00
2 <sup>nd</sup> Time	\$75.00
3 <sup>rd</sup> Time	\$100.00
4 or More Times	Court proceedings
Harboring Stray Animals	\$50.00
Dangerous Animal Violations	\$500.00
Violation of Exotic Animal Ordinance	\$500.00 plus costs of seizure, if applicable
Interference with Officer	\$500.00
Interference with Trap or Cage	\$100.00
Damage or Neglect to Dog Trap	\$250.00
Damage or Neglect to Cat Trap	\$150.00
Unspecified Violations of the Ordinance (Each)	\$50.00

**ARTICLE XIV - REDEMPTION OF ANIMALS**

**REDEMPTION OF ANIMALS.** An owner of an animal, which has been impounded by Animal Control, may resume possession of the animal, except as provided in other Articles of this Ordinance, upon compliance with the following provisions:

(A) **PROOF AND ACKNOWLEDGEMENT OF OWNERSHIP.** Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy Shelter personnel of ownership of the animal. Evidence of ownership may include but is not limited to any of the following:

- (1) License tag from another county;
- (2) Rabies tag for the animal;
- (3) Ownership documents, pedigree papers, bill of sale and any other document identifying the person as owner of the animal;
- (4) Photographs of the animal with the owner or other family members; or
- (5) Affidavit from two people in the community stating that the animal has been seen in the presence or possession of the person attempting to resume possession.

Any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy Shelter personnel that he or she is acting as agent for the owner.

(B) **TIME OF REDEMPTION.** Any person attempting to redeem an animal must make contact with the Animal Shelter within three (3) days of the animal being impounded at the Animal Shelter. After making contact, that person shall be given a reasonable amount of time, not to exceed three (3) additional days, to prove ownership and redeem the animal. Boarding fees begin 24 hours after notification.

(C) **PAYMENT OF REDEMPTION FEES, BOARDING FEES AND CIVIL PENALTIES.** The owner of an impounded animal must pay all redemption fees, boarding fees and civil penalties assessed against the animal before it can be released from the shelter. Any person, after presenting sufficient proof of ownership, may redeem the animal after paying the following fees and costs:

- 1<sup>st</sup> Redemption by owner \$75.00 + Boarding Fee + Civil Penalty

- 2<sup>nd</sup> Redemption by owner \$100.00 + Boarding Fee + Civil Penalty
- 3<sup>rd</sup> Redemption by owner \$150.00 + Boarding Fee + Civil Penalty
- 4<sup>th</sup> and Subsequent Redemption Contingent upon Court Orders

These amounts may be changed by the Stanly County Board of Commissioners at any time. If the owner has failed to pay all amounts due and if the appropriate holding period has passed, the animal shall then become the property of Stanly County and be disposed of as provided by this Ordinance.

**ARTICLE XV - DISPOSITION AND ADOPTION OF IMPOUNDED ANIMALS**

**SECTION 1**

**DISPOSITION OF IMPOUNDED ANIMALS.** If an animal is not redeemed by its owner within the allowed time for redemption, the animal shall become the property of Stanly County without any further notice to the owner. Once the animal becomes the property of Stanly County, the Animal Control Director is authorized to adopt the animal out or euthanize it. Any sick or diseased animal, which appears to be lost, strayed or unwanted and is found not wearing a rabies vaccination tag or any other form of identification may be euthanized immediately by order of the Animal Control Director. Any sick or diseased animal, with proof of ownership, confined in the County Animal Shelter, may be euthanized by order of the Animal Control Director. All animals released for adoption shall be spayed or neutered and provided appropriate preventive care by a veterinarian as outlined in the Animal Control Department’s Adoption Agreement.

**SECTION 2**

**ADOPTION FEES.** Fees for animals released for adoption from the Stanly County Animal Shelter shall be set by the Board of County Commissioners.

**SECTION 3**

**BONAFIDE RESCUE GROUPS.** Adoptable animals may be transferred at no charge to bonafide nonprofit animal rescue groups that provide their own veterinarian care services in compliance with this ordinance. Said rescue groups must provide documentation of the aforesaid to Animal Control.

**SECTION 4**

**RECOVERY OF ADOPTED ANIMAL.** If the adopting party violates the terms of the adoption agreement, the Animal Control Department is authorized to recover, reclaim or repossess an animal and dispose of the animal in accordance with this Ordinance.

**ARTICLE XVI - SERVICE AND RETURN OF SERVICE**

**METHOD OF SERVICE AND RETURN.** Unless otherwise specified in this Ordinance, all notices or citations required to be sent or delivered pursuant to this Ordinance shall be served and return of service made as follows:

(A) **PERSONAL SERVICE.** The Animal Control Department or Animal Control Officer may personally deliver notices or citations to all persons due a notice or citation pursuant to this Ordinance. If he does so, he must get the person to sign a certificate verifying that the notice or citation was in fact received, and the Animal Control Director or Animal Control Officer shall sign a return of service certificate verifying that he in fact served the notice or citation. If the person being served refuses to sign the notice or citation verifying receipt of the same, the person making service shall write in the appropriate space “refused to sign.” The person’s refusal shall not invalidate the service. The Animal Control Director or Animal Control Officer



may leave the notice or citation with anyone of suitable age and discretion at the residence or place of business of the person being served. The person serving said notice or citation shall have the recipient sign the service certificate.

(B) REGISTERED OR CERTIFIED MAIL. The Animal Control Officer may serve notices or citations by registered or certified mail, return receipt requested.

## **ARTICLE XVII - APPEALS AND REQUESTS FOR REVIEW OF CIVIL CITATIONS**

### **SECTION 1**

**APPEAL PROCEDURE.** All civil citations may be appealed in writing. The notice of appeal must be addressed to Stanly County Health Department, Attention: Health Director, 1000 North First Street, Suite 3, Albemarle, NC 28001 and postmarked or personally delivered within five (5) days of receipt of the citation.

### **SECTION 2**

**APPEAL HEARING.** Appeals of Animal Control Civil Citations shall be heard within ten (10) days of the Notice of Appeal, unless a continuance is mutually agreed upon. The Appeal Hearing shall be held by the Health Director or his designee. All testimony offered in a hearing held pursuant to this Article shall be given under oath and recorded by tape recording or any other reasonable manner. The hearing shall be open to the public. The person requesting the hearing may be represented by an attorney. The Animal Control Officer shall have the burden of proving that this Ordinance has been violated and that the proposed sanction is in accordance with the Ordinance. The person requesting the hearing will then be given the opportunity to prove that this Ordinance has not been violated and/or that the sanction is not in compliance with the Ordinance. The person requesting the hearing may admit the violation and confine his proof to showing that the sanction is not in accordance with the Ordinance. The Animal Control Director will then be given the opportunity to address any conflicts or inconsistencies created by the evidence or statements. The Health Director or his designee will render a Decision and a Notice of Decision will be furnished to all parties concerned (appellant, bite victim, animal owner, etc.) If the sanctions/penalties are upheld, the animal owner will have twenty (20) days to pay any fines or fees before collection efforts are initiated. The animal owner may further appeal the decision of the Health Director or his designee to Stanly County Superior Court within ten (10) days of the service of the Notice of Decision.

## **ARTICLE XVIII - GENDER**

**GENDER STATEMENT.** In this Ordinance, words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, words importing the singular number shall include the plural number, and vice versa.

## **ARTICLE XIX - SEVERABILITY**

**SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional in any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE XX - ENFORCEMENT AND EFFECT OF THIS ORDINANCE**

**SECTION 1**

**ENFORCEMENT.** The Animal Control Director or any other person duly authorized to initiate legal action on behalf of Stanly County may take necessary legal steps to enforce this Ordinance. This Ordinance shall be enforced by imposing the specific sanctions, penalties, fines and other remedies described herein, by seeking injunctive relief, orders of abatement, orders of custody and any other means prescribed by statute or common law. Any violation of this Ordinance, which does not carry a specific sanction, penalty or fine, shall be punishable as a general criminal misdemeanor to the extent permitted by applicable North Carolina law.

**SECTION 2**

**EFFECTIVE DATE.** Unless specifically indicated within subsections, the provisions of this Ordinance shall take effect the day after its adoption.

**SECTION 3**

**EFFECT ON PRIOR ORDINANCE.** All prior animal control ordinances are hereby repealed the day after the adoption of this Ordinance.

Adopted - \_\_/\_\_/12





**From:** Feller, Lisa M [<mailto:lfeller@ncdot.gov>]  
**Sent:** Thursday, July 12, 2012 9:41 AM  
**To:** Dana Stoogenke  
**Cc:** Moose, Barry S; Midkiff, Eric; Robinson, Beverly G  
**Subject:** FW: Hwy 24/27 Bridge  
**Importance:** High

Hi Dana,

At the June 21, 2012 public hearing, Alternatives 1 and 4 were presented to the public. B-4974-Alternative 1 allows the historic bridge to remain in place as a bicycle / pedestrian facility. B-4974-Alternative 4 replaces the historic bridge in place and demolishes the historic bridge. Alternatives 2 and 3 were eliminated from further study back in 2011 and are not under consideration now. I can provide pictures of the different alternatives if this would be helpful.

Based on the latest cost estimates for the projects, B-4974-Alternative 1's Estimated Total Project Cost is \$3,815,220 more than B-4974-Alternative 4's Estimated Total Project Cost. If the historic bridge is taken over by Stanly County and Alternative 1 is chosen as the Least Environmentally Damaging Practicable Alternative, then the cost to demolish the existing historic bridge, which can be given to Stanly County through the Bridge Reuse Program if the bridge is taken over by Stanly County for future maintenance costs, would also need to be added to the estimated \$3,815,220 cost as a comparison.

If you have any questions or need additional information, please let me know.

Regards,  
Lisa Feller

Lisa M. Feller, PE  
Project Planning Engineer  
NCDOT - PDEA  
Phone # (919) 707-6022



# Stanly County Board of Commissioners

Meeting Date: August 6, 2012  
 Presenter: Andy Lucas, County Manager

Consent Agenda | Regular Agenda

Presentation Equipment:  Lectern PC\*  Lectern VCR  Lectern DVD  Document Camera\*\*  Laptop\*\*\*

Please Provide a Brief Description of your Presentations format: \_\_\_\_\_

\* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

\*\* If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

\*\*\* You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

## ITEM TO BE CONSIDERED

### CONNECT OUR FUTURE MEMORANDUM OF UNDERSTANDING & CONSORTIUM APPOINTMENTS

Subject

Enclosed is information concerning the CONNECT Consortium membership for Stanly County. The Centralina Council of Governments has requested the Board consider approving the associated memorandum of understanding and also appoint members to the Consortium Program Forum and Consortium Policy Forum.

Requested Action

- Request Board approval of the associated “CONNECT Our Future” memorandum of understanding
- Request two senior staff members be named as primary appointee and alternate appointee to the Consortium Program Forum
- Request two elected officials be named as the primary appointee and alternate to the Consortium Policy Forum

Signature: \_\_\_\_\_

Dept. \_\_\_\_\_

Date: \_\_\_\_\_

Attachments: Yes No  x

#### Review Process

#### Certification of Action

Approved		Initials
Yes	No	
Finance Director	___	___
Budget Amendment Necessary	___	___
County Attorney	___	___
County Manager	___	___
Other:	___	___

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

\_\_\_\_\_  
 Tyler Brummitt, Clerk to the Board Date





Vibrant Communities – Robust Region

## **Memorandum of Understanding**

### **For CONNECT Consortium Membership for Stanly County, North Carolina**

**WHEREAS**, over 50 jurisdictions serving 70% of the CONNECT region’s (as defined on page A-4 of the attached Exhibit A) population have adopted the CONNECT Regional Vision (as defined on page A-4 of the attached Exhibit A), based on a set of Core Values (as defined on page A-4 of the attached Exhibit A) compiled from adopted local policies, plans and programs, and

**WHEREAS**, those jurisdictions and other non-profit and private sector partners identified the development of a strategic regional framework for implementing these Core Values as the “next step” to achieve this community-based vision; and

**WHEREAS**, the federal Sustainable Communities Regional Planning Grant Program (the Program) operated by the US Department of Housing and Urban Development (HUD) on behalf of the US Department of Transportation, US Environmental Protection Agency, and HUD, incorporates Livability Principles (as defined in the Program documents) that align closely with CONNECT’s Core Values, and provides a funding source for development of CONNECT’s needed regional strategic framework for effectively and efficiently addressing growth and community economic revitalization; and

**WHEREAS**, the Centralina Council of Governments (CCOG) and the Catawba Regional Council of Governments (CRCOG) established the CONNECT Consortium, as defined on page A-3 of the attached Exhibit A, as a representative body to develop a grant application based on the CONNECT Vision to HUD for Program funds, and to support local governments, non-profits, academic institutions and other groups representing the region’s diversity, in their work to further sound growth, regional and local economies built to last, vibrant communities, and inclusive public engagement and decision-making; and

**WHEREAS**, CCOG as Lead Applicant submitted the application to the Program on behalf of the Consortium on October 5<sup>th</sup>, 2011, was notified of grant approval on November 21, 2011, and entered into a Cooperative Agreement with HUD to carry out the work of the application with an effective date of February 1, 2012; and

**WHEREAS**, CCOG, CRCOG, and the Consortium will continue this collaborative approach to carry out the work funded in the application to move the CONNECT Core Values into a community-based, regionally-inclusive strategic framework for action to help communities address economic growth, quality of life, and fiscal stability now, and to create better prospects for our children and grandchildren;

**NOW, THEREFORE**, Stanly County agrees to the following by signing this memorandum of understanding:

1. To participate as a member of the CONNECT Consortium in the development of the “CONNECT Our Future” Regional Strategic Framework (the Framework) incorporating regional and local plans to support vital communities, economic growth, improved quality of life and environment, and efficient public investments, with funding provided in part from a Program grant (the Grant);
2. As a Consortium member, to engage in review of work products, reports, data, proposed strategies and implementation approaches, and to actively engage with fellow Consortium members in collaborative approaches to problem-solving the challenges, barriers, and opportunities faced by the region and by communities within the region;
3. To affirm the goals, principles, and participatory and functional structure for accomplishing the work of “CONNECT Our Future” as outlined in Exhibit A, attached and incorporated herein by reference;
4. To appoint one policy-level representative (elected official/CEO/board member) and named alternate(s) to the Consortium’s Policy Forum, and one staff representative and named alternate(s) empowered to speak at the staff level to the Consortium’s Program Forum (as defined on Page A-3 of Exhibit A) to represent the perspective of Stanly County at meetings of the Consortium, ensuring that the interests, needs, and plans of Stanly County are included; and to notify the CCOG of any changes in representation;
5. If requested, to appoint a policy-level representative to the CONNECT Council (as defined on Page A-3 of Exhibit A).
6. To have representation and participation in Consortium Program and Support Teams (as defined on pages A-2 and A-3 of Exhibit A) appropriate to Stanly County’s mission;
7. To communicate with Stanly County’s staff/residents/members the work of the Consortium, and to assist the Consortium with outreach to them and to persons who typically do not participate in community planning processes, so that they may be included in public and community engagement activities for community problem-solving and to develop the Framework;
8. To provide any staff support, meeting space, or other in-kind or cash assistance as outlined in Stanly County’s letter of support dated September 26, 2011, included as Exhibit B and incorporated herein by reference, it being understood that participation as a Consortium member does not preclude Stanly County from potential eligibility as a subgrantee or subcontractor to the Consortium pursuant to the Grant;
9. To share relevant data, maps, plans, and successes with other Consortium members to promote mutual understanding of the issues and capacity-building among all Consortium members;
10. To recognize CCOG as a CONNECT Consortium member with full voice at all Consortium meetings; and
11. To recognize CCOG as Lead Applicant and Project Manager, and CRCOG as Lead Partner for the Grant solely as a benefit and convenience to Stanly County and not to hold either CCOG or CRCOG liable in any manner in such capacity.

**AND FURTHERMORE**, the CCOG agrees, on its own behalf, as a member of the CONNECT Consortium, to abide by the immediately preceding 11 membership obligations.

**AND FURTHERMORE**, the CCOG agrees to confer, either directly for entities in North Carolina, or through its Lead Partner CRCOG in South Carolina, the following benefits of participation in the CONNECT Consortium:

1. Recognize Stanly County as a CONNECT Consortium member with full voice at all Consortium meetings;

2. Notify Stanly County of all Consortium activities and opportunities for participation;
3. Provide Stanly County with access to information and data collected by the Consortium pursuant to this project;
4. Work with Stanly County to provide multiple opportunities for public engagement in the development of the Framework;
5. Notify Stanly County of opportunities for webinars, conferences, and other national best-practice learning opportunities for staff and policy-maker capacity-building through the National Sustainable Communities Learning Network (as defined on page A-5 of the attached Exhibit A);
6. Provide educational and informational opportunities to Stanly County that support and assist the organization's participation in development of the Framework or build its capacity for ongoing regional work;
7. The CCOG will assist Stanly County in identifying potential funding opportunities to support implementation of projects emerging from or supportive of the Framework;
8. Recognize Stanly County's Consortium membership as meeting a prerequisite for eligibility for Preferred Sustainability Status Bonus Points (as defined on page A-5 of the attached Exhibit A) or other consideration by Federal funding agencies, which may assist Stanly County in obtaining federal support for planning or implementation projects aligned with the goals of the Program; and
9. Notify Stanly County of Requests for Proposals for work related to the performance of the Grant.

THIS AGREEMENT shall be in effect from the date of adoption through March 31, 2015, and may be renewed by mutual written agreement among the parties. This agreement may be amended by the mutual written consent of both parties, provided that approval for such amendment is given as was given for the initial agreement.

Either party may elect to terminate this Agreement by providing 30 days' written notification to the other party's Chief Executive Officer. Organizations withdrawing from the Consortium will be accountable for any data or maps promised due prior to the date of their withdrawal.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Stanly County:

CCOG:

\_\_\_\_\_

\_\_\_\_\_

Authorized Signature

Martha Sue Hall, Chairperson

\_\_\_\_\_

\_\_\_\_\_

Witness

Jim Prosser, Executive Director

Approved as to Form:

\_\_\_\_\_

Steve Meckler, CCOG Legal Counsel

## **Exhibit A**

### **CONNECT Consortium**

#### **GOALS, FUNCTIONAL ORGANIZATION AND OPERATING PRINCIPLES**

The CONNECT Consortium, and the development of the “CONNECT Our Future” Regional Strategic Framework are designed to be inclusive, publicly- and community-driven, and designed to produce strong and vibrant communities that, working together, produce a strong and vibrant region. This was the approach used in the development of the CONNECT Core Values and Vision, and is the approach that will be continued with this work. The Goals and Principles under which the Consortium will work, and its Functional Organization, each as defined below, are based on this underlying approach.

#### **GOALS:**

The overarching goals of the Consortium are to:

- Create the “CONNECT Our Future” Regional Strategic Framework as a platform to help communities and the region reaching economic and quality of life goals; and
- Develop a forum and process for ongoing collaborative problem-solving to address emerging regional and community issues in the future.

Specific deliverables for the Consortium include:

1. The “CONNECT Our Future” Regional Strategic Framework that includes:
  - a. A Regional Preferred Development Scenario (as defined on page A-5 of this Exhibit A) developed through extensive public engagement process and data analysis that informs long-range planning for the region’s future growth;
  - b. An effective place-based economic development strategy that focuses on job creation, workforce readiness, and community revitalization, including strategies to address the most opportunity-poor neighborhoods;
  - c. Assessments and strategies for housing that meets community needs, both now and in the future;
  - d. Assessments and strategies to reduce emissions and enhance the region’s air quality;
  - e. Assessments and strategies that help grow the local food industry while providing healthy foods in areas of need; and
  - f. Assessments and strategies for energy conservation and job growth in the energy field.
2. A functional framework and process for ongoing communication, collaboration, and problem-solving that engages public, non-profit, and private organizations across boundaries.

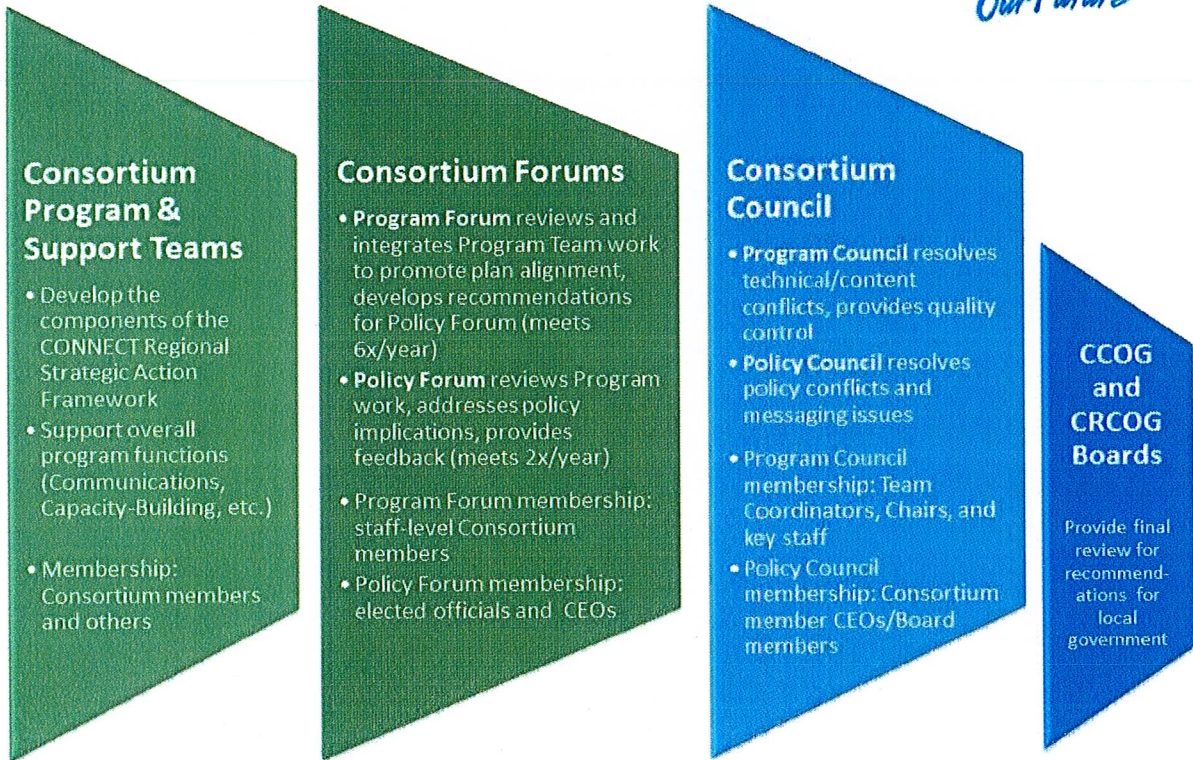
#### **FUNCTIONAL ORGANIZATION:**

The CONNECT Consortium is being organized as a vehicle to successfully accomplish the work required to meet the goals, not to serve as another governmental structure. As such, its organization is designed to produce the “CONNECT Our Future” Regional Strategic Framework, and its component elements, and to assist communities and the region with a broad range of problem-solving around growth, economic

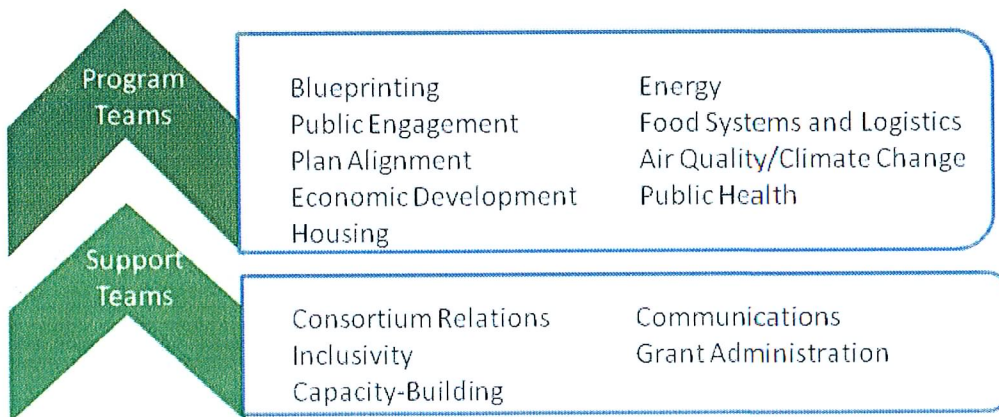


development, natural resources, and infrastructure planning. The following charts outline the functional process and structures that will be used to accomplish this work:

**How the CONNECT Sustainable Communities Grant Work Gets Done...**



**CONNECT Teams**



**Program Teams** will develop the content for the “CONNECT Our Future” Regional Strategic Framework, including the identification of a Regional Preferred Development Scenario through the Blueprinting process



(as defined on page A-5 of this Exhibit A), as well as the development and integration of place-based economic development strategies, housing, energy, food access and other plans. Program teams are open to Consortium members and non-members based on expertise and interest.

**Support Teams** will provide services, resources, and overall project management needed by all work groups, such as communications materials and strategies, and financial and contract processing. Each team will have a CCOG Team Coordinator who will serve as project manager for that team, with CRCOG liaisons for each team. Each program team (and some support teams) will be led by a non-CCOG or CRCOG Team Chair selected by the team. Both Program and Support Teams may be reconfigured as needed to accomplish the work of the Program.

**The Consortium** will include all members who have signed a Consortium Agreement in the form of that agreement to which this **Exhibit A** is attached, and is open to any interested organization, local government, or private entity willing to do so. The Consortium will integrate the content produced by the Program Teams to create the Framework, working at two levels. They are:

- The Program Forum: Senior staff, department heads, content experts, and other Consortium representatives who review and integrate Program Team components of the Framework, identify potential policy questions, resolve content or technical conflicts to the extent possible, and ensure that Framework elements work in sync. The Program Forum will meet bi-monthly.
- The Policy Forum: Elected officials, private and non-profit sector CEOs and/or Board members who examine policy implications and messaging issues, identify needed policy or regulatory changes, provide feedback to the Program Forum, and resolve policy-related conflicts to the extent possible. The Policy Forum will meet semi-annually.

The Consortium also is the body that endorses the final Framework, through both Forums and with heavy stakeholder engagement.

**The CONNECT Council** will provide oversight in the sense of quality control and conflict resolution when the Consortium cannot reach a consensus position. The Council, like the Consortium, will be organized in the two divisions below to address technical/programmatic/content issues, and to resolve important policy conflicts.

- The Program Council will be composed of key staff, Team Coordinators, and Team Chairs.
- The Policy Council will be composed of members appointed from the Consortium by, and including members of, the Executive Boards of both CCOG and CRCOG, supplemented by CEOs/Board members from non-profit organizations and the private sector.

The Boards of CCOG and CRCOG will serve as the final vetting group for review of recommendations or policy matters affecting local governments or suggesting state or federal policy change. This is a role they have undertaken in the past and that will enhance the acceptance of Consortium recommendations. They will have the opportunity to review, but, except to the extent that individual members of those Boards serve on the Policy Forum or Policy Council, will not be involved in decision-making regarding, any recommendations aimed primarily at the non-profit or private sectors. Those recommendations will be published through professional associations and Consortium members representing those entities on the Consortium. Each Consortium member understands and acknowledges that CCOG and CRCOG are

assuming these roles solely for the benefit and convenience of all Consortium members and therefore, each Consortium member agrees not to hold either CCOG or CRCOG liable in any manner in such capacity.

The Consortium is expected to be a growing, evolving group, and it is hoped that additional organizations will wish to join and participate. Organizations requesting membership will be required to sign this Consortium Agreement, and to participate in an orientation that addresses goals, operating principles (including the basics of collaborative process), functional organization, and the progress of the Consortium to date.

## **OPERATING PRINCIPLES:**

The Consortium will strive to:

- Include all the diverse perspectives and populations in the region in its processes, including active public engagement in developing its deliverables;
- Operate in a collaborative manner, holding each other accountable for participation, outreach, and timely engagement;
- Be fully transparent and share the work of the Consortium with all parties to the Consortium Agreement and with the public using a variety of communications tools;
- Be open to all interested organizations, local governments, and private entities that are willing to adopt the Consortium Agreement and participate in orientation as described above, including by the following:
  - State agency representatives will have voice; and
  - Private-sector representatives will have voice on matters in which they have no financial interest; and
- Operate by consensus using best-practice collaborative process, with the option of seeking conflict resolution through the CONNECT Council.

To facilitate the success of these operating principles, Consortium members at both the Program and Policy Forums will be expected to participate in 80% of the their group's meetings.

## **DEFINITIONS:**

**CONNECT Region:** 14 Counties in North and South Carolina, including Anson, Cabarrus, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly and Union in North Carolina, and Chester, Lancaster, Union, and York in South Carolina.

**CONNECT Vision:** A definition of the values and exploration of potential policies that the CONNECT Region has selected to guide its future through adoption by local resolution. The Vision, including CONNECT Core Values and a proposed Action Agenda, were adopted by local governments representing over 70% of the region's population in the period 2008 through 2010.

**CONNECT Core Values:** Six values selected by the CONNECT Vision Task Force from among over 100 goals and values identified by an independent consultant as being shared by local governments in the CONNECT region, based on a review of their adopted public policy documents in 2006-2007. The Core Values are:

- **A Strong, Diverse Economy** that supports a wide variety of businesses and enterprises throughout the region;
- **Sustainable, Well-Managed Growth** that maintains quality of life, protects open space and environmental quality, retains the natural character of the region, and maximizes the efficiency of infrastructure investments;
- **A Safe and Healthy Environment** with good air and water quality;
- **High-Quality Educational Opportunities** that are available to all residents;
- **Enhanced Social Equity** through community leadership and cooperative volunteerism; and
- **Increased Collaboration Among Jurisdictions** on issues that transcend boundaries, including growth management, transportation, and environmental concerns, in a manner that recognizes both regional and local needs.

**National Sustainable Communities Learning Network:** The National Sustainable Communities Learning Network is a collaboration of HUD with multiple national organizations engaged in all aspects of regional and local planning and under contract with HUD to help regional and local grantees and their Consortium members build their capacity for using “best practices” for any aspects of work in which they are interested through webinars, publications, and workshops.

**Preferred Sustainability Status Bonus Points:** Preferred Sustainability Status (PSS) is recognition conferred on HUD Program grantees and other non-grantees who have met certain thresholds, based on their work. As a PSS-recognized grantee, CCOG is allowed to certify that those who are applying for certain HUD grants are eligible for 2 PSS Bonus Points provided that: They are members of the CONNECT Consortium, they have completed a HUD Form 2995 and submitted a synopsis of their project, and that the synopsis demonstrates consistency with HUD’s Livability Principles as found in Program guidance and the CONNECT project’s objectives. In highly-competitive application processes, 2 points can make the difference between a grant being awarded or not. Other Federal agencies have indicated that Consortium membership may be considered in their grant review process.

**Regional Preferred Development Scenario:** A generalized pattern for accommodating projected growth in population and jobs, selected by consensus through extensive public and leadership engagement, that produces consensus desired performance outcomes (such as, potentially vibrant downtowns or close job access).

**Blueprinting Process:** A process by which alternative scenarios for growth are explored by the public and evaluated through modeling to determine which development patterns produce the long-term results that communities want and a foundation for community and regional efficiencies in infrastructure planning.

## Exhibit B

Andrew M. Lucas  
County Manager

Tyler Brummitt  
Clerk to the Board

**County of Stanly**  
1000 North First Street  
Suite 10  
ALBEMARLE, NORTH CAROLINA 28001



September 26, 2011

Jim Prosser, Executive Director  
Centralina Council of Governments  
525 North Tryon Street, 12<sup>th</sup> Floor  
Charlotte, North Carolina 28202

Dear Jim,

Stanly County strongly endorses Centralina Council of Governments and Catawba Regional Council of Governments' application for Sustainable Communities Regional Planning Grant funding. We understand Centralina is the lead applicant for this project.

Stanly County particularly supports the proposed public participation opportunities outlined in the application. These efforts directly reinforce our civic engagement work in Stanly County. The County also plans to play an active role in the public meetings.

Further, Stanly County will commit staff time to this project as in-kind match for the Planning grant. We have calculated the value of our match as \$5,093. This is based on an estimate of 50 hours per year for 3 years, at a rate of \$33.95 per hour which includes fringe benefits and any associated overhead costs. We also agree to provide meeting space valued at \$35 per meeting for five meetings for any workshops held at our facilities. We have calculated this value at \$175.

We look forward to an active partnership as a Consortium member in the Sustainable Communities Regional Planning Grant, and strongly encourage the US Department of Housing and Urban Development's funding of this proposal. Our intention is to formalize our participation as a Consortium member within 120 days of grant approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew M. Lucas", is written over a horizontal line.

Andrew M. Lucas  
Stanly County Manager

Cc: File  
Michael Sandy, Planning Director  
Dana Stoojenke, RPO Director



# CONNECT Consortium Appointments

Name of Organization: Stanly County Date of Appointments:

Consortium Program Forum (Senior Staff):

Primary Appointee:

Last Name	First Name	Title	E-mail	Phone	Address	City	Zip

Named Alternate(s):

Last Name	First Name	Title	E-mail	Phone	Address	City	Zip

Consortium Policy Forum (Elected Official):

Primary Appointee:

Last Name	First Name	Title	E-mail	Phone	Address	City	Zip

Named Alternate(s):

Last Name	First Name	Title	E-mail	Phone	Address	City	Zip

Please return ONE ORIGINAL of your SIGNED Consortium Agreement and this form to Ms. Barbie Blackwell, Centralina Council of Governments, 525 North Tryon Street, 12<sup>th</sup> Floor, Charlotte, NC 28202. You may also supply a PDF of this form to [bblackwell@centralina.org](mailto:bblackwell@centralina.org), or contact Ms. Blackwell at 704-348-2728 if you have any questions.



**STANLY COUNTY  
BOARD OF COMMISSIONERS  
RECESSED MEETING MINUTES  
BUDGET WORKSHOP  
JUNE 26, 2012**

**COMMISSIONERS PRESENT:**

Lindsey Dunevant, Chairman  
Gene McIntyre, Vice Chairman  
Tony Dennis  
Jann Lowder  
Josh Morton

**COMMISSIONERS ABSENT:**

None

**STAFF PRESENT:**

Andy Lucas, County Manager  
Jenny Furr, County Attorney  
Tyler Brummitt, Clerk  
Toby Hinson, Finance Director\*  
Melissa Efird, Accountant\*  
\*Participated until 9:39 a.m.

**CALL TO ORDER**

The Stanly County Board of Commissioners (the "Board") reconvened their regular meeting of Monday, June 4, 2012 on Tuesday, June 26, 2012 for a budget workshop in the Manager's Conference Room, Stanly Commons. Chairman Dunevant called the meeting to order at 9:00 a.m. and gave an invocation.

**ITEM # 1 – 2012 URGENT REPAIR GRANT**

**Presenter: Michael Walser, Grant Administrator for Hobbs, Upchurch & Associates**

The County received funds in the amount of \$75,000 which will be used to make emergency repairs to approximately fourteen (14) homes with a maximum of \$6,000 being spent on each. Mr. Walser was present to request approval of the associated procurement policy, assistance policy, and grant project budget ordinance required for the grant. No matching funds are required for this grant.

By motion, Commissioner Dennis moved to approve the above documents and was seconded by Commissioner Lowder. The motion passed unanimously.

**ITEM # 2 – FY 2011-2012 YEAR END BUDGET AMENDMENTS**

**Presenter: Toby Hinson, Finance Director**

The Finance Director provided a brief review of the year end budget amendments stating no Fund Balance was appropriated to aid in balancing the county's current year budget. The Board commended staff on their hard work throughout the year and during the budget process.

Commissioner Dennis moved to approve the year end budget amendments as presented and was seconded by Vice Chairman McIntyre. The motion passed with a 5 – 0 vote.

**ITEM # 3 – FY 2012-2013 BUDGET ADOPTION**

**Presenter: Toby Hinson, Finance Director**

Mr. Hinson presented the final budget ordinance noting that Section 21 was added in order to approve the fee schedule for all County Departments and Agencies. The schedule is also included as part of the annual operating budget.

By motion, Commissioner Dennis moved to approve the budget ordinance as presented. Commissioner Morton seconded the motion which passed by unanimous vote.

**See attached Exhibit A**  
**Stanly County Budget Ordinance for 2012-2013**

**ITEM # 4 – WEST STANLY SEWER MEETING**

**Presenter: Andy Lucas, County Manager**

Chairman Dunevant, Commissioner Morton and the County Manager provided information from a meeting the previous week with Locust City Administrator James Inman and Assistant City Administrator Tim Fesperman concerning the Locust/Stamfield sewer system. After a review of the current system expenses, Locust representatives requested the County consider purchasing and operating the system in an effort to reduce the overall expense for customers in the Locust and Stamfield areas. Oakboro, which currently treats the sewer for the two municipalities, recently announced a 33% increase in its rates for the next fiscal year. As a result of the meeting, the County representatives requested that Stamfield and Locust meet and present a unified request to the County.

**CLOSED SESSION – PERSONNEL ISSUE**

By motion, Commissioner Dennis moved to recess the meeting into closed session regarding a personnel issue in accordance with G. S. 143-318.11(a)(6). The motion was seconded by Commissioner Lowder and passed by unanimous vote at 9:40 a.m.



**RETURN TO OPEN SESSION**

Commissioner Dennis moved to return to open session and was seconded by Vice Chairman McIntyre. The motion passed unanimously at 9:57 a.m.

**ANNOUNCEMENT REGARDING THE ADDENDUM OF THE EMPLOYMENT AGREEMENT BETWEEN COUNTY OF STANLY AND ANDREW LUCAS**

Commissioner Lowder moved to approve addendum # 4 to the employment agreement for Andrew Lucas which will suspend the contribution of five percent (5%) of base salary to a supplemental 401K retirement account for fiscal year 2013-2014. The motion was seconded by Commissioner Dennis and carried with a 5 – 0 vote.

**RETURN TO CLOSED SESSION – ECONOMIC DEVELOPMENT**

Commissioner Dennis moved to return to closed session to discuss economic development in accordance with G. S. 143-318.11(a)(4). The motion was seconded by Vice Chairman McIntyre and passed by unanimous vote at 9:58 a.m.

**RECESS**

Commissioner Lowder called for a short recess and was seconded by Commissioner Dennis. The motion carried unanimously at 10:08 a.m.

**RETURN TO CLOSED SESSION –ECONOMIC DEVELOPMENT**

Vice Chairman McIntyre moved to return to closed session to discuss economic development in accordance with G. S. 143-318.11(a)(4). His motion was seconded by Commissioner Morton and passed with a 5 – 0 vote at 10:12 a.m.

**RECESS**

Vice Chairman McIntyre called for a recess which was seconded by Commissioner Lowder. The motion carried unanimously at 11:45 a.m.

**RETURN TO CLOSED SESSION - CONSULT WITH THE ATTORNEY**

Chairman Dunevant called the closed session back to order at 12:03 p.m. The Board held a general discussion of the County's 401 water quality permit intervention and APGI's public records requests lawsuit.

**RETURN TO OPEN SESSION**

Commissioner Dennis moved to return to open session and was seconded by Vice Chairman McIntyre. The motion passed unanimously at 12:49 p.m.

**MOTION**

After a period of discussion, Vice Chairman McIntyre moved to accept the settlement offer from Alcoa and was seconded by Commissioner Morton.

Chairman Dunevant and Commissioner Dennis respectfully requested that Vice Chairman McIntyre withdraw his motion. Chairman Dunevant called for a recess at 1:10 p.m. The meeting was called back to order at 1:15 p.m.

Vice Chairman McIntyre stated he would not withdraw his motion. With Commissioner Morton seconding the motion previously, Chairman Dunevant called for a vote. The motion failed with a 3 – 2 vote.

Ayes: Vice Chairman McIntyre, Commissioner Morton

Nos: Chairman Dunevant, Commissioner Dennis, Commissioner Lowder

With no further discussion, Vice Chairman McIntyre moved to adjourn the meeting and was seconded by Commissioner Morton. The motion carried by unanimous vote at 1:16 p.m.

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Lindsey Dunevant, Chairman

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Tyler Brummitt, Clerk

Exhibit A

**STANLY COUNTY  
BUDGET ORDINANCE  
2012-2013**

BE IT ORDAINED by the Board of Commissioners of Stanly County, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of Stanly County government and its activities for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:

GENERAL GOVERNMENT	\$ 4,490,292
PUBLIC SAFETY	11,663,624
TRANSPORTATION	1,024,213
ENVIRONMENTAL PROTECTION	1,151,301
ECONOMIC AND PHYSICAL DEVELOPMENT	1,421,603
HUMAN SERVICES	15,060,216
CULTURE AND RECREATION	1,469,494
EDUCATION	13,621,142
SPECIAL APPROPRIATIONS	25,000
DEBT SERVICE	2,904,730
TRANSFERS TO OTHER FUNDS	268,500
CONTINGENCY	110,000
	<hr/>
TOTAL GENERAL FUND EXPENSES	\$ 53,210,115

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Ad Valorem Taxes	\$ 28,288,502
Sales taxes	6,625,000
Other Taxes	490,200
Restricted intergovernmental	8,714,467
Licenses and Permits	731,359
Sales and Services	6,683,687
Investment Earnings	125,000
Miscellaneous	778,834
Transfers In	100,000
Fund Balance Appropriated	673,066
	<hr/>
TOTAL GENERAL FUND REVENUES	\$ 53,210,115

Section 3. The following amounts are hereby appropriated in the Fire District Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:

Collection Fee	\$ 27,500
West Stanly Fire District	552,000
Center Rural Fire District	198,800
Endy Fire District	108,000
Ridgecrest Fire District	135,000
Aquadale Fire District	141,000
Eastside Fire District	138,400
Oakboro Fire District	73,600
New London Fire District	127,500
Southside Fire District	100,600
Bethany Fire District	49,000
Richfield Fire District	113,050
Millingport Fire District	97,000
Badin Fire District	128,000
Norwood Special Fire District	9,375
	<u>1,998,825</u>
	<u>\$ 1,998,825</u>

Section 4. It is estimated that the following revenues will be available in the Fire District Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Property Tax Collections	<u>\$ 1,998,825</u>
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Section 5. The following amounts are hereby appropriated in the Greater Badin Water & Sewer District Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:

Administration & Operations	<u>\$ 445,509</u>
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Section 6. It is estimated that the following revenues will be available in the Greater Badin Water & Sewer Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Sales & Service	\$ 442,109
Miscellaneous	2,500
Investment Earnings	900
	<u>445,509</u>
	<u>\$ 445,509</u>

Section 7. The following amounts are hereby appropriated in the Piney Point Water District for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:



Administration & Operations	\$ 136,100
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Section 8. It is estimated that the following revenues will be available in the Piney Point Water District for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Sales and Service	\$ 135,200
Miscellaneous	400
Investment Earnings	500
	<u>136,100</u>
	\$ 136,100

Section 9. The following amounts are hereby appropriated in the Utility Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:

Administration & Operations	\$ 2,484,790
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Section 10. It is estimated that the following revenues will be available in the Utility Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Sales and Service	\$ 2,413,290
Miscellaneous	17,500
Investment Earnings	4,000
Retained Earnings Appropriated	50,000
	<u>2,484,790</u>
	\$ 2,484,790

Section 11. The following amounts are hereby appropriated in the Airport Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:

Operations	\$ 824,687
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Section 12. It is estimated that the following revenues will be available in the Airport Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Sales & Service	\$ 400,460
Restricted Intergovernmental	150,000
Miscellaneous	4,050
Investment Earnings	1,677
General Fund	268,500
	<u>824,687</u>
	\$ 824,687

Section 13. The following amounts are hereby appropriated in the Emergency Telephone Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013, in accordance with the chart of accounts heretofore established for Stanly County:

Operations	<u>\$ 387,415</u>
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Section 14. It is estimated that the following revenues will be available in the Emergency Telephone E-911 Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

Surcharge	\$ 274,682
Investment Earnings	2,000
Fund Balance Appropriated	<u>110,733</u>
	<u>\$ 387,415</u>

TOTAL APPROPRIATIONS IN ALL FUNDS	<u>\$ 59,487,441</u>
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TOTAL REVENUES IN ALL FUNDS	<u>\$ 59,487,441</u>
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Section 15. Encumbrances outstanding at June 30, 2012 are void. Encumbrances outstanding at June 30, 2012 have been either included in the 2012-2013 budget or will be approved by future budget amendments.

Projects previously approved by project ordinance but not completed at June 30, 2012 are authorized to be carried forward to the 2012-2013 Fiscal Year. Projects approved to be carried forward include the CDBG Infrastructure Hook-Up Project #253, Single Family Rehabilitation Project #254, Highway 24/27 Upgrade Project #646, Endy Sewer Project #652, Water Storage Tank Project #654, Highway 200 Water Project #656, Airport Corridor Project #657, Terminal Improvement Project #675, Runway Extension Design Project #676, Airport Runway Pavement Project #678, Airport AWOS and ILS Upgrade Project #679.

Section 16. There is hereby levied a tax at the rate of \$0.67 per one hundred dollars (\$100.00) valuation of property listed as of January 1, 2012, for the purpose of raising revenue included in "Ad Valorem Tax 2012" in the General Fund in Section 2 of this ordinance. The rate of tax is based on an estimated total valuation of property for the purpose of taxation of \$4,240,300,000 and an estimated collection rate of 95.78%. The estimated collection rate is based on the Fiscal Year 2010-2011 collection rate of 95.78%.

Section 17. There is hereby levied tax rates for the various fire districts as follows:

DISTRICT	ESTIMATED VALUATION	TAX RATE	GROSS TAX COLLECTION LEVY
West Stanly Fire District	690,000,000	0.0008	552,000
Center Rural Fire District	284,000,000	0.0007	198,800
Endy Fire District	180,000,000	0.0006	108,000
Ridgecrest Fire District	150,000,000	0.0009	135,000
Aquadale Fire District	141,000,000	0.001	141,000
Eastside Fire District	173,000,000	0.0008	138,400
Oakboro Fire District	184,000,000	0.0004	73,600
New London Fire District	255,000,000	0.0005	127,500
Southside Fire District	100,600,000	0.001	100,600
Bethany Fire District	98,000,000	0.0005	49,000
Richfield Fire District	161,500,000	0.0007	113,050
Millingport Fire District	194,000,000	0.0005	97,000
Badin Fire District	160,000,000	0.0008	128,000
Norwood Special Fire District	18,750,000	0.0005	9,375

Section 18. The Governing Body authorizes the County Manager to expend monies from departmental budgets and to approve all budget transfers within a department budget. Any intra-department budget transfers to or from personnel services and/or capital outlay in excess of \$5,000 must be approved by the Governing Body. Governing Body authorizes the County Manager to approve change orders on contracts not to exceed \$5,000. The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes and on the following terms and conditions:

- A) Form grant agreements with public and non-profits agencies.
- B) Leases of normal and routine business equipment.
- C) Consultant, professional, or maintenance service agreements up to an anticipated contract amount of \$50,000.
- D) Purchase of apparatus, supplies, and materials where formal bids are not required by law.
- E) Agreements for acceptance of State and Federal grant funds.
- F) Construction or repair work where formal bids are not required by law.
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The County Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon execution of the funding agreements required by the County.
- I) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.

Section 19. The Court Facility Fees as received under State of North Carolina Statutes are hereby appropriated this fiscal year to be used in the maintenance and operation of the court areas and for repairing or provision of furnishings as required and approved.

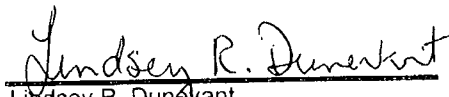
Section 20. An annual "Solid Waste Availability Fee" of \$67 is hereby assessed on each habitable residential household in the unincorporated portion of Stanly County and in the Town of Badin. This fee is intended to fund the operation of the solid waste convenience centers and to pay the disposal fees charged on the waste from these centers. The annual solid waste fee is based on the projected cost of solid waste collection and disposal for the upcoming fiscal year, and may be revised each year. The fee shall be billed and collected in the same manner and at the same time as the County ad valorem taxes.

Section 21. The fee schedule for all County Departments and Agencies has been adopted for the fiscal year beginning on July 1, 2012 and ending June 30, 2013. This schedule is located in the last section of this adopted annual operating budget report starting on Page 99.

Section 22. The service charge on all voice communications service connections in Stanly County is levied by the North Carolina General Assembly. The specific monthly rate to be charged is established by the State at \$.60 (sixty cents), which was effective on July 1, 2010.

Section 23. Copies of this Budget Ordinance shall be furnished to the Budget Officer, Finance Director and Clerk to the Board of County Commissioners pursuant to the requirements of the laws of the State of North Carolina.

Adopted this 26th day of June, 2012.

  
Lindsey R. Dunevant  
Lindsey R. Dunevant  
Chairman

  
Tyler W. Brummitt  
Tyler W. Brummitt  
Clerk to the Board



**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JULY 9, 2012**

**COMMISSIONERS PRESENT:** Lindsey Dunevant, Chairman  
Gene McIntyre, Vice Chairman  
Tony Dennis  
Jann Lowder  
Josh Morton

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Andy Lucas, County Manager  
Tyler Brummitt, Clerk

**CALL TO ORDER**

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, July 9, 2012 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dunevant called the meeting to order and gave the invocation. During this time, he acknowledged the absence of County Attorney Jenny Furr by congratulating her on the arrival of a new daughter and wished her family well.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Chairman Dunevant announced there were no adjustments to the agenda. Vice Chairman McIntyre moved to approve the agenda as presented and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

**ITEM # 1 – STANLY COUNTY UTILITIES**

**Presenter: Donna Davis, Utilities Director**

**A. Infrastructure Hook-Up Community Development Block Grant Funds from FY 2010**

Stanly County has received grant funds in the amount of \$309,836.94 to assist in providing water connections to approximately 120 homes. In soliciting proposals for plumbing services for the homeowner water and/or sewer connections, Stanly County Utilities received three (3) bid packages for each of the three (3) contracts. It was staff's recommendation that the three (3) plumbing services contracts be awarded to the respective lowest, responsible bidder as follows:

- Bid package #11 – United Plumbing for \$15,925

- Bid package # 12 – E.S. Whitley Plumbing for \$7,980
- Bid package # 13 – United Plumbing for \$9,225

By motion, Commissioner Dennis moved to approve the award of the three (3) plumbing services contracts as recommended by staff. The motion was seconded by Vice Chairman McIntyre and carried with a 5 – 0 vote.

**B. Request to Write-Off Uncollectable Debt for Stanly County Utilities, Greater Badin Water & Sewer Authority and Piney Point Water District**

Ms. Davis requested Board approval to write-off the utility accounts more than 90 days old that are considered uncollectible and will no longer be considered as an asset for accounting purposes. Staff will continue to retain a list of these inactive accounts and will make an effort to collect them whenever possible.

The totals to be written off as of May 2012 are as follows:

- |                                        |             |
|----------------------------------------|-------------|
| • Piney Point Water District           | \$ 333.53   |
| • Greater Badin Water & Sewer District | \$15,507.20 |
| • Stanly County Utilities              | \$23,364.09 |

Vice Chairman McIntyre moved to approve the write off the above amounts and was seconded by Commissioner Dennis. The motion passed unanimously.

**ITEM # 2 – ECONOMIC DEVELOPMENT – RURAL CENTER BUILDING & REUSE RESTORATION GRANT FOR BROWN’S WOODWORKING, LLC**

**Presenter: Andy Lucas, County Manager**

Stanly County EDC sought Board approval to assist Brown’s Woodworking, LLC in the pursuit of a Building Reuse and Restoration Grant from the Rural Center. The funds will be used to renovate a building located at 210 Charter Street which will allow the company to expand its current operations and create an additional five (5) jobs. Based on the number of additional employees, Brown’s Woodworking is eligible for up to \$60,000 from the program. A cash match of at least 5% from the county is required under the terms of the Rural Center program in order for the application to be considered. Stanly County EDC plans to cover the third party application, preparation and grant administration fees of up to \$4,000 as a show of support for the project. Board approval was requested for the required match of up to \$4,000 and adoption of the proposed local government resolution.

Vice Chairman McIntyre moved to approve the cash match of up to \$4,000 as well as the proposed resolution. His motion was seconded by Commissioner Dennis and passed by unanimous vote.

Below is the resolution as approved:

AUTHORIZING RESOLUTION BY STANLY COUNTY  
for the  
North Carolina Rural Center  
Building Reuse and Restoration Grants Program  
**“Brown’s Woodworking, LLC”**

**WHEREAS**, the North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

**WHEREAS**, the County has need for and intends to assist in the renovation of a vacant building in a project described as the “Brown’s Woodworking, LLC Building Renovations Project;” and

**WHEREAS**, the County intends to request funding assistance from the Building Reuse and Restoration Grants Program for the project:

**NOW THEREFORE BE IT RESOLVED, BY THE STANLY COUNTY BOARD OF COMMISSIONERS:**

That the County is in full support of the application and project, if funding is received, and

That the County will provide for a cash match of \$4,000 as a cash investment into the project, and

That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

That Andy Lucas, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Rural Center.

Adopted this the 9<sup>th</sup> day of July at Albemarle, North Carolina.

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Lindsey Dunevant, Chairman

ATTEST:

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Tyler Brummitt, Clerk

(Seal)

**ITEM # 3 – SELECTION OF A VOTING DELEGATE FOR THE NCACC’S ANNUAL CONFERENCE IN AUGUST 2012**

**Presenter: Andy Lucas, County Manager**

By motion, Vice Chairman McIntyre moved to authorize Chairman Dunevant to select a voting delegate to represent the County and to leave the appointment of the delegate open until Monday, July 16<sup>th</sup>. This will allow time for Chairman Dunevant to follow-up with Board members to see who would be available to attend the conference. The motion was seconded by Commissioner Morton and carried with a 5 – 0 vote.

**ITEM # 4 – CENTRALINA WORKFORCE DEVELOPMENT BOARD APPOINTMENT**

**Presenter: Andy Lucas, County Manager**

Commissioner Lowder moved to appoint Edwin Thomas Shimpock to fill the Private Sector seat for a two (2) year term beginning July 1, 2012 – June 30, 2014. The motion was seconded by Commissioner Dennis and approved by unanimous vote.

**ITEM # 5 – CONSENT AGENDA**

- A. Minutes of the regular meeting on June 4, 2012 and recessed meetings of June 12, 2012 and June 19, 2012
- B. Finance – Request acceptance of the Monthly Financial Report for Eleven Months Ended May 31, 2012
- C. Finance – Request approval of budget amendment #2013-01 to create Fund # 255 for the Urgent Repair Program
- D. Tax – Refund requests for Albemarle Lawn Care, William Benson, Charles Harris, Kenneth Hathcock, Locust Investment of Monroe, and David Pova

Commissioner Dennis moved to approve the above items as presented and was seconded by Commissioner Lowder. The motion carried with a 5 – 0 vote.



**PUBLIC COMMENT**

Melvin Poole of Oakboro came forward to address the comments made by school board member Tracey Wyrick during the commissioners meeting held on June 4, 2012. As a school board member for the past sixteen (16) years, Mr. Poole refuted several of the statements made by Mr. Wyrick and also stated the county commissioners had been fair to the school system and thanked the commissioners for their efforts and continued support.

**GENERAL COMMENTS & ANNOUNCEMENTS**

Commissioner Dennis thanked Melvin Poole for his hard work as a Board of Education member and likewise for his continued support for the County Commissioners. Vice Chairman McIntyre also thanked Mr. Poole for his efforts.

Chairman Dunevant and Vice Chairman McIntyre wished Commissioner Dennis a happy birthday.

There were no other comments.

**CLOSED SESSION**

Commissioner Dennis moved to recess the meeting into closed session to discuss economic development in accordance with G. S. 143-318.11(a)(4). His motion was seconded by Vice Chairman McIntyre and carried by unanimous vote.

**ADJOURN**

With no additional business presented, Vice Chairman McIntyre moved to adjourn the meeting. The motion was seconded by Commissioner Dennis and passed with a 5 – 0 vote at 7:53 p.m.

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Lindsey Dunevant, Chairman

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Tyler Brummitt, Clerk