

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA  
SEPTEMBER 4, 2012  
7:00 P.M.**

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

**INVOCATION – COMMISSIONER MORTON**

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

**SCHEDULED AGENDA ITEMS**

**1. LAKE TILLERY RESIDENT TODD MORTON**

Mr. Morton would like to address the Board to request a public hearing be held and a resolution passed designating the area around the marina as a no-wake zone.

**2. NEW LONDON VOLUNTEER FIRE DEPARTMENT**

Presenter: Tate Daniels, Treasurer

- A. Hold a public hearing concerning the issuance of a note to the New London Fire Department with loan proceeds to be used for the purchase of new rescue truck
- B. Request Board consideration in adopting a resolution approving the issuance of the note

**3. PRESENTATION OF THE TRI-COUNTY FARM & FOOD COUNCIL**

Presenter: Robin McCree, Interim Board Chair

**4. HEALTH DEPARTMENT**

- A. Request to carry forward and appropriate funds to the FY 12-13 budget from the Charlotte Affiliate of Susan G. Komen for the Cure Foundation

- B. Request authorization to accept grant funds in the amount of \$10,000 from the BCBS of NC Foundation into the FY 12-13 dental budget
- C. Request authorization to sell unusable and irreparable dental hand-pieces.
- D. Request authorization to apply for grant funding from The Cannon Foundation, Inc. to expand operatories in the dental clinic
- E. Newly revised Stanly County Animal Control Ordinance
  - 1. Hold the public hearing
  - 2. Request the Board approve, modify or deny the proposed animal control ordinance

**5. LIBRARY**

**Presenter: Melanie Holles, Library Director**

**Proclamation declaring September and October 2012 as 411-4 Districts, 1 Book, 1 Community Months for Stanly County**

**6. SHERIFF'S OFFICE**

**Presenter: Sheriff Rick Burris**

**Request approval of budget amendment # 2013-03**

**7. UTILITIES – 2011 CDBG INFRASTRUCTURE HOOK-UP GRANT**

**Presenter: Donna Davis, Utilities Director**

- A. Request Board approval of the policies, procedures, plans and resolutions
- B. Request award of the administrative services contract to Carolina Governmental Services, LLC
- C. Request approval of the grant project ordinance and associated budget amendment # 2013-04 for the project

**8. TAX ADMINISTRATION**

**Presenter: Melia Miller, Tax Administrator**

**Presentation of the 2013 Revaluation Schedules, the Schedule of Values for Market Value and the Schedule of Values for Present Use Value**

**9. PLANNING & ZONING**

**Presenter: Michael Sandy, Planning Director**

**Presentation of the proposed County of Stanly Minimum Housing Ordinance**

**10. BOARD & COMMITTEE APPOINTMENTS**

**Presenter: Andy Lucas, County Manager**

- A. Community Oversight Board for Cardinal Innovations Healthcare Solutions**
- B. Economic Development Commission**
- C. Senior Services Advisory Board Appointments**

**11. NCACC 2013-2014 LEGISLATIVE GOALS**

**Presenter: Andy Lucas, County Manager**

**12. HOMES OF HOPE**

**Presenter: Andy Lucas, County Manager**

**13. CONSENT AGENDA**

- A. Minutes – Regular meeting of August 6, 2012, special meeting of August 13, 2012 and emergency meeting of August 24, 2012**
- B. Tax – Refund requests for Mi Fuente Mexican Restaurant, Cynthia Lewis, Billy & Margaret Thomas and Julian Trail.**
- C. Utilities – Request to renew approval of the Stanly County Language Access Plan**
- D. Airport – Request approval of the Talbert & Bright Inc. work authorization # 3803-1203 and its associated project ordinance**

**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 Monday, October 1, 2012 at 7 p.m.



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Todd Morton

\_\_\_\_\_ | \_\_\_\_\_  
 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

### NO-WAKE ZONE REQUEST FOR THE LAKE TILLERY MARINA

**Subject**  
 Todd Morton would like to address the Board to request a public hearing be held and a resolution passed to designate the area around the marina as a no-wake zone. He understands that the public hearing would take place as part of the October 1, 2012 meeting agenda.

**Requested Action**  
 Request the Board set a public hearing date of October 1, 2012.

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

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

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

Attachments: Yes \_\_\_\_\_ No   x  

#### Review Process

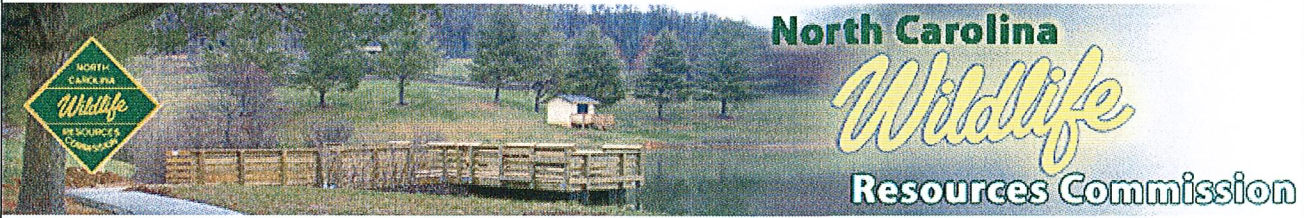
#### Certification of Action

	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



**PURCHASE LICENSES**

**RENEW VESSEL REGISTRATIONS**

**ONLINE SERVICES**

**COMMISSION INFORMATION**

LICENSE \* PERMITS \*  
REGISTRATION \* TITLING

**REGULATIONS**

FISHING

HUNTING

TRAPPING

**BOATING & WATERWAYS**

INJURED WILDLIFE

NUISANCE WILDLIFE

WILDLIFE SPECIES &  
CONSERVATION

**EDUCATION CENTERS**

**EDUCATION WORKSHOPS**

EMPLOYMENT

NEWS RELEASES

N.C. WILDSTORE



**BOATING & WATERWAYS**

**Designating Local Water Safety Zones By Rule**

North Carolina General Statute §75A-15 authorizes the Wildlife Resources Commission to establish water safety rules solely in the interest of mitigating water safety hazards. Rules promulgated by the WRC are codified in the North Carolina Administrative Code (NCAC).

Formal application for rulemaking must be made by the local governmental unit with territorial jurisdiction over the waters in question. The governmental unit may be a county or municipality. The process for rulemaking under the North Carolina Administrative Code may take from twelve to eighteen months.



The local governmental unit first must advertise and hold a public hearing about the No Wake Zone proposal. The hearing date, time and location must be advertised in a newspaper that is likely to be read by the local citizenry. The public hearing must occur prior to the adoption of a resolution that formally requests the Wildlife Resources Commission to take action on the proposal.

Upon a finding that the rule proposal is necessary to address a water safety hazard the Wildlife Resources Commission will undertake rulemaking. The notice of text for the rule proposal and contact name and address for public comment are published for sixty days in the North Carolina Register. After the comment period closes the rule proposal is presented to the Wildlife Resources Commission for adoption.

Following adoption of the rule by vote of the Wildlife Resources Commission the rule is submitted to the Rules Review Commission (RRC) for approval. If the RRC approves the rule it usually becomes effective on the first day of the month following that approval.

**Please note:**

**Regulatory buoys and signs that mark No Wake Zones must conform to the standards of the U.S. Aids to Navigation (USATONS). The Wildlife**

**No Wake Zones General Information**

**Designating Local Water Safety Zones by Rule**

**Application Packet Instructions**

The application packet consists of the following:

1. A completed form **D-1** that gives the substance of the rule, names the body of water and gives a clear description of the area to be marked as a No Wake Zone.
2. A certified resolution that formally requests the Wildlife Resources Commission to undertake rulemaking for purposes of establishing a no wake zone. For examples of local government **county** and here for **city**.
3. Two copies of a map showing the area to be marked. The map must be sufficiently clear that a person who is unfamiliar with the area can locate the area that is intended to be designated a no wake zone.
4. A cover letter. The cover letter includes reference to the newspaper in which the public hearing was advertised and the date and location of the public hearing. The cover letter includes the estimated number of markers required to mark the zone and must state whether the markers will be purchased by the local governmental unit or by private citizens. This information is important because the WRC must report the state or local fiscal impacts of a rule.

**Mail the application packet to:**

**N.C. Wildlife Resources Commission  
Attn: Betsy Foard, No Wake Zone Coordinator  
1701 Mail Service Center  
Raleigh, NC 27699-1701**

Upon receipt of the complete application packet an investigation by the WRC Enforcement Division will be conducted to determine whether the proposed rule is

**Resources Commission does not purchase or maintain No Wake markers. However, our Engineering Services Division can provide technical assistance regarding marker purchase and placement.**

necessary to address a water safety hazard.

Enforcement of No Wake Zones is limited to areas that have been properly established and properly marked. A No Wake marker that does not conform to USATONS standards or that has been placed without authorization is subject to removal. An unmarked No Wake Zone is not enforceable.

Applicants from North Carolina's coastal counties may be required to obtain a Coastal Area Management Act (CAMA) permit from the **Division of Coastal Management** (DCM) in order to place a buoy or sign in navigable waters. The North Carolina Wildlife Resources Commission will not authorize implementation of a No Wake Zone within a coastal county without a permit from the Division of Coastal Management or a letter from that agency stating that a permit is not required.

CAMA District offices and contact information may be found at [http://dcm2.enr.state.nc.us/contact\\_dcm.htm](http://dcm2.enr.state.nc.us/contact_dcm.htm).

The establishment of a No Wake Zone within federal waters such as the Intracoastal Waterway (ICW) must be authorized by the U.S. Army Corps of Engineers and is marked to USATONS standards by the U.S. Army Corps of Engineers and U.S. Coast Guard.

For more information about No Wake Zones contact Betsy Foard, No Wake Zone Coordinator, at (919) 707-0013 or at [betsy.foard@ncwildlife.org](mailto:betsy.foard@ncwildlife.org).

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[Contact Us](#) | NCSU Centennial Campus, 1751 Varsity Drive, Raleigh, NC 27606 | 919-707-0010

**REPORT WILDLIFE VIOLATIONS** - 1-800-662-7137 (Raleigh Area 919-707-0040)



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Tate Daniels, Treasurer for the New  
 London VFD

Consent Agenda | Regular Agenda

2

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

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## ITEM TO BE CONSIDERED

### NEW LONDON VOLUNTEER FIRE DEPARTMENT

Subject

Please see the attached information pertaining to the purchase of a new rescue/service truck for the New London VFD. Included in the agenda packet is a current year-to-date balance sheet, the current year budget, loan commitment letter from the Bank of Stanly and resolution for your review.

Requested Action

- Hold the public hearing
- Request Board consideration in adopting a resolution to approve the issuance of the note with Bank of Stanly in the amount of \$200,000.

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



The Stanly News & Press  
P.O. Box 488  
Albemarle, NC 28002  
(704) 982-2121

# AFFIDAVIT OF INSERTION

DATE: 8/22/12

CLASSIFICATION	START	EDITIONS	SIZE	TOTAL CHARGES
Local Display	8-21-12	8-21-12	244 1/2	\$ 89.82

Stanly County Manager's office  
1000 N. 1st St.  
Ste. 10  
Albemarle, NC 28001

## NORTH CAROLINA, STANLY COUNTY AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared; Sandy Selvy, who being first duly sworn, deposes and says; that she is Publisher of a newspaper known as THE STANLY NEWS AND PRESS, published, issued, and entered as second class mail in the City of Albemarle, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE STANLY NEWS AND PRESS on the dates specified on the copy attached and that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 or the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

  
Sandy Selvy  
Publisher

### Public Hearing Notice

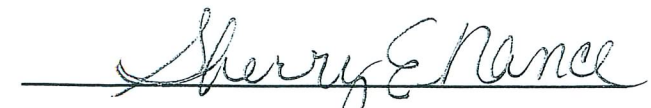
Notice is hereby given that the Stanly County Board of Commissioners located in Albemarle, North Carolina, will meet on Tuesday, September 4, 2012 at 7:00 p.m. in the commissioners Meeting Room, Stanly Commons, 1000 North First Street, Albemarle, North Carolina, for the purpose of holding a public hearing pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, on a proposal that the Issuer enter into an agreement in order to finance certain equipment. The equipment to be financed consists of a 2012 E-One/IH 4400 2-Door Rescue Truck which will be located at the New London Fire Department, 310 South Main Street, New London, North Carolina.

To finance the costs of such equipment and to pay costs and expenses incidental to aggregate principal amount of \$200,000. The Issuer will be required to pay all taxes on the equipment. The rental payments due pursuant to the loan agreement will be secured by a security interest in the equipment.

All persons interested may appear and be heard at said time and place, or may file written comments with the Clerk to the Board prior to the date of hearing set forth heretofore.

60512

Sworn to and subscribed to before me this  
22 day of August, 2012

  
Sherry Nance, Notary Public  
My commission expires July 14, 2016



## New London Volunteer Fire Department

P.O. Box 236  
310 South Main Street  
New London, NC 28127

Fire Chief  
Tim Higgins

08/20/2012

The New London Volunteer Fire Department has ordered a new Rescue/Service truck to replace the current rescue truck that is more than 20 years old. The new rescue truck will have more than double the capacity for storage and all equipment will be visible and immediately available for use. Our current truck has storage compartments and all equipment is stacked and packed just to get it on the truck. These extra steps of having to unload and unpack will be eliminated in situations where seconds could mean the difference between life and death. This one improvement alone is worth the justification for this truck.

Our current ISO rating will not be impacted by the purchase of this truck. We currently have a split rating of a 5 anywhere within 1000 feet of a fire hydrant and a 9 everywhere else. The Town of New London is completely covered with the 5 rating and we have fire hydrants located all throughout our district everywhere there are water lines. Water lines are provided by the Pfeiffer North Staley Water Association and the City of Albemarle.

The price of the Rescue Truck is \$320,000 dollars. We are making a down payment of \$120,000 dollars leaving a balance to borrow of \$200,000 dollars.

We have secured a loan commitment from the Bank of Stanly for a 48 month loan with monthly payment of \$5,000 dollars. The anticipated loan closing date is September 18, 2012.

We received two proposals for the rescue truck, both companies were furnished the same specifications request. Their cost proposal's are as follows,

**KME-Kovatch, Nesquehoning Pa.      \$330,000 dollars**

**E-ONE, Ocala Fl.                              \$314,600 dollars**

We chose E-ONE and after changes and additions we are now at \$320,000

Tate Daniels, Treasurer



January 19, 2009

To The Board of Directors  
New London Fire Department Inc.  
New London, NC 28127

We were recently contacted by your Treasurer and we were asked to analyze the accounting records for New London Fire Department Inc. for 2008. We conveyed to Mr. Daniels the specific items that we would need to complete our process. Within two days all of that information was provided to us. Specifically we selected three months from 2008 and checked all transactions that occurred during those months for accuracy, supporting documentation (receipts, cancelled checks and/or deposit slips) and appropriateness with respect to the Fire Department. In addition to checking each transaction occurring in the months selected, we analyzed the entire year for reasonableness of transactions and the overall appearance of your accounting records.

During our process we did not find any transactions that required any modification or lacked supporting documentation. We are satisfied that the current records and the overall accounting process is appropriate based on the information provided to us by Mr. Daniels.

Sincerely,

S. Todd Swaringen, CPA  
Beane Swaringen & Company, PLLC

Current YTD Balance Sheet

(Includes unrealized gains)

As of 8/22/2012

8/22/2012

Page 1

Account	8/22/2012 Balance
<b>ASSETS</b>	
<b>Cash and Bank Accounts</b>	
CHECKING	6,922.92
SAVINGS	212,738.19
<b>TOTAL Cash and Bank Accounts</b>	<b>219,661.11</b>
<b>Other Assets</b>	
BUILDINGS & LAND	835,000.00
VEHICLES & EQUIPMENT	488,194.50
<b>TOTAL Other Assets</b>	<b>1,323,194.50</b>
<b>TOTAL ASSETS</b>	<b>1,542,855.61</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>LIABILITIES</b>	<b>0.00</b>
<b>EQUITY</b>	<b>1,542,855.61</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>1,542,855.61</b>

2012 Budget

1/1/2012 Through 12/31/2012 Using Budget 2012

8/22/2012

Page 1

Category Description	1/1/2012 Actual	- Budget	12/31/2012 Difference
<b>INCOME</b>			
1000 - Stanly County Allotment	2,450.00	4,200.00	-1,750.00
1050 - Stanly County Employee Subsidy	6,860.00	11,760.00	-4,900.00
1300 - Donations	500.00	0.00	500.00
1400 - Grant Money			
1430 - Cannon Grant	10,000.00	10,000.00	0.00
TOTAL 1400 - Grant Money	10,000.00	10,000.00	0.00
1500 - Interest Income	311.75	300.00	11.75
1550 - Building Rental Fees	150.00	0.00	150.00
1800 - Sales Tax Refund	1,082.53	800.00	282.53
2000 - Tax Receipts			
2012 - Tax Receipts FY 2012	125,488.54	126,240.00	-751.46
TOTAL 2000 - Tax Receipts	125,488.54	126,240.00	-751.46
<b>TOTAL INCOME</b>	<b>146,842.82</b>	<b>153,300.00</b>	<b>-6,457.18</b>
<b>EXPENSES</b>			
4000 - Employee Cost			
4010 - Payroll	9,252.19	16,000.00	6,747.81
4020 - Payroll Tax	2,216.71	7,000.00	4,783.29
4030 - Payroll Billing	409.90	600.00	190.10
4050 - Employee Misc.	251.00	400.00	149.00
TOTAL 4000 - Employee Cost	12,129.80	24,000.00	11,870.20
5110 - Savings Fund	32,200.00	32,200.00	0.00
5200 - Building Maintenance	2,271.28	4,000.00	1,728.72
5300 - EMS Supplies	318.23	2,000.00	1,681.77
5400 - Fire Equipment	4,427.76	6,000.00	1,572.24
5500 - Fire Grants			
5530 - Cannon Grant	9,490.00	10,000.00	510.00
TOTAL 5500 - Fire Grants	9,490.00	10,000.00	510.00
5600 - Fire Training	436.11	800.00	363.89
5700 - Insurance	15,842.25	17,000.00	1,157.75
5800 - Miscellaneous	1,765.92	3,000.00	1,234.08
5850 - Dues	260.00	1,800.00	1,540.00
5900 - Office Equipment	443.81	2,700.00	2,256.19
6000 - Radio's	2,155.50	4,500.00	2,344.50
6300 - Utilities			
6310 - Duke Power	2,526.07	4,500.00	1,973.93
6320 - Propane Gas	184.08	2,000.00	1,815.92
6330 - Sewer	98.10	250.00	151.90
6340 - Telephone	744.04	1,200.00	455.96
6350 - Water	87.60	250.00	162.40
TOTAL 6300 - Utilities	3,639.89	8,200.00	4,560.11
6400 - Vehicle Expense	3,350.07	6,600.00	3,249.93
7000 - Pension Fund	30.00	3,600.00	3,570.00
7100 - Loan Payments	0.00	25,000.00	25,000.00
9000 - Sales Tax			
9010 - State Sales Tax			
9010 - 4.75 % State Tax	677.40	1,125.00	447.60
9010 - 5.75 % State Tax	110.83	0.00	-110.83
TOTAL 9010 - State Sales Tax	788.23	1,125.00	336.77
9020 - County Sales Tax	46.67	0.00	-46.67
9020 - 2.00 % County Tax	285.15	475.00	189.85
TOTAL 9020 - County Sales Tax	331.82	475.00	143.18
TOTAL 9000 - Sales Tax	1,120.05	1,600.00	479.95
9100 - Shipping Charges	178.65	300.00	121.35
<b>TOTAL EXPENSES</b>	<b>90,059.32</b>	<b>153,300.00</b>	<b>63,240.68</b>

**STANLY COUNTY  
BOARD OF COMMISSIONERS**

1000 NORTH FIRST STREET, SUITE 10  
ALBEMARLE, NORTH CAROLINA  
28001



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

**RESOLUTION APPROVING THE ISSUANCE OF A NOTE OF  
NEW LONDON VOLUNTEER FIRE DEPARTMENT, INCORPORATED  
TO THE BANK OF STANLY AND DESIGNATING SUCH NOTE AS A  
“QUALIFIED TAX-EXEMPT OBLIGATION”**

**WHEREAS**, New London Volunteer Fire Department, Incorporated (the “Issuer”) desires to finance the acquisition of a new fire truck for the fire department (the “Project”) to be located at 310 South Main Street, New London, North Carolina;

**WHEREAS**, the Issuer will enter into a Term Loan Agreement with Bank of Stanly (the “Bank”) by which the Bank will loan to the Issuer not to exceed \$200,000 to finance a portion of the costs of the Project by the Issuer; and

**WHEREAS**, the Issuer will issue its promissory note in the principal amount not to exceed \$200,000 substantially in the form attached as Exhibit A to said Term Loan Agreement (the “Note”), payable to the order of the Bank, to evidence its obligations under the Term Loan Agreement;

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the governmental unit having jurisdiction over the issuer of certain obligations and over the area in which any facility financed with the proceeds of such obligations is located shall approve the issuance of such obligations; and

**WHEREAS**, in accordance with Section 150(e) of the Code, the Issuer issues its notes on behalf of the County of Stanly, North Carolina, the Project is located in the County of Stanly, North Carolina and the Board of County Commissioners constitutes the elected legislative body of the County of Stanly, North Carolina; and

**WHEREAS**, a public hearing was held pursuant to proper notice on September 4, 2012, and a certificate regarding the public hearing has been filed with the Clerk to the Board of County Commissioners.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of the County of Stanly, North Carolina as follows:

- (1) The issuance of the Note by the Issuer to assist in the financing of the Project is hereby approved to the extent required by said Section 147(f) of the Code.

- (2) Such approval does not constitute an endorsement to the prospective purchaser of the Note of the creditworthiness of the Issuer or the Project, and the Note shall not constitute an indebtedness or obligation of the State of North Carolina, the Town of New London , or the County of Stanly, but the note shall be payable solely from the revenues pledged to the payment thereof and no holder or owner of any of the Note shall ever have the right to compel any exercise of the taxing power of said State, or of any county, municipal corporation, or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any such county, municipal corporation, or political subdivision.
- (3) The Board hereby finds and determines that the reasonably anticipated amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by Stanly County, North Carolina and all subordinate entities thereof (including but not limited to the Issuer) during this calendar year will not exceed \$10,000,000;
- (4) The Board hereby designates the Note to be a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code.

Adopted this the 4<sup>th</sup> day of September 2012.

Attest:

\_\_\_\_\_  
Lindsey Dunevant, Chairman

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



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Robin McCree, Interim Board Chair

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

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

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## ITEM TO BE CONSIDERED

### THE TRI-COUNTY FARM & FOOD COUNCIL

Subject

Enclosed are the mission and vision statements as well as other information concerning the proposed tri-county Food & Farm Council (FFC). The FFC is seeking formal recognition and endorsement by the Board of County Commissioners.

Requested Action

Request approval of the enclosed resolution as a show of support for the FFC.

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



August 27, 2012

Dear Stanly County Commissioners:

On behalf of interested citizens of Anson, Montgomery, and Stanly Counties, we, the Interim Board of the tri-county Farm and Food Council (FFC), seeks formal recognition of the FFC vision and mission and endorsement by your county government.

The vision of the tri-county Farm and Food Council is a locally based, economically resilient farm and food system.

A farm and food system is a network of people, organizations, associated government and non-government institutions, and activities connecting the growing and harvesting, processing, distribution, consumption and residue utilization of food and other farm products.

The mission of the tri-county Farm and Food Council is to encourage, support, and coordinate the local farm and food system through:

- Agriculture - Strengthening the economic vitality and viability of farming; promoting a vibrant community of farmers; maximizing opportunities for farms of all sizes; searching out mentors and farm land available for new farmers; and supporting farmland protection
- Economic Development - Enhancing the broader economic viability of local and regional farm and food systems; increasing farmer profitability through better marketing, aggregation and distribution to markets; and increasing the number of local food and agriculture jobs
- Education - Promoting the education and understanding of farm and food systems, agriculture, and environmental protection; and educating new small farmers about growing local food
- Accessibility - Promoting access to and distribution of affordable, nutritious food
- Health - Promoting improved public health by broadening access to locally produced food and providing education on nutrition, food preparation and preservation, and safe food-handling practices

The creation of the FFC will address the following needs and opportunities in our region:

- Support and promote agribusiness as it is our region's number one business. The opportunities for economic development are extensive, as only 8% of our fruits and vegetables we consume are now grown in the Charlotte region.
- Support younger farmers as they replace older farmers who are retiring. Economic development will be stimulated as the development of their small farm businesses promotes additional business development especially as the niche of locally grown foods expands as the need for more local, healthy food grown by more farmers in our region.
- Increasing access to affordable, locally grown fruits and vegetables will aid in addressing the obesity epidemic. Healthier eating habits will result in healthier citizens which will decrease health care costs and attract businesses to move here.
- Preservation of farmlands for future food needs.

The Interim Board has embraced “5 Bold Steps” toward the vision:

1. Establishment of a Farm and Food Council;
2. A public awareness and education campaign, including promotion of the five-county Farm Fresh Ventures food co-op;
3. Agriculture and agricultural business job training, including a new program among the three community colleges and an incubator farm to train new farmers in how to develop viable small farm businesses;
4. Processing and distribution infrastructure, including bringing together all parties to best aggregate and distribute food to markets; and
5. Land and food waste management, including preservation of farmland and how to reuse food waste in the input stream.

The FFC will consist of five representatives from each county selected by the Interim Board from the following sectors: farming; government/economic development/Cooperative Extension; public health/medical; community colleges; and interested citizens.

The FFC will encourage, support and initiate programs that will fulfill the vision and mission. For example, the Centralina Council of Governments’ HUD grant includes \$250,000 that will provide support for the formation of farm and food councils such as ours in each county or sub-region of the region. The FFC will send a representative to the proposed Charlotte regional food council where, over the coming months and years, all councils will be working toward a similar regional vision of a locally based resilient farm and food system and economy.

The Interim Board of the FFC respectfully requests that you, the County Commissioners, and your county government endorse the FFC vision and mission. Further, we ask that your county be willing to provide in-kind staff time and in-kind county resources wherever possible.

Finally, the Interim Board also requests that this plan be considered for endorsement by the end of September, 2012, so that the FFC can begin its work as soon as possible.

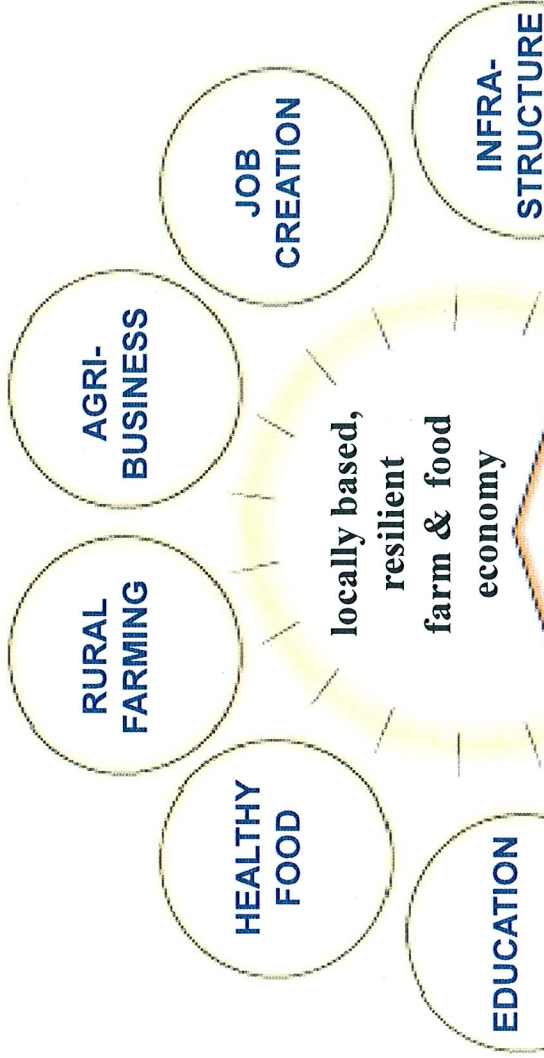
Sincerely,

*Robin McCree*

Robin McCree, Interim Board Chair

# FIVE BOLD STEPS TO ACHIEVE A VISION May 2012

## ● VISION



## ● SUPPORTS

- Assessments
- Inventories

## MARKET FARM & FOOD COUNCIL

BOARD REFINES PLAN

PLAN PRESENTED TO COUNTY COMMISSIONERS

BOARD DRAFTS PLAN

AD HOC TEAMS REPORT TO BOARD

STEP ONE: CREATION OF FARM & FOOD COUNCIL

## ● CHALLENGES

- Funding
- Resources

## ● VALUES

- Partnerships
- Community
- Don't Reinvent the Wheel
- Resiliency

# County of Stanly

1000 N. 1<sup>st</sup> Street  
ALBEMARLE,  
NORTH CAROLINA  
28001



Office of County Commissioners

## *RESOLUTION*

**WHEREAS**, citizens from Anson, Montgomery and Stanly counties interested in the region's farm and food future have deliberated and collaborated since January, 2011, to establish the vision of a locally based, economically resilient farm and food system for the tri-county region; and

**WHEREAS**, a farm and food system is a network of people, organizations, associated government and non-government institutions, and activities connecting the growing, harvesting, processing, distribution, consumption and residue utilization of food and other farm products; and

**WHEREAS**, a tri-county Farm and Food Council is being developed to encourage, support, advocate and coordinate a regional farm and food system that will enhance economic viability; increase farmer profitability through better marketing, aggregate and distribute locally grown foods to markets; improve public health, and increase the number of local food and agriculture jobs; and

**WHEREAS**, the FFC will consist of five (5) representatives from each county selected by the Interim Board from the following sectors: farming, government/economic development/Cooperative Extension, public health/medical, community colleges and interested citizens; and

**WHEREAS**, the FFC will identify opportunities to collaborate with other farm and food system initiatives in the greater Charlotte region to increase the relevance, sustainability and long-term financial viability of the local tri-county farm and food system effort; and

**WHEREAS**, the Interim Board of the tri-county Farm and Food Council (FFC), seeks formal recognition of the FFC vision and mission and endorsement by each county government in the tri-county region;

**NOW THEREFORE BE IT RESOLVED**, the Stanly County Board of Commissioner's formally recognizes and endorses the FFC vision and mission and will work cooperatively to encourage in-kind staff participation and in-kind resources when applicable, relevant and available.

Adopted this the \_\_\_th day of \_\_\_\_\_, 2012

---

Lindsey Dunevant, Chairman  
Stanly County Board of Commissioners

ATTEST:

---

Tyler Brummitt, Clerk



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Dennis R. Joyner, Health Director

Consent Agenda	4A Regular Agenda
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## ITEM TO BE CONSIDERED

**Subject**

The Stanly County Health Department received a grant award from the Charlotte Affiliate of Susan G. Komen for the Cure in the amount of \$42,825 that covers the period of April 1, 2012 – March 31, 2013. An initial amount of \$21,412.50 was received in FY11-12 and the same amount will be received in FY12-13. The health department expended \$19,004.50 in FY11-12 and is requesting that the difference of \$2,408 be carried forward and appropriated to the FY12-13 budget so that we can fully utilize the grant funding. These funds are used to support the Department’s Breast Health Initiative for screening and diagnostic mammograms, ultrasounds, and biopsies for uninsured/underinsured women who are enrolled in clinical programs of the health department.

**Requested Action**

Request approval to carry forward and appropriate \$2,408 to the health department’s FY12-13 budget in order to fully utilize a grant award from the Charlotte Affiliate of Susan G. Komen for the Cure Foundation.

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

Dept: Public Health

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

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-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 General Fund 110, the expenditures are to be changed as follows:

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.5110	190.000	Professional Services	\$ 351,800	\$ 2,408	\$ 354,208
TOTALS			<u>\$ 351,800</u>	<u>\$ 2,408</u>	<u>\$ 354,208</u>

This budget amendment is justified as follows:  
To budget in General Health carry-over expenditure allocation from the Charlotte Affiliate of Susan G. Komen for the Cure grant.

This will result in a net increase of \$ 2,408 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.

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.3991	990.000	Fund Balance Appropriated	\$ 534,066	\$ 2,408	\$ 536,474
TOTALS			<u>\$ 534,066</u>	<u>\$ 2,408</u>	<u>\$ 536,474</u>

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 \_\_\_\_\_

 \_\_\_\_\_ 8/28/12  
Department Head's Approval Date

 \_\_\_\_\_ 8-28-12  
Finance Director's Approval Date

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

Posted by
Journal No.
Date



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012

Presenter: Dennis R. Joyner, Health Director

Consent Agenda	<div style="font-size: 2em; font-weight: bold; margin-bottom: 5px;">4B</div> Regular Agenda
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## ITEM TO BE CONSIDERED

**Subject**

The Stanly County Health Department's Dental Clinic has received notification of a grant award from the Blue Cross and Blue Shield of North Carolina Foundation in the amount of \$10,000. Funding will be used to purchase needed dental equipment to maintain and enhance services to children. Primary equipment includes an endo rotary system and assorted files for root canals, Curing lights to set up materials for sealants, fillings, bonding agents, a cordless prophylaxis system for cleaning teeth, and replacement of a 10 year old amalgamator - used to mix materials for fillings, pulp therapy, & cement for crowns. Funding period for the project is July 2012 – June 2013.

**Requested Action**

Request authorization to accept grant funds in the amount of \$10,000 from BCBS of NC Foundation and to appropriate those funds to the Health Department's FY 2012-13 Dental budget.

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

Dept: Public Health

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

Attachments:  yes  no

### Review Process

	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"/>	

### 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





**A. Funding Terms.** Funding by the BCBSNC Foundation is guaranteed for one time only. The BCBSNC Foundation has no obligation to provide any other funding or support to the Grantee. Funding is further conditioned upon:

- The execution and return of this Grant Agreement. Please initial each page of the Grant Agreement and sign the final page. Please keep a copy of this executed Grant Agreement for your records. The BCBSNC Foundation will keep the originally executed Grant Agreement for its records.
- Confirmation that the Internal Revenue Service has recognized the Grantee as a tax-exempt governmental unit or as an organization described in Section 501(c)(3) of the Internal Revenue Code and classified as a nonprivate foundation under Section 509(a). Further, Grantee confirms that its determination letter from the Internal Revenue Service remains valid as to its nonprivate foundation status and its status under IRC Section 501(c)(3) and that it has not undergone any material change in its character, purposes, activities, method of operation or sources of support that would be inconsistent with that status. Grantee agrees to notify the BCBSNC Foundation immediately if there is any change in its nonprivate foundation status or its status under IRC Section 501(c)(3).
- Grantee's agreement to use the Grant for charitable, educational, or scientific purposes only.
- Grantee shall establish specific agreed outcomes acceptable to the BCBSNC Foundation consistent with and in furtherance of the Grant Agreement and Project as specified in Schedule B (which amended Schedule B shall be signed by both parties evidencing their agreement to it).
- Grantee's agreement to timely submission of project information and reports, as reasonably requested by the BCBSNC Foundation, certifying compliance with the terms of this Grant Agreement and documenting the use of the Grant and the progress of the Project. All such certification and expenditure reports shall be delivered by Grantee to the BCBSNC Foundation at least once per year, using the templates provided by the BCBSNC Foundation.
- Grantee agrees that it will return to the BCBSNC Foundation any monies contributed by the BCBSNC Foundation that are not used for the purposes set forth in the Grant Agreement.

**B. Reporting.** All reports required to be submitted by the Grant Agreement shall be sent to:

Katie Eyes (or other approved representative)  
Blue Cross and Blue Shield of North Carolina Foundation  
PO Box 2291  
Durham, NC 27702

Katie Eyes is your primary contact for this grant and may be reached at (919) 765-4024  
katie.eyes@bcbsncfoundation.org.

---

(initial here)

**C. BCBSNC Foundation Logo and Name Usage.** Please be aware that the BCBSNC Foundation must approve all items on which our name and/or logo are included prior to the item(s) production. Please note that approval from the BCBSNC Foundation is not a grant of a license or a sublicense to any Blue Cross and/or Blue Shield trademarks or service marks. If the Grantee does not secure the proper approvals from the BCBSNC Foundation, the Grantee may be held responsible for the unauthorized use of the BCBSNC Foundation logo and name as well as for the reprinting of any unapproved items at the Grantee's expense.

The following standards must be followed when using our name and/or logo:

- When written in text, all words in the name must be completely spelled out and written as follows: Blue Cross and Blue Shield of North Carolina Foundation. If you are producing a long text document (for example, a newspaper article) it may be written as BCBSNC Foundation in secondary mentions.
- The BCBSNC Foundation logo cannot be altered without BCBSNC Foundation's prior written approval. Use of the BCBSNC Foundation logo requires the following tagline:


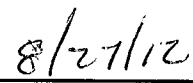
*"Blue Cross and Blue Shield of North Carolina (BCBSNC) and Blue Cross and Blue Shield of North Carolina Foundation are independent licensees of the Blue Cross and Blue Shield Association (BCBSA)."*

- In cases where this or a similar statement is already included in the logo graphics file, it is not necessary to add the tagline.
- In cases where another entity's mark or logo appears with a legend identifying that other entity as the owner of that logo or mark, the legend must also include ownership of marks by either Blue Cross and Blue Shield Association and/or BCBSNC Foundation.
- These statements may be placed anywhere on the piece. The type must be at least 6 points in size and must remain legible and relatively independent of other copy or graphics.
- The BCBSNC Foundation logo can only appear in white, black or cyan.
- Electronic files of the logo may be downloaded from the "grantees only" section of our Web site. Please contact Katie Eyes if you have difficulty accessing the logos or need them in a different format.
- You may fax or e-mail items needing approval to Katie Eyes or approved representative at (919) 765-2433 at least two business days prior to due date.
- Please provide final copies of all items on which the BCBSNC Foundation logo and/or names appear.

**D. Publicity.** Grantee may not share any information about the Grant Agreement with the public or any third party (by way of a press release or otherwise) until the Grant Agreement is executed, and the BCBSNC Foundation has provided its approval of the proposed announcement. Thereafter, any announcements related to this initiative need to be coordinated (in advance and with 30 days of planning time) directly with the BCBSNC Foundation. The BCBSNC Foundation must approve any press releases, banners or any other publicity materials containing its name and/or the mention of this grant. If the Grantee does not secure the proper approvals from the BCBSNC Foundation, the Grantee may be held responsible for the unauthorized use of the BCBSNC Foundation logo and name as well as for the reprinting of any unapproved items at the Grantee's expense.

**GRANTEE:**

Thank you for working with us to adhere to this Grant Agreement. The partnership between the BCBSNC Foundation and Stanly County Health Department is important to us, as is the success of this initiative.

   
\_\_\_\_\_  
Signature of Executive Director or Authorizing Agent Date  
Name: DENNIS R JOYNER  
Title: HEALTH DIRECTOR

\_\_\_\_\_  
Signature of Board Chair Date  
Name:  
Title:

\_\_\_\_\_  
(initial here)



**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:

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.5158	261.000	Departmental Supplies	\$ 9,500	\$ 7,400	\$ 16,900
110.5158	530.000	Medical Equipment	5,000	2,600	7,600
TOTALS			<u>\$ 14,500</u>	<u>\$ 10,000</u>	<u>\$ 24,500</u>

This budget amendment is justified as follows:

To budget in Dental Health additional grant revenue from the BCBS of NC Foundation.

This will result in a net increase of \$ 10,000 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.

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.3500	840.18	Donations	\$ -	\$ 10,000	\$ 10,000
TOTALS			<u>\$ -</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>

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 \_\_\_\_\_

*Dennis R. Joyce*  
Department Head's Approval

*8/28/12*  
Date

*John R. Kinard*  
Finance Director's Approval

*8-28-12*  
Date

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

\_\_\_\_\_  
Date

Posted by
Journal No.
Date



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012

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

Consent Agenda	<div style="font-size: 2em; font-weight: bold;">4c</div> Regular Agenda
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## ITEM TO BE CONSIDERED

**Subject**

The Stanly County Health Department's Dental Clinic has accumulated approximately 15-20 old and/or broken hand-pieces (drills & attachments) that are no longer functional. There are vendors, such as "Bills for Drills," who will buy such items and we would like authorization to sell the unwanted hand-pieces that cannot be repaired.

**Requested Action**

Authorization to sell unusable and irreparable dental hand-pieces.

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

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

Dept: Public Health

Attachments:     yes                       no

**Review Process**

	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"/>	

**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



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012

Presenter: Dennis R. Joyner, Health Director

Consent Agenda	<div style="font-size: 2em; font-weight: bold; margin-bottom: 5px;">4D</div> Regular Agenda
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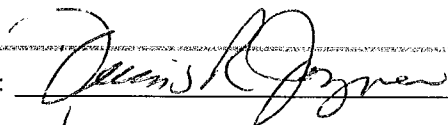
## ITEM TO BE CONSIDERED

Subject

The Stanly County Health Department requests authorization to apply for grant funding from The Cannon Foundation, Inc. to support the addition of two operatories in our dental clinic which is a self-supported program of the health department. This expansion will allow us to utilize staff and provide dental services to patients in a more efficient manner. Due to limited operatory & consultation space, there is a three month waiting period for preventive dental care and a four month waiting period for operating room appointments. If more children could be seen earlier, preventive treatment could be initiated sooner which could prevent or decrease the incidence of dental caries. Of special concern are our preschoolers who are increasingly presenting with severe tooth decay. The expansion will also allow us to provide consultative discussion & oral health education with parents/caregivers in a more efficient, private manner. Cost of the anticipated expansion will be approximately \$136,200 and the grant request will be for \$75,000. The remaining match for the project, approximately \$61,200, will come from the department's Dental Fund Balance.

Requested Action

Request authorization to apply for grant funding from The Cannon Foundation, Inc. to expand operatories in the dental clinic.

Signature:   
 Date: 8/27/12

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 Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Dennis R. Joyner, Health Director

Consent Agenda	4E Regular Agenda
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**ITEM TO BE CONSIDERED**

**Subject**

The Stanly County Health Department and Stanly County Board of Health request consideration and adoption of a newly revised Stanly County Animal Control Ordinance. This revision was presented at the August 6, 2012 meeting and a public hearing was scheduled for the September 4<sup>th</sup> meeting.

**Requested Action**

Conduct public hearing and consider adoption of new Stanly County Animal Control Ordinance.

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

Dept: Public Health

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

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



The Stanly News & Press  
P.O. Box 488  
Albemarle, NC 28002  
(704) 982-2121

# AFFIDAVIT OF INSERTION

DATE: 8 / 20 / 12

CLASSIFICATION	START	EDITIONS	SIZE	TOTAL CHARGES
Local Display	8-19-12	8-19-12	244 1/2	\$ 89.82

Stanly Co. manager's office  
1000 N. 1st St.  
Ste. 10  
Albemarle, NC 28001

## NORTH CAROLINA, STANLY COUNTY AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared; Sandy Selvy, who being first duly sworn, deposes and says; that she is Publisher of a newspaper known as THE STANLY NEWS AND PRESS, published, issued, and entered as second class mail in the City of Albemarle, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE STANLY NEWS AND PRESS on the dates specified on the copy attached and that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 or the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

  
Sandy Selvy  
Publisher

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Stanly County Board of Commissioners will hold a public hearing on Tuesday, September 4 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons located at 1000 N. First Street, Albemarle, North Carolina.

The purpose of this public hearing will be to discuss adoption of a new Animal Control Ordinance as recommended by the Stanly County Board of Health.


Copies of the new ordinance draft may be reviewed at the following:

Stanly County Governmental Website  
(<http://www.co.stanly.nc.us/>)  
Stanly County Animal Shelter  
Stanly County Health Department  
Stanly County Manager's Office  
Stanly County Public Libraries

Persons wishing to speak either in favor of or in opposition to this issue will be heard.

Please contact the Clerk's Office at (704) 986-3600 or at 1000 N. First Street, Suite 10, Albemarle for special accommodations at least 48 hours prior to the hearing.

Sworn to and subscribed to before me this  
8 day of August, 2012

  
Sherry Nance, Notary Public  
My commission expires July 14, 2016

# 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 harbinger 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 having 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 by the Stanly County Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

**Attest:**

**Stanly County Commissioners**

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
Chair



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Melanie Holles

\_\_\_\_\_ | 5  
 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

### PROCLAMATION

**Subject**  
 Please see the attached proclamation declaring September and October 2012 as the 411 – 4 Districts, 1 Book, 1 Community Months for Stanly County with “The Hunger Games” by Suzanne Collins being selected as this year’s novel for the project.

**Requested Action**  
 Request Board approval of the attached proclamation.

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

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

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

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

**STANLY COUNTY  
BOARD OF COMMISSIONERS**

1000 NORTH FIRST STREET, SUITE 10  
ALBEMARLE, NORTH CAROLINA  
28001



**STANLY COUNTY, NORTH CAROLINA  
PROCLAMATION**

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

**WHEREAS**, reading is a joy for all ages which allows young and old to come together in discussion on a variety of topics; and

**WHEREAS**, every community has special traits that makes it unique. These traits develop over time and are woven into the fabric of its citizens' daily lives. In many ways, our community defines who we are; and

**WHEREAS**, every community comes together through shared history, shared knowledge, and shared experiences. As our community grows and changes, it can become more difficult to maintain and to honor the traits that are unique and special; and

**WHEREAS**, the Stanly County Public Library has partnered with the public libraries, parks departments, community colleges and others in Cabarrus, Rowan, and Union Counties to form one community for the 411 – 4 DISTRICTS, 1 BOOK, 1 COMMUNITY project; and

**WHEREAS**, 411 – 4 DISTRICTS, 1 BOOK, 1 COMMUNITY is one way to bring together each diverse individual in Cabarrus, Rowan, Stanly and Union Counties to share an experience together - the experience of reading the same novel. This collective experience not only encourages literacy; it also encourages dialogue and the expression of thoughts and ideas among individuals who may not otherwise find a connection; and

**WHEREAS**, the months of August, September and October 2012 have been selected for the 411 – 4 DISTRICTS, 1 BOOK, 1 COMMUNITY project; and

**WHEREAS**, *The Hunger Games* by Suzanne Collins has been selected for this year's 411 – 4 DISTRICTS, 1 BOOK, 1 COMMUNITY project; and

**WHEREAS**, in celebration of the 411 – 4 DISTRICTS, 1 BOOK, 1 COMMUNITY project created many ways to come together and participate throughout August, September and October by participating in book discussions, entering contests, participating in Survival Training Days and the Final Event at the Arena, and many other events.

**NOW, THEREFORE**, the Stanly County Board of Commissioners declare the months of September and October as 411 – 4 DISTRICTS, 1 BOOK, 1 COMMUNITY Months in Stanly County and commend its observance to all citizens.

**ADOPTED BY THE BOARD OF COMMISSIONERS** of Stanly County, North Carolina this the 4th day of September 2012.

**Attest:**

\_\_\_\_\_  
**Lindsey Dunevant, Chairman**  
**Stanly County Board of Commissioners**

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



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Sheriff Rick Burris

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.

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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

### Patrol / Narcotics Detection Canine

Two or our current canine units have reached retirement. We are replacing them with two new canines, training, handlers, dwelling, as well as purchasing four heat alert systems for the canine transporting vehicles. We are using Federal Forfeiture Funds and State Drug Seized Funds to make this purchase. We are also requesting that “Tonyk” be retired to his handler Deputy Rick Collins and “Ozy” be retired to his handler Deputy Jamie Shue. A liability release form will be signed between Deputies Collins and Shue with the county.

### Technology

We are joining Albemarle City Police in a Technology Grant for two F.R.E.D. and two CELLBRITE units. We will be using our telephone fees for the funding.

Approve Budget Amendment 2013-03 to transfer money from Federal Forfeiture Funds, State Drug Seized Funds, and Telephone Fees. Also, approve the retirement of two canines and transfer ownership.

Signature: *Rick Burris*

Date: August 7, 2012

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

Attachments: Yes  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

**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:

SECTION 1. To amend the General Fund, the expenditures are to be changed as follows:

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.4310.4310.	550.000	Other Equipment	\$ -	\$ 19,000	\$ 19,000
110.4310.4310.	261.000	Dept Supply	20,000	3,500	23,500
110.4310.4310.	291.000	Data Processing	5,063	7,500	12,563
TOTALS			<u>\$ 25,063</u>	<u>\$ 30,000</u>	<u>\$ 55,063</u>

This budget amendment is justified as follows:

Two current canine units have reached retirement. We are replacing them with two new canines, training, handlers, dwelling, and purchasing four heat alert systems for their vehicles.

Technology Grant with Albemarle City Police to purchase two F.R.E.D. & two CELLBRITE units.

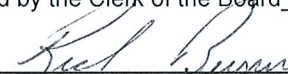
This will result in a net increase of \$ 30,000 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.3431.	230.35	Federal Forfeiture Funds	\$ -	\$ 19,000	\$ 19,000
110.3431.	310.24	State Drug Seized Funds	10,000	3,500	13,500
110.3432.	840.23	Telephone Fees	9,000	7,500	16,500
TOTALS			<u>\$ 19,000</u>	<u>\$ 30,000</u>	<u>\$ 49,000</u>

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 \_\_\_\_\_

	8/17/12	
Department Head's Approval	Date	
Finance Director's Approval	Date	
County Manager's Approval	Date	
		Posted by
		Journal No.
		Date



**FEDERAL & STATE CERTIFICATION HISTORY REPORT**

		Beginnng <u>Balance</u>	Funds <u>Spent</u>	Funds <u>Received</u>	Interest <u>Accrued</u>	Ending <u>Balance</u>	
<b>FY 2010/2011</b>							
110.3431.230.35	Federal Forfeited	19,972.39	14,884.91	27,588.44	85.41	32,761.33	
			<i>entry bullet proof vests-\$14,884.91</i>				BA2011-13
110.3431.310.24	State Drug Seizure	36,868.85	19,250.00	11,440.41	0.00	29,059.26	
			<i>Bill Smith Ford-2 trucks-\$5,000 (Boone - Hayden) So.Police Canine-\$14,000 A Child is missing(donation)-\$250.</i>				BA2011-28

<b>FY 2011/2012</b>							
110.3431.230.35	Federal Forfeited	32,761.33		0.00		32,761.33	
110.3431.310.24	State Drug Seizure	29,059.26		10,852.44	0.00	39,911.70	

\*\*\*Expensed items listed indicate description and amount.\*\*\*

**FEDERAL & STATE CERTIFICATION PROPOSED REPORT**

<b>FY 2012/2013</b>							
110.3431.230.35	Federal Forfeited	32,761.33				32,761.33	
			<i>Vigilant Canine Svcs Intern'l-\$19,000</i>				BA2013-03
110.3431.310.24	State Drug Seizure	39,911.70			0.00	39,911.70	
			<i>Stallings Salvage-\$500 Ace Hardware-\$500 Ray Allen-\$2,500</i>				BA2013-03 BA2013-03 BA2013-03

## PayTel Communications Phone Revenues

110.3432.840.23

		Beginnng <u>Balance</u>	Funds <u>Received</u>	<u>Balance</u>	One-half <u>Revenues</u>	Funds <u>Spent</u>
	7/1/2009	0				
FY 09-10	7/29/2009		1,334.50	1,334.50	667.25	
	9/2/2009		1,308.64	2,643.14	1,321.57	
	10/9/2009		1,356.87	4,000.01	2,000.01	
	11/6/2009		1,267.59	5,267.60	2,633.80	
	11/30/2009		836.82	6,104.42	3,052.21	
	12/30/2009		605.69	6,710.11	3,355.06	
	2/2/2010		472.86	7,182.97	3,591.49	
	2/26/2010		443.37	7,626.34	3,813.17	
	3/29/2010		738.26	8,364.60	4,182.30	
	5/7/2010		1,027.60	9,392.20	4,696.10	
	5/28/2010		1,467.22	10,859.42	5,429.71	
	6/30/2010		1,153.97	12,013.39	6,006.70	0.00
FY 10-11	7/29/2010		1,045.32	13,058.71	6,529.36	
	8/31/2010		1,092.54	14,151.25	7,075.63	
	9/30/2010		756.94	14,908.19	7,454.10	
	11/3/2010		1,046.32	15,954.51	7,977.26	
	12/2/2010		867.06	16,821.57	8,410.79	
	1/7/2011		1,034.23	17,855.80	8,927.90	
	1/26/2011		952.73	18,808.53	9,404.27	
	3/4/2011		925.32	19,733.85	9,866.93	
	3/31/2011		844.29	20,578.14	10,289.07	
	4/27/2011		960.66	21,538.80	10,769.40	
	5/31/2011		803.23	22,342.03	11,171.02	
	6/27/2011		850.88	23,192.91	11,596.46	0.00
FY 11-12	7/29/2011		930.36	24,123.27	12,061.64	
	8/31/2011		873.38	24,996.65	12,498.33	
	9/30/2011		987.21	25,983.86	12,991.93	
	10/28/2011		926.77	26,910.63	13,455.32	
	11/30/2011		714.10	27,624.73	13,812.37	
	12/28/2011		818.01	28,442.74	14,221.37	
	1/31/2012		826.20	29,268.94	14,634.47	
	2/28/2012		846.37	30,115.31	15,057.66	
	3/28/2012		590.82	30,706.13	15,353.07	
	4/30/2012		562.80	31,268.93	15,634.47	
	5/31/2012		710.85	31,979.78	15,989.89	
	6/29/2012		1,360.73	33,340.51	16,670.26	0.00

FY 12-13 7/31/2012

1,045.45

34,385.96

17,192.98

**COUNTY OF STANLY**  
**POLICE CANINE REPLACEMENT AND BASIC TRAINING AGREEMENT**

This Agreement is made and entered into by and between the COUNTY OF STANLY, a municipal corporation, through its STANLY SHERIFF'S DEPARTMENT, (hereinafter "COUNTY"), and VIGILANT CANINE SERVICES INTERNATIONAL, LLC (hereinafter "PROVIDER").

**1. SCOPE OF SERVICES.**

- 1.1** PROVIDER will provide the COUNTY with two canines suitable for police work. The canine will be no older than 2 years of age. The COUNTY intends the dog to be used in searches for articles, evidence and persons, tracking, apprehension, public demonstrations, and detection of specific narcotics and drugs. For that reason, the canine will be qualified to perform to the COUNTY's satisfaction in all disciplines. The COUNTY shall approve of the canine to be purchased.
- 1.2** The canine will be guaranteed in regards to both performance and health. If, for any reason, the COUNTY is not satisfied with the canine within the first five (5) years, the PROVIDER will replace the canine free of charge. Reasons the COUNTY may be dissatisfied with the canine include, but are not limited to, the following: failure of the canine to meet the performance standards outlined in sections 1.3 and 1.4 (even after additional remedial training provided in section 5.3); reluctance of the canine to work in the following environments: indoors, stairs, confined spaces or slick floors. If, for any reason, the canine becomes unable to work due to illness, disease or genetic defect (including Hip Dysplasia) within the first five (5) years, the PROVIDER will replace the canine free of charge. The canine chosen for replacement will be subject to approval by the COUNTY. PROVIDER will not charge the COUNTY any costs associated with the replacement canine, including the training required to obtain certification. *This guarantee does not cover any INJURY sustained by the canine after delivery to the agency or situations where the canine becomes environmentally unsound due to the agency's negligent handling.*
- 1.3** PROVIDER will also provide a 160 hour Initial Basic Handlers Course to be attended by the K-9 team. The training shall include, but is not limited to, obedience, agility, search, tracking, revering, apprehension, muzzle work, protection, and detection of specific narcotics and drugs.
- 1.4** All training equipment used during the Initial Basic Handlers Course will be provided by the PROVIDER at no additional expense to the COUNTY.

**COUNTY OF STANLY –POLICE CANINE REPLACEMENT AND BASIC TRAINING AGREEMENT**

**2. COMPENSATION.**

2.1. The COUNTY shall pay the PROVIDER \$19,000.00 (plus 6.75% North Carolina sales tax; unless proof of tax exemption is provided)) for two canines that meet the qualifications listed in section 1 of this Agreement, 160 hour Basic Handler Course, and 24 hours of enhancement training during the following year.

2.2. PROVIDER shall submit an invoice to the COUNTY describing the services performed.

2.4. Within thirty (30) days after the COUNTY's receipt of invoice, COUNTY shall make payment to the PROVIDER based upon the services described on the invoice and approved by the CITY.

3. **TERMINATION.** The COUNTY may terminate this Agreement by giving ten (10) days written notice to PROVIDER. Upon termination, PROVIDER shall give the COUNTY all original documents, including preliminary drafts and supporting documents, prepared by PROVIDER for this Agreement. The COUNTY shall pay PROVIDER for all services satisfactorily performed in accordance with this Agreement, through the date of termination.

4. **ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

**5. NOTICES.**

5.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

To COUNTY:  
Stanly Sheriff's Office  
223 South 2<sup>nd</sup> Street  
Albemarle, NC 28001

To PROVIDER:  
Vigilant Canine Services International, LLC  
8614 Hollis Street  
Los Molinos, CA. 96055

5.2 Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

**COUNTY OF STANLY –POLICE CANINE REPLACEMENT AND BASIC TRAINING AGREEMENT**

Page 3 of 3

6. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
7. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
8. **SEVERABILITY.** In the event any term of this Agreement is held invalid by a court of competent jurisdiction or if it is found to be in contravention of any federal or state statute or regulation or county ordinance, the Agreement shall be construed as not containing that portion or term, and the remainder of this Agreement shall remain in full force and effect.
9. **ENTIRE AGREEMENT.** This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed for this project. This Agreement supersedes all prior negotiations, representations, or agreements.
10. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the PROVIDER and the COUNTY. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

COUNTY OF STANLY

PROVIDER

\_\_\_\_\_  
By:  
Title:  
Date: \_\_\_\_\_

\_\_\_\_\_  
By: Buckley Dikes  
Title: Chief Executive Officer  
Date: \_\_\_\_\_  
Fed. Employer ID No. \_\_\_\_\_  
\_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF STANLY

**ADDENDUM TO COUNTY OF STANLY POLICE CANINE REPLACEMENT  
AND BASIC TRAINING AGREEMENT DATED \_\_\_\_\_, 2012 BY AND  
BETWEEN STANLY COUNTY SHERIFF'S DEPARTMENT AND VIGILANT  
CANINE SERVICES INTERNATIONAL, INC.**

To the extent that the terms of this Addendum conflict with the terms of the County of Stanly Police Canine Replacement and Basic Training Agreement Dated \_\_\_\_\_, 2012 by and between the Stanly County Sheriff's Department and Vigilant Canine Services International, Inc. (hereinafter referred to as "Agreement") the terms set out below shall control:

- (a) The phrase "municipal corporation" appearing in the introductory paragraph of the Agreement is hereby stricken and removed from the Agreement and is hereby replaced with the following:  
"a body politic and corporate of the State of North Carolina"
- (b) TERM - Beginning and ending dates of the Agreement: \_\_\_\_\_ through \_\_\_\_\_. Note: Also, address when 5 year warranty starts.
- (c) SUBCONTRACTING – Vigilant Canine Services International, Inc. (hereinafter referred to as "Provider") shall not sub-contract all or any part of the services provided for in this Agreement without prior written approval of the Stanly County Sheriff's Department (hereinafter referred to as "County").
- (d) RELATIONSHIP OF PARTIES - Provider is an independent contractor of the County. Provider represents that it has or will secure, at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this Agreement shall be fully qualified and shall be authorized or permitted under state and local law to perform such services. It is further agreed that the Provider will obey all State and Federal statutes, rules and regulations which are applicable to provisions of the services called for herein. Neither Provider nor any employee of the Provider shall be deemed an officer, employee or agent of the County. Provider shall ensure that it maintains a properly executed IRS Form W-9.
- (e) INSURANCE REQUIREMENTS - Provider shall obtain, at its sole expense, all insurance as required in the County's contract control policy and shall not commence work until such insurance is in effect and certification thereof has been received by the County's Risk Manager. Such insurance shall name the County as Additional Insured under both General Liability and Auto Liability policies. Should said Certificate of Insurance expire prior to the termination of this

contract, PROVIDER shall supply to the COUNTY an updated certification prior to the expiration of the Certificate initially provided.

- (f) INDEMNIFICATION - Provider agrees to defend, indemnify, and hold harmless the County, for all loss, liability, claims or expense (including reasonable attorney's fees) arising from bodily injury, including death or property damage, to any person or persons caused in whole or in part by the negligence or misconduct of the Provider, except to the extent same are caused by the negligence or willful misconduct of the County.

It is the intent of this section to require Provider to indemnify the County to the extent permitted under North Carolina law.

- (g) NON-ASSIGNMENT - Provider shall not assign all or any part of this Agreement, including rights to payments, to any other party without the prior written consent of the County.
- (h) ENTIRE AGREEMENT - The parties have read the Agreement and agree to be bound by all of its terms, and further agree that it, along with this Addendum, constitute the complete and exclusive statement of the agreement between the parties unless and until modified by a writing signed by the parties.
- (i) GOVERNING LAW - Both parties agree that this Agreement shall be governed by the laws of the State of North Carolina and any action resulting from this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Stanly County North Carolina.
- (j) CONFIDENTIALITY - Provider may, during the course of providing his or her services hereunder or in relation to this Agreement have access to, and acquire knowledge regarding personnel, materials, data, systems, and other information which may not be accessible or known to the general public. Any knowledge acquired by Provider from such materials shall not be used, published or divulged by Provider to any person, firm or other entity without prior written approval of the County.

**Stanly County Sheriff's Department**

**Vigilant Canine Services International, LLC**

By \_\_\_\_\_  
Date \_\_\_\_\_

By \_\_\_\_\_  
Date \_\_\_\_\_

223 South 2<sup>nd</sup> Street  
Albemarle, NC 28001

8614 Hollis Street  
Los Molinos, CA 96055  
Federal Tax ID#: \_\_\_\_\_

**This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.**

\_\_\_\_\_, FINANCE DIRECTOR



**CONTRACT DOCUMENTS**

This written contract includes the following:

- A. County of Stanly Police Canine Replacement and Basic Training Agreement, Original
  
- B. Addendum to County of Stanly Police Canine Replacement and Basic Training Agreement Dated \_\_\_\_\_, 2012 By and Between the Stanly County Sheriff's Department and Vigilant Canine Services International, Inc.

Stanly County Sheriff's Department

Vigilant Canine Services International, LLC

Initial \_\_\_\_\_

Initial \_\_\_\_\_

## F Series K9 Deployment & Heat Alert System

**ALL-IN-ONE INTERACTIVE INTELLIGENT REMOTE PAGER**  
**The most technologically advanced system in  
 the world just got better!**

Through user feedback and continuous drive for improvement, Ray Allen Manufacturing has improved upon our industry leading technology to bring you the most functionally advanced, user-friendly and durable heat alert system available on the market today. The new systems are designed, developed and manufactured in our Colorado Springs facility, which allows for robust system component testing on site. Each and every function was tested continuously for over 1 million cycles without a single system failure. When it comes to the safety of you and your K9, you can trust Ray Allen, the leader in K9 Deployment and Heat Alert Systems. \*Indicates NEW features.

### F Series Gen2 Features

- All system settings are saved in non-volatile memory, which means even if power is disconnected from the system, your settings are saved and do not need to be reset.
- On-board high current relays and user-replaceable fuses for ease of installation. \*

### Heads-Up Display

- Small (4" x 6") unit with 1 1/4" x 2 3/8" easy-to-read graphic LCD display
- Articulating mount included; uses long-lasting double-sided tape for secure anchor on dash or other flat surface
- Quick and easy system programming
- Real-time display of temperature and system status
- Adjustable back-light for improved visual day or night
- Manual override control of variable fan speed

### Interactive Intelligent Remote Pager

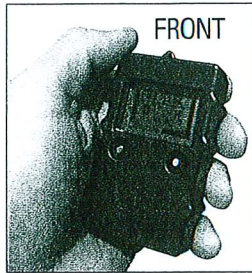
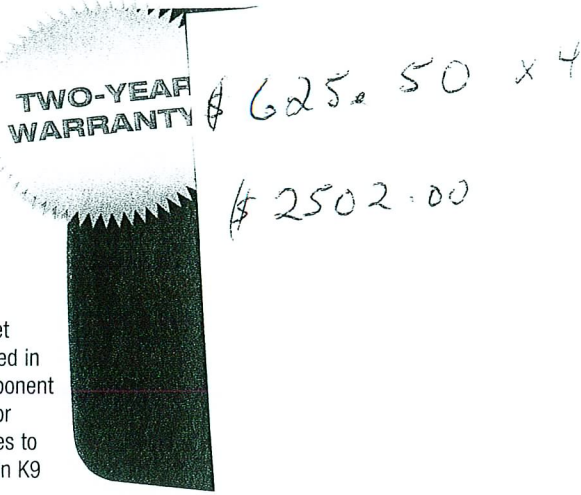
- 1 1/4" x 3/4" easy-to-read graphic LCD display
- Adjustable back-light for improved visual day or night
- Bi-directional communication between Pager and Control Pod allows for display of real-time temperature and system status information
- Advanced lithium polymer rechargeable battery with Smart Charger (included) that stops charging when full, improving battery life
- Spread Spectrum RF technology ensuring high signal strength and no interference
- Individually encoded allowing for multiple systems to operate in the same area
- Multiple channel options available to prevent interference with devices such as microphone systems \*
- Over 7/10 mile line of sight deployment and alert range
- Beep (on/off) and vibrate notification of heat alert
- One custom-molded form-fitting pager holster included

### Control Pod

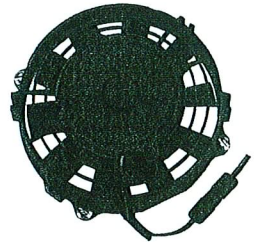
- The "brain box" in a small case, mounts directly to your Cruise Eze, vehicle insert, or anywhere inside your vehicle
- All wires attached via positive-lock wire harnesses, no loose wires

### F System — Heat Alert Only

- User selectable features in the event of a heat alert include temperature threshold setting, temperature unit setting (degrees F or C), window roll-down (left, right, both or none), alarm mode (horns, lights, both or none)
- Automatically turns on fan (optional) at high-speed during alert
- Stall detection capability by monitoring vehicle battery voltage
- Multi-purpose auxiliary alert input for use with an external device such as smoke/carbon monoxide detector \*
- System uses Dual Temperature Sensors (with 15' cables) to measure alert temperature, eliminating false alerts due to isolated hot spots



**Optional Fan:**  
 350 CFM.  
 Mounts directly  
 to the front  
 partition of our  
 Cruise Eze™.  
 MD10F \$64.95



- System continues to operate if one sensor fails, but warns of failed sensor (system alerts if both sensors fail)
  - Programmable auxiliary output for use with external alert devices/ accessories \*
- |                                 |      |               |
|---------------------------------|------|---------------|
| K9 Heat Alert System with pager | (F2) | \$695.00      |
|                                 |      | <b>625.50</b> |

### F System — Heat Alert and Deployment

- Includes all features found in the F2 Heat Alert System above
  - One button remote deployment (recessed for safety, no accidental deployments)
  - Beep (optional) and vibration feedback to remote pager when deployment button is pressed
  - Short vehicle horn burst for deployment acknowledgment \*
  - System unlocks, unlatches, pushes and holds open vehicle door when deployed
  - Park/Neutral input disables deployment system when vehicle is in gear
  - Strong 55 lb Gas Push Rod
  - Durable 40 lb Unlatch Solenoid
  - User selectable window drop option during deployment
  - Adjustable unlock timing to maximize deployment speed and vehicle compatibility \*
- |  |        |          |
|--|--------|----------|
| K9 Deployment & Heat Alert System with Pager - |        |          |
| for all non-Dodge vehicles                     | (F3)   | \$395.00 |
| for Dodge vehicles                             | (F3-D) | \$395.00 |

Belt-Clip Holster for F Series Remote, for F2 or F3 (F91BC) \$39.00

### F Series GPS Vehicle Speed Sensor

Universal method to disable remote-controlled deployment system in police vehicles while in motion by tracking up to 12 satellites. Easily integrates with our F Series systems. Backed up with a sophisticated velocity calculating microchip in case GPS signal is lost.  
 (FGPS) \$195.00

**Albemarle Animal Clinic  
P.O. Box 1262  
Albemarle, NC 28001  
704-983-2164**

July 20, 2012

Sheriff Rick Burris  
Stanly County Sheriff's Department  
223 South Second Street  
Albemarle, NC 28001

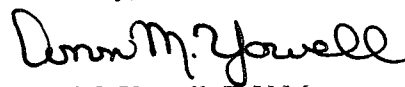
Dear Sheriff Burris,

I am aware of the economic situation faced by most law enforcement agencies, but I still have concerns that the canine patrol cars are not equipped with heat detection units.

I have expressed concern in the past with respect to hyperthermia. If a canine suffers from hyperthermia, even if they survive, they can be permanently impaired and never work again. If you calculate how much it would cost to replace a working canine, train a new handler and the time lost in replacing that canine, the value of a heat detection unit is unquestionable. Most insurance companies will not pay for a death due to hyperthermia as this is a negligent fatality.

Death from heat stroke is not only a horrible, miserable death, it is inexcusable. We have a great canine unit and we should do everything possible to protect them during their service. I recommend that the Stanly County Sheriff's Department equip each canine patrol car with a heat detection unit.

Sincerely,



Ann M. Yowell, D.V.M.

AMY/ms

# Stanly County Sheriff's Office

## Canine Retirement Request Information

<u>Dog's Name</u>	<u>Age</u>	<u>Handler</u>	<u>Other Info</u>
Ozy	7 years, 3 months	Deputy Jamie Shue	Decreased Stamina
Tonyk	7 years, 6 months	Deputy Rick Collins	Bad limb



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<a href="#">Customers</a>	<a href="#">Upcoming Events</a>	<a href="#">UFED Phone Detective</a>	<a href="#">iOS Forensics</a>	<a href="#">Self-Service Point</a>	<a href="#">Content &amp; Apps Delivery</a>
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**HOLIDAY SCHEDULE**

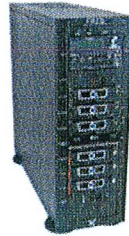
DI is closed on the following dates:  
September 3, 2012 | Labor Day

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5 FORENSIC SPECIALISTS ONLINE



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**FRED** is our Forensic Recovery of Evidence Device. The FRED family of forensic workstations are highly integrated, flexible and modular forensic platforms and now include Digital Intelligence's exclusive **UltraBay II Write Protected Imaging Bay** and **Ventilated Imaging Shelf**.

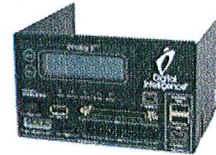
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**The UltraBay II - Integrated IDE, SATA, SCSI, USB and Firewire Write Blockers**

Now shipping on selected models of the Industry Leading FRED Family of Forensic Workstations.

- The industry's first FireWire Write-Blocker.
- Completely integrated / internal system solution.
- Integrated Write Blocked (Read-Only) Ports:
  - SATA
  - IDE
  - SCSI (both SE and LVD Devices)
  - USB
  - FireWire 1394b/800 (1394a/400 backward compatible).
- Integrated Read/Write Ports (Hubs):
  - FireWire 1394b/800 (1 Port)
  - USB 2.0 (2 ports)
- Integral LCD/keypad for viewing device and bridge status/info and configuration.
- Full multi-LUN FireWire acquisition support is provided for Write Protected imaging of Apple Mac systems booted to FireWire device mode.
- The UltraBay II provides both dedicated Write Protected USB and FireWire ports, as well as dedicated Read/Write USB and FireWire ports.
- SATA/IDE/SCSI ports can be temporarily switched between Write Blocked (Read-Only) and Read/Write modes via LCD/keypad configuration. To maximize forensic safety, the UltraBay II automatically reverts to Write-Blocked mode at power-up and after a drive is detached:
  - The SATA/IDE/SCSI ports auto-configure to Write Protected (Read-Only) mode at every power up.
  - The SATA/IDE/SCSI ports may be manually configured to allow Read/Write operation using the front panel LCD Control after a drive is connected.
  - The SATA/IDE/SCSI ports automatically revert to Write Protected (Read-Only) operation after the drive is removed.
- The UltraBay II has both FireWire800 and SATA internal connections to the FRED System for write blocked services. Future firmware updates will allow simultaneous connection and smart inter-operation between FW800 and SATA interfaces for maximum aggregate performance and functionality.
- Firmware updates available at no charge through Tableau Firmware Update. Unlike less-functional integrated solutions, all firmware updates can be applied using existing communication channels and do not require labor-intensive temporary re-cabling of the forensic workstation.
- Full HPA/DCC support for SATA & IDE devices.
- SCSI supports SE and LVD devices.
- The USB 2.0 write-blocked port has same range of device support as The UltraBlock USB (TB). Additionally, the USB implementation is about 25-35% faster than the standard UltraBlock USB (TB).
- FireWire write-blocked port has 9-pin FW800 connector and supports both FW400 and FW800 devices.
- The UltraBay II is supported by Tableau Disk Monitor application.
- The UltraBay II is supported by Tableau "tabphys" library. This will allow it to be recognized by Encase upon release of the updated Encase imager by Guidance Software.



The UltraBay II is exclusively available with select Digital Intelligence FRED systems and is not available separately or from any other source.

**New Ventilated Imaging Shelf**

Selected FRED systems have also been upgraded to include our new





# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Donna Davis

Consent Agenda | Regular Agenda

7.

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

Stanly County Utilities

Subject

Stanly County has received an award for their Community Development Block Grant Infrastructure Hook-Up Application submitted for FY 2011 funding. The grant will provide \$75,000 to assist in providing water and/or sewer connections to approximately 30 homes.

Stanly County solicited proposals to provide administrative services to aid in the implementation of the proposed project. Proposals were due by 1:00 p.m. on Wednesday, August 15, 2012. Two proposals were received and reviewed. It is the staff recommendation that the administrative services contract be awarded to Carolina Governmental Services, LLC.

Requested Action

- 1) Approve package of policies, procedures, plans, resolutions and ordinances for the 2011 CDBG Infrastructure Hook-Up Project.
- 2) Award administrative services contract to Carolina Governmental Services, LLC.
- 3) Approve associated project ordinance and budget amendments.

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

Date: August 21, 2012

Dept. Utilities

Attachments:            yes        X            No

### Review Process

Approved		Initials
Yes	No	
Finance Director	—	—
Budget Amendment Necessary	<u>X</u>	
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

**STANLY COUNTY**

**2011**

**COMMUNITY DEVELOPMENT BLOCK GRANT**

**INFRASTRUCTURE HOOK-UP PROJECT**

**POLICIES, PROCEDURES, PLANS, RESOLUTIONS  
AND ORDINANCES**

**2012-2015**



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      - b. Fair Housing Resolution
    - 2. Equal Employment Opportunity Plan
    - 3. Procurement Policy
    - 4. Section 3 Plan (Local Economic Benefit for Low and Very Low Income Persons)
  - B. Acquisition/Relocation
    - 1. Residential Anti-Displacement and Relocation Assistance Plan
  - C. Citizens Participation Plan and Procedure for Complaints
  - D. Code of Conduct
  - E. 504 Grievance Procedure
  - F. Signature Resolution
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STANLY COUNTY  
POLICIES, PROCEDURES, RESOLUTIONS  
AND ORDINANCES  
FOR THE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, Stanly County has been awarded a Community Development Block Grant Infrastructure Hook-Up Award for \$75,000; and

WHEREAS, Stanly County desires to adopt Community Development Program Policies, Procedures, Plans, Resolutions and Ordinances; and

WHEREAS, The Community Development Office has created Community Development Program Policies, Procedures, Plans, Resolutions and Ordinances;

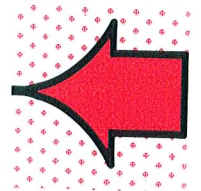
NOW, THEREFORE, BE IT RESOLVED, Stanly County hereby adopts Community Development Program Policies, Procedures, Plans, Resolutions and Ordinances as herein contained.

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

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board



HERE

**Policies, Procedures, Plans, Resolutions and Ordinances for the  
2011 Stanly County CDBG Infrastructure Hook-Up Project**

1. Recipient's Plan to Affirmatively Further Fair Housing - This plan states that the County will implement activities to affirmatively further fair housing and comply with Title VIII, Civil Rights Act of 1968. This plan outlines the quarterly activities the County will undertake during the life of the grant to promote fair housing.
2. Fair Housing Complaint Procedure - This procedure states how the County will handle complaints of housing discrimination and what steps that will be undertaken to resolve these complaints.
3. Fair Housing Plan Resolution – This resolution shows the County’s support for Fair Housing throughout the County.
4. Equal Employment Opportunity and Procurement Plan - This plan certifies that the County will comply with all nondiscrimination laws and regulations in employment, and will take action in the areas of enforcement, education and removal of barriers and impediments that affirmatively further equal access in procurement.
5. Procurement Policy – This policy outlines the three methods of procurement to be used within this project for the award of contracts and for purchases made.
6. Section 3-Local Economic Benefit for Low and Very Low Income Persons Plan - This plan explains the County's strategy for identifying opportunities in employment arising out of a CDBG assisted project and for making these jobs available for low-income residents in the project area. It also states that the project activities will try to utilize local suppliers.
7. Residential Anti-Displacement and Relocation Plan - This plan states how the County will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974 and what steps the County will take to replace these units.
8. Citizens Participation Plan - This plan states that the County will provide for and encourage citizen participation and will provide technical assistance to groups representative of persons of low and moderate income who request such assistance.
9. Citizens Participation Procedure for Complaints - This plan states the procedures developed by the County to handle complaints received involving the Community Development Block Grant or any HUD-funded programs.
10. Code of Conduct - This policy states that no public official, employee, officer or agent of the County shall participate in the selection, the award or the administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved.

11. 504 Grievance Procedure – This procedure allows for a process for which citizens can file a grievance concerning 504.
12. Signature Resolution – This resolution allows for up to four persons with the County to be designated to sign checks and requisitions. At least two signatures are required on all checks and requisitions.
13. Project Budget Ordinance – This budget outlines the source of revenue and expenditures throughout the life of the project.

## **INTRODUCTION**

Stanly County has received a Community Development Block Grant in the amount of \$75,000. These funds will be used to provide water and/or sewer connections to (30) low and moderate income households in the County.

## **STANLY COUNTY**

### **FAIR HOUSING COMPLAINT PROCEDURE**

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, Stanly County has developed the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Stanly County may do so by informing the County Manager of the facts and circumstances of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the County Manager shall acknowledge the complaint within 10 days in writing and inform the North Carolina Human Relations Commission (217 W. Jones St., Raleigh, NC 27603-1334, 919-733-7996) about the complaint.
3. When a housing complaint cannot be resolved at the local level, the County Manager shall offer assistance to the Human Relations Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in Stanly County.
4. The County shall publicize in the local paper that the County Manager is the local official to contact with housing discrimination complaints.

**FAIR HOUSING RESOLUTION  
OF  
STANLY COUNTY  
NORTH CAROLINA**

**WHEREAS**, Stanly County seeks to protect the health, safety and welfare of its residents;  
and

**WHEREAS**, citizens seek safe, sanitary, and habitable dwellings in all areas of the County;  
and

**WHEREAS**, Stanly County finds the denial of equal housing opportunities because of religion, race, color, sex, familial or handicap status, or national origin legally wrong and socially unjust; and

**WHEREAS**, the denial of equal housing opportunities in housing accommodations is detrimental to public welfare and public order; and

**WHEREAS**, Stanly County finds the practice of discrimination against a citizen in housing a denial of his equal rights and his equal opportunity to seek a better living and develop community pride;

**NOW THEREFORE, BE IT RESOLVED**, by the Stanly County Board of Commissioners of Stanly County, North Carolina, that

- Section 1. Stanly County has declared it an official policy of Stanly County that there shall not be discrimination in the terms or conditions for buying or renting housing in Stanly County.
- Section 2. All business groups and individual citizens of the County are urged to respect and implement this policy.
- Section 3. The County Manager, or his designate, of Stanly County is the official authorized by the County to (1) receive and document complaints regarding housing discrimination in the County; and (2) refer such complaints to the North Carolina Human Relations Board of Commissioners for investigation, conciliation and resolution.

**STANLY COUNTY**  
**EQUAL EMPLOYMENT AND PROCUREMENT PLAN**

Stanly County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy the County prohibits any retaliatory action of any kind taken by any employee of the County against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The County shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, such as minorities, women, and the handicapped, any making special efforts toward their recruitment, selection, development, and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the County Manager and/or other persons designated by the County Manager or the Board of Commissioners to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment opportunity and the County Manager will present Affirmative Action to the Board of Commissioners.

The County is committed to this policy and is aware that with its implementation, the County will receive positive benefits through the greater utilization and development of all its human resources.



**STANLY COUNTY  
PROCUREMENT POLICY FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

In the procurement of supplies, equipment or services in Stanly County Community Development Block Grant Program the following policies shall apply:

- 1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. Under this procurement method price or rate quotations shall be obtained from an adequate number of qualified sources.
- 2) In competitive sealed bids (formal advertising) sealed bids shall be publicly solicited and a firm, fixed, price contract shall be awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is lowest in price.
- 3) In competitive negotiations proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. Under this method special consideration shall be given to experience, technical abilities, and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

On all procurement efforts shall be made to solicit bids from qualified small, female, and minority business firms.

In all cases procurement under this Policy must conform to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to insure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.

SECTION 3 PLAN FOR EMPLOYMENT OPPORTUNITIES  
FOR BUSINESSES AND LOWER INCOME PERSONS  
STANLY COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM

To insure that to the greatest extent possible contracts for work are awarded to business concerns located in or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Stanly County has developed and hereby adopts the following Plan:

1. This section 3 Plan shall apply to services and needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
2. This Section 3 covered project area for the purpose of this grant program shall, include Stanly County, and portions of immediately adjacent counties.
3. When in need of a service, the County will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and the Small Business Administration local offices. Word of mouth recommendations shall also be used as a source.
4. The County will include this Section 3 clause in all contracts executed under this CDBG Program. Where necessary, listing from any agency noted in No. 3 above deemed shall be included as well as sources of subcontractors and suppliers.
5. The prime contractor selected for major public facility or building construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Stanly County Employment Security Commission shall be notified and referred to the contractor.
6. Each contractor for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.
7. Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, suppliers and contracts likely to be utilized during the project. We will then advertise in our local newspaper an advertisement, prominently located as a display advertisement, the pertinent information regarding the project including all Section 3 required information.

**STANLY COUNTY  
RESIDENTIAL ANTI-DISPLACEMENT  
AND  
RELOCATION ASSISTANCE PLAN**

In order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, Stanly County adopts the following plan:

Stanly County will replace all occupied and vacant occupiable very-low or low-income dwellings units demolished or converted to a use other than low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and submit to the HUD the following information in writing:

1. A description of the proposed assisted activity;
2. A general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The County will provide relocation assistance, as described in 570.606 (b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

## **STANLY COUNTY CITIZENS PARTICIPATION PLAN**

Stanly County provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of low and moderate income neighborhoods and/or slum and blight areas. The County provides citizens with reasonable and timely access to local information and records relating to the grantee's proposed use of funds. This is done through County Board of Commissioners' meetings which are advertised in the local newspaper.

The County provides for public hearings to obtain citizens views and to respond to proposals and questions at all stages of the community development program, including the application process, the amendment process, and the closeout of the grant. Adequate notice is given for these meetings at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped. Any published advertisement issued by Stanly County Community Development Office includes the State TDD telephone number (1-800-735-2962).

Stanly County provides for timely written answers to written complaints and grievances. A response will be made within 10 calendar days. (See attached Complaint Procedure)

Stanly County will provide a translator for non-English speaking residents for public hearings when the County is notified that any non-English speaking resident will attend the public hearing. An interpreter will be provided for hearing impaired residents.

Stanly County will provide technical assistance on a timely basis through staff or other resources to citizen advisory groups, and upon request of groups of low and moderate-income persons and groups of residents in blighted neighborhoods.

## **CITIZEN PARTICIPATION**

### **PROCEDURE FOR COMPLAINTS**

Stanly County has developed a procedure to process complaints which may be received involving the Infrastructure Hook-Up CDBG Project or any other HUD-funded program. There are two basic forms of complaint procedures: 1) verbal complaints which will be dealt with informally by the Community Development Office (CDO), and 2) written complaints which will be dealt with formally with a set of procedures including appeals.

All written complaints received by Congressional staff, local elected officials, the County Manager, and the CDO will be logged in as received by the CDO. Within a ten-day period following the receipt of this complaint, a response will be developed by the CDO, reviewed by the County Manager, and mailed to the party who wrote the complaint. This response will include property documentation and background of the case in question, the proposed action, and the time frame in which the complaint will be addressed.

In the event this response is unsatisfactory to the person making the complaint, that party will be referred to the Project Area Committee. This Committee and the CDO will hold a hearing to discuss the case. Minutes of these hearings will be held on file, and a written response by the Committee will be made to the complainant. The second procedure for the appeal process will be a hearing held by the County Board of Commissioners whereby the same procedure will be followed including a written response.

The final appeal can be made to the Division of Community Investment or other agency which provides the funds. At this point, all parties will be present at a hearing at the Board of Commissioners Chambers. The written recommendation made by the State staff will be final in all cases.

It is the responsibility of the person making the complaint to furnish documents, provide documentation to support allegations, provide counsel if desired, inform in writing to the CDO if they are represented by a third party, and attend the meeting involving a review of their complaint.

**STANLY COUNTY  
COMMUNITY DEVELOPMENT CODE OF CONDUCT**

HATCH ACT

No employee or agent of the County may perform any function during work hours that is considered political activity. This includes: soliciting votes, transporting voters, distributing campaign materials, working on or developing campaign materials, etc.

DISCRIMINATION

No person shall, on the grounds of race, color, religion, national origin, handicap or familial status, Vietnam Era Veteran status or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with federal funds.

ENGAGEMENT IN PROCUREMENT

No employee, officer or agent of the County shall participate in the selection or award of administration of a contract supported by federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

- a) The employee, officer, or agent;
- b) Any member of his immediate family;
- c) His or her partner; or
- d) An organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee's officers, employees, or agent shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

CONFLICT OF INTEREST

No employee or agent shall influence or attempt to influence the outcome of any case or matter in which he has a direct interest either personally or in the person of any relative by blood or marriage. Employees or agents so involved shall abstain from dealing with such matters; they may provide information at the request of the County Board of Commissioners but shall not attempt to influence the decisions of the County Board of Commissioners.

**STANLY COUNTY  
1000 North First Street  
Albemarle, NC 28001**

**SECTION 504  
COMPLIANCE OFFICER/GRIEVANCE PROCEDURE**

The Board of Commissioners of Stanly County, North Carolina, hereby designates the Emily Valentine as the Human Resources Manager, to serve as Section 504 Compliance Officer throughout the implementation of the Stanly County Community Development Program.

Citizens with Section 504 grievances may do so at any point in the program. The County will respond in writing to written citizen grievances. Citizen grievances should be mailed to the Emily Valentine, 1000 North First Street, Suite 10A, Albemarle, NC 28001. The County will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Commerce, Division of Community Investment, 4313 Mail Service Center, Raleigh, NC 27699-4313. DOC will respond only to written comments within ten (10) calendar days of the receipt of the comments.

**STANLY COUNTY  
RESOLUTION FOR SIGNATORY FORM AND CHECK SIGNATURES  
FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, in order to receive Community Development Block Grant funds Stanly County must authorize persons to sign the requisition forms for Community Development Block Grant funds and checks for the Stanly County Community Development Block Grant Program.

**BE IT RESOLVED**, that the County Manager, Utilities Director and Finance Director be authorized to execute the signature requirements for requisition of Community Development Block Grant funds and checks for disbursement.

\_\_\_\_\_  
Chairman, Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board





Donna Davis  
Utilities Director  
Stanly County  
1000 North First Avenue  
Suite 10  
Albemarle, NC 28001

**RE: Stanly County Infrastructure Hook-Up Community Development Block Grant Program**

Carolina Governmental Services, LLC (CGS) is pleased to submit this proposal for the Stanly County Infrastructure Hook-Up Community Development Block Grant Program. This is an exciting time for the County and we look forward to working with you on this project to make it successful.

Our company offers full service grant administration. The grant writers and administrators at CGS have over 20 years experience in grant administration. We appreciate the opportunity to submit this proposal and we feel confident that we can provide the services necessary to make your project successful.

Thanks again for your time and consideration of this proposal. If you should have any questions you may contact us at 336-787-4932.

Sincerely,



Michael Walser

## Fee Schedule

Carolina Governmental Services, LLC is pleased to offer our clients a competitive rate structure. CGS would not exceed at fee of **\$11,250** for the administration of the Stanly County Infrastructure Hook-Up CDBG Program.

### STANDARD FEE SCHEDULE:

<b>Community Development Specialist II</b>	<b>\$100.00/Hour</b>
<b>Certified Rehabilitation Specialist I</b>	<b>\$80.00/Hour</b>

Carolina Governmental Services, LLC hourly rates include all expenses and reflect our competitive pricing.

Specific projects may be addressed on an hourly rate or based on mutually agreed upon lump sum fees, negotiated on the basis of a well-defined scope of services.

The ultimate aim of our services and fees is to provide the client with professional assistance in a timely and cost-conscious manner.

*Rates are subject to change based on economic conditions.*

August 1, 2012

Ms. Donna Davis, Director of Utilities  
Stanly County  
1000 North First Street, Suite 20  
Albemarle, North Carolina 28001

Dear Ms. Davis,

It is my pleasure to submit a proposal for administrative services to Stanly County for your CDBG Infrastructure Hook up CDBG Project. This project has been a long time coming and I know everyone is delighted to begin this work. I feel quite confident that I offer the best and most efficient and affordable services available to the County and its residents.

As a professional planner since 1985, I have worked in a variety of capacities for local governments, both on a consulting basis and as an employee. I have found my best work falls somewhere in between. Rather than provide the County with long distance administration, my desire is to be hands on, available to the County and the community. It's what many propose but often fail to deliver. Working as a single contractor, I can provide the on-site time and presence that a complex CDBG project such as this requires, thereby being responsive and accountable to the County and the project.

You and the County are to be congratulated for receiving these grant funds and assisting your neediest of citizens. I thank you for your thoughtful consideration of this proposal and all that I can offer the County. Please do not hesitate to call me at (828) 449-4970 if you have any questions.

Sincerely,

Steve Austin

- Rehabilitated five dwellings.

Contact: Steve Alexander, Mayor 704-824-3461

#### 11. Town of Ranlo

Grant writer and administrator of a 2000 \$248,000 Monterrey Park Water CDBG program

- Installed 5,948 LF of water line to serve 62 dwellings

Contact: Steve Alexander, Mayor, (704) 824-3461

#### 12. Gaston County

Grant writer and administrator of 2000 \$250,000 Housing Development CDBG project

- Infrastructure improvements to serve 66-unit senior citizen apartments

Contact: Pat Laws, Grants Analyst (704) 866-3771

#### 13. City of Kannapolis

Sole Administrator of the City's HUD CDBG Entitlement Program from 2001 through March 2007.

- Responsibilities included assuring compliance with all federal requirements for program administration, planning, budgeting, Fair Housing, labor standards and monitoring of ongoing programs. Activities included:
  - Installed Pressure Reducing Valves to 363 dwellings
  - Paved 15,243 LF of city-owned gravel streets.
  - Section 108 loan economic development application and administration
  - Targeted Brownfield application preparation and project administration
  - Infrastructure installation and improvements
  - Neighborhood Planning and Redevelopment Area Planning
  - Environmental Review Record preparation and maintenance
  - Administrator of the city's portion of the Cabarrus/Rowan/Iredell HOME Consortium.

Contact: Mike Legg, AICP, City Manager (704) 920-4333

## IV. COST AND PRICING INFORMATION

### Fixed Fee Price:

I propose a total fixed fee price of \$11,250 to complete all required administrative functions of the Stanly County 2011 Sewer Hook up CDBG Project as detailed in the request for proposals and this proposal. This fee is based on the project budget as approved by the County, as well as taking into consideration that the County will have administrative expenses such as advertising and postage costs that must be paid out the grant administrative funds or expenses for future grant planning and applications.

The NC Division of Community Investment and Assistance allows the County thirty (30) months to complete the project. It is anticipated that the project should be completed within fifteen (15) months. Services included in the fee are as shown in the Scope of

Services and extend through the close of the project. Based upon my work history on projects such as this, I thank you for your special consideration to my experience, technical abilities and familiarity with the services and project. The fee is a 100% turn-key project price for administration of the entire grant.

**Hourly Rate:**

Rate per Hour: Steve Austin, Program Administrator

\$ 75.00

**STANLY COUNTY**

**GRANT PROJECT ORDINANCE**

**BE IT ORDAINED** by the Stanly County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Commerce, Division of Community Investment. This project is more familiarly know as the 2011 Infrastructure Hook-Up Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, Division of Community Investment and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Grant	<u>\$75,000</u>
Total	\$75,000

Section 4. The following amounts are appropriated for the project:

Rehabilitation	\$63,750
Administration	<u>\$11,250</u>
Total	\$75,000

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Director is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Director is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Finance Director and the Finance Officer for direction in carrying out this project.

Section 10. The Finance Director is hereby authorized to transfer funds from one line item to another line item without further approval by the County Board of Commissioners, subject to the regulations of the North Carolina Department of Commerce, Division of Community Investment.

**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 create Fund 256 CDBG 2011 Infrastructure Hook-Up Project, 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>
256.4930	191.000	Administration	\$ -	\$ 11,250	\$ 11,250
256.4930	698.000	Rehabilitation	-	63,750	63,750
TOTALS			<u>\$ -</u>	<u>\$ 75,000</u>	<u>\$ 75,000</u>

This budget amendment is justified as follows:  
To Create Fund #256 2011 Infrastructure Hook-Up Project.


This will result in a net increase of \$ 75,000 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>
256.3493	330.20	Community Grant (CDBG)	\$ -	\$ 75,000	\$ 75,000
TOTALS			<u>\$ -</u>	<u>\$ 75,000</u>	<u>\$ 75,000</u>

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	Date	Posted by
	8-27-12	
Finance Director's Approval	Date	Journal No.
County Manager's Approval	Date	Date





# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
Presenter: Melia M. Miller

\_\_\_\_\_ | 8 x \_\_\_\_\_  
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

Subject

I will be submitting two 2013 Revaluation Schedules, the Schedule of Values for Market Value and the Schedule of Values for Present Use Value. A timeline for the adoption and appeal process for the Schedules has been provided. Charles Johnson and I will briefly review the timeline.

Requested Action

No action is required by the Commissioners at this time. Copies of the Schedules of Values are available for public inspection at the following locations:  
Stanly County Central Administration Office  
Stanly County Tax Administration Office  
Stanly County Public Libraries

Signature: Melia M. Miller *Melia M. Miller*

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

Date: 8/27/2012

Attachments: Yes   X   No   x  

#### Review Process

Approved  
Yes No Initials

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



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Michael Sandy

Consent Agenda | Regular Agenda

9

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

### PLANNING AND ZONING

#### Presentation of the proposed County of Stanly Minimum Housing Ordinance

Subject

Requested Action

It is requested the Board of Commissioners schedule a public hearing for Monday, October 1, 2012 to receive public comment on the proposed County of Stanly Minimum Housing Ordinance

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

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

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

Attachments: Yes No   x  

#### Review Process

#### Certification of Action

Approved  
 Yes No Initials

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

Finance Director

Budget Amendment Necessary

County Attorney

County Manager

Other:

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

# DRAFT



## *County of Stanly State of North Carolina*

### **RESOLUTION TITLE: Approval of the Stanly County Minimum Housing Ordinance**

WHEREAS, The Board of Commissioners in the summer of 2012, requested the Planning Staff to research and make recommendations for a new County Minimum Housing and High Grass Ordinance; and,

WHEREAS, The work was completed in September, 2012 and a public hearing was set for XXXX,XX, 2012, to receive public input; and,

WHEREAS, After consideration of the public hearing comment and proposed staff recommendations, the Board of Commissioners approved the Stanly County Minimum Housing and High Grass Ordinance, effective upon approval.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the Minimum Housing and High Grass Ordinance, dated XXXXX XX, 2012, and shall become effective upon approval.

BE IT FURTHER RESOLVED, the Board of Commissioners, may after adoption of this ordinance direct the Inspection Department to make periodic inspections, subject to the Board of Commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its territorial jurisdiction when there is reasonable cause to believe that unsafe, unsanitary or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For the purposes of this ordinance the term "reasonable cause" is defined consistent with NC General Statutes 153A-364.

BE IT FURTHER RESOLVED the County Manager is authorized to enforce said provisions of this ordinance and make necessary notifications in the matter.

# DRAFT

## AN ORDINANCE ESTABLISHING MINIMUM HOUSING STANDARDS

### STANLY COUNTY, NORTH CAROLINA

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SECTION	XVIII	METHODS OF SERVICE OF COMPLAINTS AND ORDERS
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SECTION	XXV	EFFECTIVE DATE

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## AN ORDINANCE ESTABLISHING MINIMUM HOUSING STANDARDS AND HIGH GRASS STANLY COUNTY, NORTH CAROLINA

### SECTION I PURPOSE

Pursuant to G.S. 153A-121, the Stanly County Board of Commissioners declares that there currently exists in Stanly County dwellings which are unfit for human habitation. These conditions exist due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe, unsanitary, dangerous, and detrimental to the health, safety, and welfare, of the residents of Stanly County.

In order to protect the health, safety and welfare of the residents of Stanly County as authorized by Article 19, Chapter 153A of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 153A-364.

### SECTION II JURISDICTION

On or after January 1, 2013, these regulations shall govern all residential structures, as defined by the ordinance, within Stanly County and outside the corporate limits. However, this ordinance may also regulate territory within the corporate limits of any municipality whose governing body, by resolution, agrees to such regulation, provided that any such municipal governing body, upon one (1) year written notice, may withdraw its approval of the Minimum Housing Standards and those regulations shall have no further effect within the municipality.

### SECTION III DEFINITIONS

The Following definitions shall apply in the interpretation and enforcement of this ordinance:

**Appliance** shall mean that equipment used for cooking or heating which is hardwired or permanently installed to the dwelling and is considered as real property instead of personal property.

**Basement/Cellar** shall mean a portion of a dwelling which is located at least 50% underground, having direct access to light and air from windows above the level of the adjoining ground.

**Deteriorated** shall mean that dwelling may be unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of fifty percent (50%) of its value, as determined by the findings of the Housing Inspector.

**Dilapidated** shall mean that a dwelling is unfit for human habitation and cannot be improved,

# DRAFT

repaired, or altered to comply with all of the minimum standards established by this ordinance except at a cost in excess of fifty percent (50%) of its value, as estimated by the Housing Inspector.

**Dwelling** shall mean any building, structure, Manufactured or mobile homes or part thereof, which is wholly or partly used or intended to be used for living, sleeping, or habitation by human occupants and including any accessories and structure and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

**Dwelling Unit** shall mean any room or group of rooms located within a dwelling and forming a single habitable unit used or intended to be used for living, sleeping, or habitation by human occupants.

**Extermination** shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Housing Inspector.

**Garbage** shall mean the waste resulting from the handling, preparation, cooking and consumption of food.

**Gender Words** having a masculine gender shall include the feminine and neuter gender.

**Habitable Room** shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes; excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, communicating corridors, closets, and storage spaces.

**Housing Board** shall mean Stanly County Board of Adjustment as appointed by the Board of Commissioners.

**Housing Inspector** shall mean the any person or agent appointed by the County Manager.

**Infestation** shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or public.

**Lessee** shall mean any person or group of persons who, under agreement with the property owner, occupies a dwelling unit for the purposes of living, sleeping, cooking or eating.

**Multiple Dwellings** shall mean any dwelling containing more than two dwelling units, and shall include, but not limited to, duplexes, apartments, etc.

**Occupant** shall mean any person living, sleeping, cooking or eating in, or having actual possession

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of a dwelling, dwelling unit or rooming unit.

**Operator/Landlord** shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

**Owner** shall mean any person who alone, jointly, or severally with others:

- a. Shall have title to any dwellings, dwelling unit or rooming unit, with or without accompanying actual possession thereof, or
- b. Shall be a mortgagor of record for any dwelling, dwelling unit or rooming unit, or
- c. Shall have charge, care, or control of any dwelling, dwelling unit, or rooming unit, as owner, owner's agent, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**Party or parties in interest** shall mean all persons who have interests of record in a dwelling, dwelling unit or rooming unit and persons who are in possession thereof; including, but not limited to the mortgagee.

**Person** shall mean any individual, corporation, firm, partnership, association, organization, or other legal entity.

**Plumbing** shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machine, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**Public Authority** shall mean any officer who is in charge of any department or branch of the government of Stanly County or the State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings in Stanly County.

**Residential Structure** shall mean any structure or combination of structures used for human habitation, which shall include but not be limited to: conventional site-built homes, modular homes, manufactured homes, trailers.

**Rooming House** shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

**Rooming Unit** shall mean any room, or group of rooms, forming a single habitable unit used, or intended to be used, for living and sleeping, not intended for cooking or eating purposes.

**Rubbish** shall mean non-food waste materials. The term shall include items such as: paper, rags,

# DRAFT

cartons, boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

**Supplied Facilities** shall mean the sink or water basin; toilet or water closet; tub and/or shower stall in a bathroom.

**Supplied** shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.

**Temporary Housing** shall mean any tent, trailer or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.

**Unfit for Human Habitation** shall mean that conditions exist in a dwelling, dwelling unit, rooming house, or rooming unit, which do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.

**Words having certain meaning** Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

**Working Day** Normal working hours and working days for the Stanly County Code Enforcement Officer.



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## SECTION IV MINIMUM STANDARDS OF FITNESS FOR DWELLINGS, DWELLING UNITS, AND MANUFACTURED HOMES

Standards for dwellings, dwelling units, rooming units, and manufactured homes shall be:

- 1 Every dwelling, dwelling unit, and rooming unit used as a human habitation shall comply with the North Carolina State Building Code, as amended, and with all standards of fitness for human habitation and the requirements as set forth in this ordinance.
- 2 No person shall occupy, let to another for occupancy, or use as a human habitation any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards of fitness of human habitation in this ordinance.
- 3 Every manufactured home used as a human habitation shall comply with the NC State Building Code, and with all regulations promulgated by the NC State Building Code Council.

## SECTION V MINIMUM STANDARDS FOR STRUCTURAL CONDITION

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

1. Walls, partitions or supporting members, sills, joists, rafters ,or other structural members shall not list, lean, buckle, and shall not be rotten, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
2. Floors or roofs shall have adequate supporting members and strength to be in a condition which would be structurally sound and safe for the purpose used.
3. Foundations, foundation walls, piers or other foundation supports shall be in a condition which would be structurally sound and safe for the purpose used.
4. Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse. Any stairs or steps having four (4) or more risers shall have a hand rail. Any decks, porches, landings or balconies thirty inches (30") or more above grade shall have a guard rail. All handrails and guardrails must have intermediate rails to comply with the current North Carolina State Building Code.
5. Adequate facilities for egress in case of fire or panic shall be provided. Sleeping rooms must have one (1) operable window or door directly to the exterior of the house.
6. Interior walls and ceilings of all rooms, closets, hall ways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable occupants to maintain reasonable privacy between various spaces.
7. The roof, flashing, exterior walls, floors, doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and water tight.
8. There shall be no chimneys or part there of which are defective, deteriorated, in danger of falling, or in such conditions or location as to constitute a fire hazard.
9. There shall be no use of the ground for floors, or wood floors on the ground.

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## SECTION VI            MINIMUM STANDARDS FOR BASIC PLUMBING, HEATING AND ELECTRICAL EQUIPMENT AND FACILITIES

### 1.        **Plumbing System**

- a. Each dwelling unit shall be connected, by an approved method, to a continuous potable water supply and to a public sewer or other approved sewage disposal systems.
- b. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. Water heaters shall be capable of heating water to 110 degrees Fahrenheit. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- c. All existing plumbing fixtures, water and drainage piping shall meet the standards of the North Carolina State Plumbing Code and shall be maintained in a state of good repair and in good working order, free of leaks and adequately protected from freezing.
- d. All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

### 2.        **Heating System.**

- a. Central Heating Systems. Every central heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
- b. Other Heating Facilities. Where a central heating system is not provided, each dwelling unit shall be provided, as a minimum, operable fixed in place heating facilities as was originally installed for the dwelling unit. Each dwelling unit shall heat at least one habitable room with a minimum temperature of sixty eight (68) degrees Fahrenheit measured three (3) feet above the floor during ordinary winter conditions. Portable heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

### 3.        **Electrical Systems.**

- a. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles in each room, located on separate walls. Lights shall have wall switches at each entrance, connected in such manner as determined by the National Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace or similar room at least one (1) switched ceiling or wall type electric light fixture. Every Bathroom must have at least one (1) GFCI convenience receptacle.
- b. Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched electric lights at all times when natural daylight is not sufficient.

# DRAFT

- c. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the National Electrical Code.

## SECTION VII MINIMUM STANDARDS FOR VENTILATION

1. General. Every habitable room shall have at least one window or skylight facing directly to the outdoors unless otherwise approved by the Housing Inspector.
2. Habitable Rooms. Every habitable room shall have at least one window or sky light which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the Housing Inspector.
3. Bathroom and Water Closet Rooms. Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

## SECTION VIII MINIMUM STANDARDS FOR SPACE, USE AND LOCATION

- 1 Room Size. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the North Carolina State Building Code.
- 2 Cellar. No cellar shall be used for living purposes.
- 3 Basements. No basements shall be used for living purposes unless:
  - a. The floor and walls are substantially watertight;
  - b. Every habitable room shall have at least one (1) window facing directly to the outdoors which can be easily opened. If other ventilation, approved by the Housing Inspector, is provided, then window(s) do not have to open.
  - c. The window area of every habitable room shall be entirely above the grade except where the window or windows face a stairwell, window well or access way or a way is provided to the exterior.
  - d. Bedrooms must have a direct exit door to the exterior or operable window to meet the egress requirements of the North Carolina State Building code.

## SECTION IX. MINIMUM STANDARDS FOR SAFE AND SAITARY MAINTENANCE

1. Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound and good repair; shall be capable of supporting the load which normal use would cause to be placed thereon.

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2. Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting load which normal use would cause to be placed thereon.
3. Windows and doors. Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and shall be kept in sound working condition and good repair. All exterior doors must have an apparatus for opening and closing the door on both sides, a locking mechanism, which can be opened from both sides of the door, and shall be kept in sound repair.
4. Stairs, porches, and appurtenances. Every outside and inside stair, porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and shall be kept in sound condition and good repair.
5. Bathroom floors and Walls: Every bathroom floor surface and water closet compartment floor surface and every tub and shower wall surface shall be constructed and maintained so that they will be substantially impervious to water and will permit such surface to be easily kept in a clean and sanitary condition.
6. Supplied Facilities: Every supplied facility, piece of equipment of utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
7. Drainage: Every yard shall be properly graded in order to obtain thorough drainage away from the dwelling unit and to prevent the accumulation of stagnant water.
8. Egress. Every dwelling unit shall be provided with adequate and unobstructed means of egress (exit) as required by the NC State Building Code.
9. Tall Grass: All grass of a residential/commercial/industrial structure shall be kept no more than eighteen (18") inches in height on average in all cases. If lot is less than one assessed acre, the entire lot shall be mowed. Assessed lots more than one acre in size shall mow all grass within fifty (50') of any residential/commercial/industrial structure and twenty feet (25') within any accessory structure and the first 50' from all adjoining property lines. Lots with no structures but located in a platted subdivision as determined by zoning officer, shall maintain grass height for the first 50' from all adjoining property lines. Any portion of a lot, deemed by the zoning officer, to be used for a bona fide agricultural purpose shall not apply.

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## SECTION X MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS AND INFESTATIONS

- 1 Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects; every door opening and window or other device open to the outdoor space, used or intended for ventilation, shall be equipped with screens. Every dwelling unit which does not have a central air conditioning system shall have screens on every window opening intended to be used for ventilation.
- 2 Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be equipped with screens or such other approved device as will effectively prevent their entrance.
- 3 Infestation.
  - a. Owners who occupy single dwelling units shall be responsible for extermination of any insects, rodents or other pests within the premises.
  - b. All rental properties will be reasonably free of insect infestations at the time of change of tenancy. The lessee shall have a period of five (5) days after occupancy to request an inspection for infestation. After five (5) days, the lessee shall be responsible to maintain the dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the lessee.
  - c. In cases of multiple dwelling units where infestation exists in two or more of said units or in the shared or public parts of any dwelling units, extermination shall be the responsibility of the owner.

#### 4. Garbage and Rubbish Storage and Disposal

- Property owners of single dwelling units shall be responsible for providing an approved container for outdoor storage of rubbish; and to provide an approved garbage disposal facility.
- It is the property owner's responsibility to provide for the removal and disposal of rubbish and garbage in an approved manner, except for those dwellings being leased to a second party, then the primary responsibility shall be placed on the occupant. Whenever the removal of rubbish and garbage is not carried out by the lessee, then the responsibility shall be the owner's.
- In cases of multiple dwelling the responsibility of rubbish and garbage removal will be that of the owner.

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## SECTION XI MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES

All the provisions of this ordinance, and all of the minimum standards and requirements of this ordinance, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs.

1. Water Closet, Hand Lavatory and Bath Facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more that one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
2. Minimum Floor Areas. Every room occupied for sleeping purposes by one (1) occupant shall have the minimum floor space as required by the North Carolina State Building Codes.
3. Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. The operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
4. Sanitary Facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by paragraph one (1) of this Section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

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## SECTION XII RESPONSIBILITIES OF OWNER AND OCCUPANTS

1. It shall be the responsibility of the owner or contractor to obtain proper building permits and comply with North Carolina State licensing laws and regulations.

2. Safety:

After an inspection of a dwelling in which any or all of the below emergency situations exist, the owner shall repair and correct any substandard item within forty eight (48) hours of the building being inspected and notification of violation being given:

- a. Repair any broken, burst, frozen or inoperable plumbing pipe or fixtures (water or sewer);
- b. Repair any exposed or unsafe electrical wiring;
- c. Repair or replace any unsafe and/or dangerous cooking appliances, provide by the owner;
- d. Repair, replace or install heating equipment;
- e. Repair or replace above ground fuel storage tanks and/or leaking, improperly supported or dangerous;

Upon discovery of any of the above emergency situations, the housing inspector shall provide notification to the owner of the dwelling to correct or repair the emergency situation, as listed above, within a forty-eight (48) hour period after notification of the violation. Notice of violation shall be in any two of the following forms:

- A. Posting of the dwelling, showing the emergency situation(s) to be corrected and specified time limit in which repairs are to be corrected.
- B. Notification of the owner by certified mail of the violation with the specified time period in which to have the problem corrected. Notification to the property owner shall be deemed to be twenty four (24) hours after depositing the letter.
- C. Notification by telephone, fax or other method.

Should the emergency situation not be corrected by the owner within the forty-eight (48) hour period after notification, then the housing inspector shall take action to have the emergency situation corrected to bring the dwelling into compliance with this ordinance pursuant to 153A-140 or other appropriate remedy.

During periods of declared natural disasters, defined as hurricanes, tornados, floods, earthquakes, forest fires, and other similar acts of God, this provision shall be suspended.

- 1 Public Areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- 2 Cleanliness. Every dwelling or dwelling unit shall be delivered in a clean and sanitary condition, and every occupant shall keep that part of the dwelling, dwelling unit and premises which he/she occupies and controls in a similar manner.



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- 3 Rubbish and Garbage Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by, within seven (7) days, placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.
- 4 Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- 5 Care of Facilities, and Equipment and Structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit. Willful destruction of the premises by the occupant shall be deemed legal grounds for eviction and other legal remedies.

## **SECTION XIII SMOKE DETECTION SYSTEM**

All residential units, which have been ordered by the Housing Inspector to be repaired and to conform to the minimum standards set forth in this ordinance, shall have an automatic smoke detection systems installed to conform to the standards in the North Carolina State Building Code. This section shall not apply to residential units that are not under direct order of the Housing Inspector to be repaired.

## **SECTION XIV POWERS AND DUTIES OF THE HOUSING INSPECTOR**

The County Manager Designee is hereby designated as the Housing Inspector, the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. The Housing Inspector shall have the following powers and duties:

1. To investigate housing conditions and to inspect dwellings and dwelling units located in the County to determine which dwellings and dwelling units are unfit for human habitation and/or violate this ordinance, and to carry out the objectives of this ordinance;
2. To take such action, together with other appropriate departments and agencies, as necessary to effect rehabilitation of housing which is deteriorated, and/or dilapidated;
3. To keep a record of the results of inspections made under this ordinance, including a list of all those dwellings inspected and not in compliance with the inspector's report;
4. To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with this Ordinance and State Law, and shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
5. To appoint and affix, upon approval of the County Manager, the duties of such officers, agents, and employees as the Housing Inspector deems necessary to assist in carrying out the purposes of this ordinance, and to delegate any of his functions and powers to such officers, agents, and employees;

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6. Notification of property owners by the Housing Inspector:
  - a. Upon discovery of any emergency situations listed in Section XII of this ordinance, the housing inspector shall provide notification to the owner of the dwelling to correct or repair the emergency situation, as listed above, within a forty-eight (48) hour period after notification of the violation. Notice of violation shall be any two (2) of the following forms:
    - Posting of the dwelling, showing the emergency situation(s) to be corrected and specified time limit in which repairs are to be corrected.
    - Notification of the owner by certified mail of the violation with the specified time period in which to have the problem corrected. Notification to the property owner shall be deemed to be twenty-four (24) hours after depositing the letter.
    - Notification by telephone, fax or other method.
  - b. Upon receipt of a complaint or request for inspection in non emergency situations, the housing inspector shall notify the property owner and/or tenant in the following manner:
    - The Housing Inspector shall contact both the owner and the tenant advising that a complaint or report had been filed with the inspector;
    - The Housing Inspector shall also advise that the dwelling will be inspected seven (7) days after the complaint is filed, if no earlier time is agreed upon, and advise that the owner may be present during the inspection. Also, that if the owner or tenant wishes to reschedule the inspection, they may negotiate a specific inspection time with the inspector.
    - The Housing Inspector shall also notify the tenant of the specific date of the inspection, in a similar manner to the owner notification.
  - c. If the house to be inspected is owner occupied, then the Inspector shall advise the owner, at the time of the seven (7) day notice, of their constitutional rights to refuse entry to the Inspector.
7. To perform such other duties as may be prescribed herein or by the Board of County Commissioners.

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## SECTION XV HOUSING APPEAL BOARD

The Housing Appeal Board shall review all appeals from property owners relating to orders given by the Housing Inspector. The Housing Appeal Board shall consist of seven (7) sitting members of the Stanly County Board of Adjustment as appointed by the Stanly County Board of Commissioners. Their Rules of Procedure apply. The Board shall perform the duties prescribed by Section XIX and shall keep an accurate record of all of its proceedings.

## SECTION XVI INSPECTIONS; DUTIES OF OWNERS AND OCCUPANTS

- 1 For the purposes of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units, and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or person in charge thereof, will allow entry at all reasonable times for the purposes of such inspection, examination and survey. If the house to be inspected is owner occupied, then the Inspector shall advise the owner, at the time of the seven (7) day notice, of their constitutional rights to refuse entry to the Inspector.
- 2 Every occupant of a dwelling, dwelling unit, rooming house, or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations necessary to effect compliance with provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

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## SECTION XVII PROCEDURE FOR ENFORCEMENT

1. When ever a written petition is filed with the housing inspector by a public authority or by at least five citizens of five different households of the County charging that any dwelling is unfit for human habitation or whenever it appears to the housing inspector (on his own motion) that any dwelling is unfit for human habitation, the housing inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and:

A. containing a notice that a hearing will be held before the housing inspector(or his designated agent) at a place within the county in which the property is located and,

B. set not less than 10 days nor more than 30 days after the serving of the complaint;

C. that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

D. that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing inspector.

2. If after notice and hearing, the housing inspector determines that the dwelling under consideration is unfit for human habitation; he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order;

- a) If the repair, alteration or improvement of the dwelling can be made at less than 50% of the value as estimated by the inspector, the owner is required, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or
- b) If the repair, alteration or improvement of the dwelling cannot be made at 50% or less of its value as estimated by the inspector, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.
- c) However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A, Part 3C.

3. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing inspector may cause the dwelling to be repaired, altered or improved or to be vacated and closed; and the housing inspector may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

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4. If the owner fails to comply with an order to remove or demolish the dwelling, the housing inspector may cause such dwelling to be removed or demolished. The duties of the housing inspector set forth in subdivisions (3) and (4) shall not be exercised until the governing body shall have by ordinance ordered the housing inspector to proceed to effectuate the purpose of this ordinance with respect to the particular property or properties which the housing inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

5. If the governing body has adopted an ordinance, or the housing inspector has:

- a. issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (2)a, and
- b. if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
- c. then if the governing body shall find:
  1. that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation, and
  2. that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that:
    - the dwelling would continue to deteriorate,
    - would create a fire and safety hazard,
    - would be a threat to children and vagrants,
    - would attract persons intent on criminal activities,
    - would cause or contribute to blight and the deterioration of property values in the area, and
    - would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State.
- d. then in such circumstances, the Board of Commissioners may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
  1. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling as estimated by the Inspector, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
  2. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling as estimated by the Inspector, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.
- e. This ordinance shall be recorded with the Stanly County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to

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comply with this ordinance, the housing inspector shall effectuate the purpose of the ordinance.

1 That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the housing inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in N.C. 160A Article 10. If the dwelling is removed or demolished by the housing inspector, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the housing inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled there to by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

2 If any occupant fails to comply with an order to vacate a dwelling, the housing inspector may file a civil action in the name of the County to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the housing inspector produces a certified copy of an ordinance adopted by the Board of Commissioners pursuant to subdivision (4) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of Commissioners ordered the housing inspector to proceed to exercise his duties under subdivisions (3) and (4) of this section to vacate and close or remove and demolish the dwelling.

3 That whenever a determination is made pursuant to subdivision (2) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the housing inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The housing inspector or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud.

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Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the housing inspector to wait 45days before causing removal or demolition.



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## **SECTION XVIII METHODS OF SERVICE OF COMPLAINTS AND ORDERS**

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the Inspector shall make an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Stanly County at least once no later than the time at which personal service would be required under the ordinance. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

## **SECTION XIX APPEALS FROM ORDERS OF THE INSPECTOR**

An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the County. Any appeal from the Inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, by filing with the Inspector and with the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record from which the appealed decision was made. When the appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certification, (a copy of which shall be furnished the person who is appealing), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by restraining order, for due cause shown upon not less than one (1) day written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(5)

□ The Housing Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all parties, and shall render its decision within a reasonable time. Any party may appear in person, by agent, attorney. The Board may reverse or affirm, wholly, partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to this end shall have all the powers of the Inspector. The concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in the case where there are practical difficulties or unnecessary hardships in a way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the

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spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

□ Every decision of the Housing Board shall be subject to review by the proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise. Petition to Superior Court by Owner. Any person aggrieved by an order by the Inspector or a decision rendered by the Housing Board shall have the right, within thirty (30) working days after issuance of the order or rendering of the decision, to petition the Superior Court for an injunction restraining the Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160A-446.

## **SECTION XX ALTERNATE REMEDIES**

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of Stanly County to define and declare nuisances and to cause this ordinance by criminal process as authorized by G.S. 14-4 and Section XIII of this ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. Pursuant to the NC General Statute 153A-123, a civil penalty may be imposed by the Board of Commissioners.

## **SECTION XXI CONFLICT WITH OTHER PROVISIONS**

In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of Stanly County, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of Stanly County shall prevail.

## **SECTION XXII VIOLATIONS; PENALTY**

1. It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove the same, or to vacate and close and remove or demolish and remove the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

2. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section XVII of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or vacating the premises and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

3. The violation of any provision of any provision of this ordinance shall constitute a Class 3 misdemeanor, as provided by G.S. 14-4.

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4. In addition to the penalty established by subsection (3) above, and the remedies provided by other provisions of this ordinance, this ordinance may be forced by an appropriate equitable remedy issued by a court or competent jurisdiction.

5. The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in the amount of \$200.00 upon the date of issuance, \$500.00 for the third citation and \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative, and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator(s) or, the citation may be mailed, certified return receipt requested. The citations shall direct the violator to make payment at the Stanly County Planning Department within fifteen (15) days of the date of the citation or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days from the date of issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of the delinquency. Further, the citation shall state that the violation is a continuing violation, and additional citations may be issued.

## **SECTION XXIII AMENDMENT PROCEDURE**

The Board of Commissioners may from time to time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall be been submitted to the Housing Board for review and recommendation. The Housing Board shall have sixty (60) days from the time the proposed amendment is submitted within which to submit its report. If the Housing Board fails to submit a report within a specified time, it shall be deemed to have been recommended for approval. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Stanly County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty five (25) nor less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) - twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

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## SECTION XXIV SEVERABILITY

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

## SECTION XXV EFFECTIVE DATE

This ordinance shall be effective upon adoption by the Stanly County Board of Commissioners.

I, TYLER BRUMMITT, Clerk to the Board of Commissioners of Stanly County, North Carolina, hereby certify that the foregoing is a true and correct copy of the MINIMUM HOUSING STANDARDS ORDINANCE, adopted by the Board of Commissioners at a regular meeting held on XXXXXXXX XX, 2012.

Tyler Brummitt, Clerk

Stanly County Board of Commissioners (SEAL)

True to Form

\_\_\_\_\_  
Stanly County Attorney



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Andy Lucas

\_\_\_\_\_ | IOA  
 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

### APPOINTMENTS TO THE COMMUNITY OVERSIGHT BOARDS FOR CARDINAL INNOVATIONS HEALTHCARE SOLUTIONS

Subject

Please see the attached information concerning the requested appointments to the Community Oversight Boards.

Requested Action

Request the Board appoint the following members for the Community Oversight Boards:

- Commissioner or designee
- Family member of a person with mental illness, addiction or intellectual/developmental disabilities
- Community stakeholder

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

**CARDINAL INNOVATIONS HEALTHCARE SOLUTIONS  
COMMUNITY OVERSIGHT BOARDS  
(FORMERLY PIEDMONT BEHAVIORAL HEALTHCARE BOARD)**

Please refer to the “Joint Resolution of the Boards of County Commissioners of Alamance, Cabarrus, Caswell, Chatham, Davidson, Franklin, Granville, Halifax, Orange, Person, Rowan, Stanly, Union, Vance and Warren Counties” approved by the Board on April 16, 2012 to establish Cardinal Innovations for the terms and membership information.

**G. S.** 122-35.18-23A, Article C

**Local Resolution:** Joint resolution of Cabarrus, Stanly and Union counties establishing Piedmont Area Mental Health Program, April 1974; Recorded in Minute Book 11, pp. 471-475

**Date Established:** April 1, 1974

**Meeting Schedule:** Third Thursday night of each month except February. The Board does not meet in July, August and December.

**Members:** 15

**Terms:** 3 years – The terms of office of county commissioners shall be concurrent with their respective terms of office. The terms of the other members on the area board shall be for three (3) years beginning on July 1<sup>st</sup> and ending June 30<sup>th</sup>.

**Special Provisions:** Five members from each of the three (3) counties, to include:

- (A) At least one commissioner from each county,
- (B) At least two (2) persons licensed to practice medicine in NC,
- (C) At least one (1) representative from professional fields of psychology, social work, nursing, or religion,
- (D) At least three (3) representatives from local citizens organizations that are active in mental health, mental health retardation, alcoholism, or drug dependence
- (E) At least one representative from local hospitals or area planning organizations,
- (F) At least one attorney practicing in NC

**Method of Appt:** Each Board of County Commissioners within the area shall appoint one commissioner as a member of the Area Mental Health Board. The commissioner member so selected shall appoint the other members of

the Mental Health Board.

**Conditions for Area Board Membership:**

- A. All area board members shall be residents of either Cabarrus, Rowan, Stanly, or Union counties. If any board member moves his legal residence from said counties, his membership shall automatically terminate.
- B. No employee, consultant, or person otherwise employed or reimbursed by the Area Authority shall be eligible for Area Board membership.

**Officers:** The Board shall elect its own chairman and may elect one or more vice chairmen and a secretary.

<u>MEMBERS</u>	<u>INITIAL APPOINTMENT</u>	<u>TERM EXPIRES</u>
Josh Morton P. O. Box 267 Albemarle, NC 28002	Commissioner	Term of Office
Dr. Leonard Saltzman 317 Yadkin Street Albemarle, NC	2008 (Not reappted due to Cardinal Innovations resolution allowing for 3 members per county – see resolution approved 4/16/12)	6/30/12
Dale Poplin 1402 Heritage Court Albemarle, NC 28001	2009	6/30/15
Barbara Whitley 1200 Heritage Drive Albemarle, NC 28001 Partnership for Children	2004	6/30/14 2 <sup>nd</sup> term

**PBH Clerk:**

Pamela Campbell  
245 LePhillip Court NE  
Concord, NC 28025

*Creating solutions, **One** person at a time.*

July 31, 2012

Tyler Brummitt  
Clerk to the Board  
Stanly County Board of Commissioners  
1000 N First Street  
Suite 10  
Albemarle, NC 28001

Dear Ms. Brummitt;

Attached is a copy of the Joint Resolution of the Boards of County Commissioners signed by each county in the Cardinal Innovations Healthcare Solutions catchment area.

The resolution calls for each county to appoint the following members for the Community Oversight Boards:

- *Commissioner or designee*
- *Family member of a person with mental illness, addiction, or intellectual/developmental disabilities*
- *Community Stakeholder (this can be a private citizen, or someone from an agency)*

Please submit individual appointment letters for each person chosen to serve on the Community Oversight Board. We are requesting that members be appointed no later than October 1, 2012. The Executive Director from the Community Operations Center listed below, will be available to assist in recommending potential appointees that meet the above requirements.

Piedmont Community Operations Center:  
Anna Yon, Executive Director  
245 LePhillip Court  
Concord, NC 28025  
Phone: 704-721-7113

We appreciate the support of Stanly County. Stanly County's support has benefited our efforts in managing a system of care for children and adults with mental health, developmental disabilities and substance abuse disorders.





If you have any questions or if I can be of further assistance, please feel free to contact me at (704)939-7712 or via email at [Pamela.Campbell@pbhsolutions.org](mailto:Pamela.Campbell@pbhsolutions.org).

Sincerely,

A handwritten signature in black ink that reads "Pamela A Campbell". The signature is fluid and cursive, with the first name and last name clearly legible.

Pamela A Campbell  
Board Clerk  
Cardinal Innovations Healthcare Solutions

Enclosure



**JOINT RESOLUTION  
OF THE BOARDS OF COUNTY COMMISSIONERS  
OF ALAMANCE, CABARRUS, CASWELL, CHATHAM, DAVIDSON,  
FRANKLIN, GRANVILLE, HALIFAX, ORANGE, PERSON, ROWAN,  
STANLY, UNION, VANCE AND WARREN COUNTIES**

WHEREAS, the Boards of County Commissioners of Alamance, Cabarrus, Caswell, Chatham, Davidson, Franklin, Granville, Halifax, Orange, Person, Rowan, Stanly, Union, Vance and Warren Counties previously resolved to be separately served by the Five County, OPC, and PBH Area Authorities;

WHEREAS, the State of North Carolina passed Session Law 2011-264, which requires statewide expansion of the 1915(b)/(c) Medicaid Waiver to be managed by Area Authorities operating as Managed Care Organizations;

WHEREAS, the North Carolina General Assembly is currently addressing the governance needs of Area Authorities operating as Managed Care Organizations through a Health and Human Services Subcommittee on LME Governance, and intends to pass governance legislation in the 2012 legislative short session;

WHEREAS, the Boards of County Commissioners of Alamance, Cabarrus, Caswell, Chatham, Davidson, Franklin, Granville, Halifax, Orange, Person, Rowan, Stanly, Union, Vance and Warren Counties now desire to be served by a single Area Authority operating as a Managed Care Organization with a governance structure that will function under existing law, as well as under the new governance legislation;

NOW, THEREFORE, BE IT RESOLVED JOINTLY as follows:

**Section 1.** Resolution and Purpose

It is in the interest of the public health and welfare to create an Area Authority to operate North Carolina's 1915(b)/(c) Medicaid Waiver as a Managed Care Organization and to manage all public resources that may become available for mental health, intellectual and developmental disabilities, and substance abuse services, including federal block grant funds, federal funding for Medicaid and Health Choice, and all other public funding sources.

**Section 2.** Establishment of Cardinal Innovations Healthcare Solutions

There is hereby created and established pursuant to G.S. 122C-115(c) an Area Authority known as Cardinal Innovations Healthcare Solutions ("Cardinal Innovations"). Pursuant to the 1915(b)/(c) Medicaid Waiver and 42 C.F.R. 438.2, Cardinal Innovations Healthcare Solutions shall operate as a Managed Care Organization and Prepaid Inpatient Health Plan. Cardinal Innovations shall include the Alamance-Caswell, Five County, OPC, and Piedmont Community Operations Centers.

### **Section 3. Governance**

There is hereby created and established pursuant to G.S. 122C-118.1 an Area Board, which shall be the governing unit of Cardinal Innovations. The Area Board shall be comprised of a single Governing Board and Community Oversight Boards, one for each Community Operations Center. The appointment of members to the Governing Board and Community Oversight Boards shall be in accordance with bylaws set forth for such purpose and may be amended as necessary or convenient to comply with changes in state or federal law or to carry out the functions, powers, duties, and responsibilities contained in this Joint Resolution. Due to the complexity of operations, financial risk, and responsibility for public funding the Governing Board must be highly functional in order to ensure accountability to funders, the financial solvency of Cardinal Innovations, compliance with state and federal laws and regulations including quality standards, and a service delivery system that is customized for localities and which provides access and choice for citizens in need of mental health, intellectual and developmental disabilities, substance abuse and related services.

(1) Membership of the Governing Board shall be comprised of a mix of individuals with the necessary expertise to govern large Managed Care Organizations and individuals who represent the constituencies Cardinal Innovations serves. Membership will be as follows:

(a) Two (2) at-large County Commissioners from among the County Commissioners serving on Community Oversight Boards (defined below), selected by the Governing Board, based on diversity of geographic representation;

(b) One (1) member from the Regional Consumer and Family Advisory Committee, either the Chair or other elected member;

(c) Six (6) members, selected by the Governing Board, with professional experience and expertise in healthcare, insurance, finance, health/behavioral health, intellectual/developmental disabilities, and a physician or other clinical professional, and no more than two members from any single specialty area; and

(d) One (1) member from each Community Oversight Board, either the Chair or other elected member.

(e) Except for members appointed by the Community Oversight Boards and the Regional Consumer and Family Advisory Committee, the initial members of the Governing Board shall be nominated by the PBH Board, with consultation from the Boards of Five County and OPC Area Authorities, and affirmed by the Secretary of the North Carolina Department of Health and Human Services.

(2) The Governing Board's primary responsibilities will include determining policy; strategic planning, including consideration of local priorities as determined by the Community Oversight Boards; budgets; hiring and evaluations of the Chief Executive Officer; monitoring of deliverables, including overall performance and financial management; government affairs and advocacy; reporting to constituent counties; responding to concerns and feedback from the Community Oversight Boards; and ensuring the overall health of Cardinal Innovations.

(3) The bylaws of the Governing Board shall establish Community Oversight Boards, one for each Community Operations Center, which shall ensure involvement of local stakeholders, promote understanding and collaboration at the local level, and monitor the performance of each Community Operations Center. Membership of the Community Oversight Boards will be as follows:

(a) Three (3) members from each County, appointed by each County's Board of Commissioners, and will include a County Commissioner or designee, a consumer or family member, and another citizen or stakeholder; and

(b) One (1) member from the Local Consumer and Family Advisory Committee, either the Chair or other elected member.

(4) Each Community Oversight Board's primary responsibilities will include advising the CEO on the evaluation and hiring of the Community Operations Center Executive Director; recommending priorities for expenditure of state and county funds for development of the annual budget; determining local priorities for inclusion in the overall strategic plan; identifying community needs and concerns; monitoring resolution of issues; and monitoring performance at the local level, including access to care, expenditure of service funds, number of consumers served, services delivered, provider network size and composition, outcomes, and consumer satisfaction.

(5) Each Community Oversight Board will establish its own bylaws based on local needs, but in compliance with standardized requirements established by the Governing Board for quorums, frequency of meetings, elections of officers, duties of members, committees and committee appointments, and attendance standards. Such bylaws are subject to the approval of the Governing Board.

#### **Section 4.** Functions

Cardinal Innovations shall perform all the functions necessary to carry out the purposes of this Joint Resolution, including, but not limited to, the following:

(1) To establish accountability for the planning, development, and management of local systems that ensure access to care, quality of services, and the availability and delivery of necessary services, for individuals in need of mental health, intellectual and developmental disabilities, substance abuse, and related services;

(2) To operate the 1915(b)/(c) Medicaid Waiver, a proven system for the management of mental health, intellectual and developmental disabilities, and substance abuse services;

(3) To manage state funded services for mental health, intellectual and developmental disabilities, and substance abuse services, including federal block grant funds;

(4) To manage all other resources that are or become available for mental health, intellectual and developmental disabilities, and substance abuse services;

(5) To use managed care strategies, including care coordination and utilization management, to reduce the trend of escalating costs in the State Medicaid program while ensuring medically necessary care, and to deploy a system for the allocation of resources based on the reliable assessment of medical necessity, functional status and intensity of need. These strategies shall efficiently direct individuals to appropriate services and shall ensure they receive no more and no less than the amount of services determined to be medically necessary at the appropriate funding level;

(6) To maintain a local presence in order to respond to the unique needs and priorities of localities;

(7) To ensure communication with consumers, families, providers, and stakeholders regarding disability-specific and general 1915(b)/(c) Medicaid Waiver operations by implementing a process for feedback and exchange of information and ideas;

(8) To establish and maintain systems for ongoing communication and coordination regarding the care of individuals with mental illness, intellectual and developmental disabilities, and substance abuse disorders with other organized systems such as local Departments of Social Services, Community Care of North Carolina, hospitals, school systems, the Department of Juvenile Justice and Delinquency Prevention, and other community agencies;

(9) To maintain disability specific infrastructure and competency to address the clinical, treatment, rehabilitative, habilitative, and support needs of all disabilities served by Cardinal Innovations;

(10) To conduct administrative and clinical functions, including requirements for customer service, quality management, due process, provider network development, information technology systems, financial reporting, and staffing;

(11) To maintain full accountability for all aspects of 1915(b)/(c) Medicaid Waiver operations and for meeting all contract requirements specified by the Department of Health and Human Services; and

(12) To authorize the utilization of State psychiatric hospitals and other State facilities.

#### **Section 5.** Powers, Duties and Responsibilities

Cardinal Innovations shall have the powers, duties, and responsibilities necessary or convenient to carry out the purposes of this Joint Resolution, including but not limited to, the following:

(1) To engage in comprehensive planning, development, and management of local systems for the delivery of mental health, intellectual and developmental disabilities, and substance abuse and related services;

(2) To comply with federal requirements for Medicaid, Medicare, block grants, and other federally funded healthcare programs;

(3) To perform public relations and community advocacy functions;

(4) To maintain a 24-hour a day, seven day a week crisis response service. Crisis response shall include telephone and face-to-face capabilities. Crisis phone response shall include triage and referral to appropriate face-to-face crisis providers. Crisis services do not require prior authorization, but shall be delivered in compliance with appropriate policies and procedures. Crisis services shall be designed for prevention, intervention, and resolution, not merely triage and transfer, and shall be provided in the least restrictive setting possible, consistent with individual and family need, and community safety;

(5) To accept donations or money, personal property, or real estate for the benefit of Cardinal Innovations and to take title to the same from any person, firm, corporation, or society;

(6) To purchase, lease, obtain options upon, or otherwise acquire any real or personal property or any interest therein from any person, firm, corporation, city, county, government, or society;

(7) To sell, exchange, transfer, assign, or pledge any real or personal property or any interest therein to any person, firm, corporation, city, county, government, or society;

(8) To own, hold, clear, and improve property;

(9) To appoint a Chief Executive Officer and to fix his/her compensation;

- (10) To delegate to its agents or employees any powers or duties as it may deem appropriate;
- (11) To employ its own counsel and legal staff;
- (12) To adopt, amend, and repeal bylaws for the conduct of its business;
- (13) To enter into contracts or other arrangements for necessary supplies, equipment, or services for the operation of its business;
- (14) To appoint committees or subcommittees as it shall deem advisable, to fix their duties and responsibilities, and to do all things necessary in connection with the management, supervision, control, and operation of its business;
- (15) To enter into any contracts or other arrangements with any municipality, other public agency of this or any other State or of the United States, or with any individual, private organization, corporation, or nonprofit association for the provision, oversight or management of mental health, intellectual and developmental disabilities, substance abuse and related services;
- (16) To act as an agent for the federal, State, or local government in connection with the management and oversight for the delivery of mental health, intellectual and developmental disabilities, substance abuse and related services To insure its property or operations against risks as it may deem advisable;
- (17) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which trustees, guardians, executors, administrators, and others acting in a fiduciary capacity may legally invest funds under their control;
- (18) To sue and be sued;
- (19) To have a seal and to alter it at pleasure;
- (20) To have perpetual succession;
- (21) To make and execute contracts and other instruments necessary or convenient, including to provide services to government or private entities, including Employee Assistance Programs;
- (22) To agree to limitations upon the exercise of any powers conferred upon it by this Joint Resolution in connection with any loan;
- (23) To determine the pay, expense allowances, and other compensation of its officers and employees, and establish position classification and pay plans and incentive compensation plans;
- (24) To provide for biennial assessments of personnel plans by an independent entity that specializes in human resources development and management to ensure that position classifications and compensation are appropriately matched to industry standards and local job market requirements; and
- (25) To exercise any or all of the powers conferred upon it by this Joint Resolution, either generally or directly, or through designated agents.


**Section 6.** Effective Date

This Joint Resolution shall be effective as of July 1, 2012.

ADOPTED AND RATIFIED in counterparts by the Boards of County Commissioners of Alamance, Cabarrus, Caswell, Chatham, Davidson, Franklin, Granville, Halifax, Orange, Person, Rowan, Stanly, Union, Vance and Warren Counties.

**BOARD OF COMMISSIONERS OF ALAMANCE COUNTY**

Approved: 5/7/, 2012.

By:   
Chairman

This the 5<sup>th</sup> day of May 2012.

ATTEST:   
Clerk to the Board

**BOARD OF COMMISSIONERS OF CABARRUS COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CASWELL COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ALAMANCE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CABARRUS COUNTY**

Approved: May 21, 2012.

By: Elizabeth F. Poole  
Chairman

This the 21 day of May 2012.

ATTEST: [Signature]  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CASWELL COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board



**BOARD OF COMMISSIONERS OF ALAMANCE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CABARRUS COUNTY**

Approved: \_\_\_\_\_, 2012.

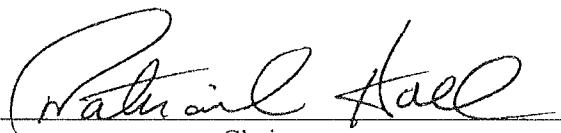
By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.


ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CASWELL COUNTY**

Approved: June 4, 2012.

By:   
Chairman

This the 4<sup>th</sup> day of June 2012.

ATTEST:   
Clerk to the Board

**BOARD OF COMMISSIONERS OF CHATHAM COUNTY**

Approved: March 19, 2012.

By: [Signature]  
Chairman

This the 19<sup>th</sup> day of March 2012.

ATTEST: [Signature], CMC, NCCCC  
Clerk to the Board

**BOARD OF COMMISSIONERS OF DAVIDSON COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF FRANKLIN COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CHATHAM COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF DAVIDSON COUNTY**

Approved: May 9, 2012.

By: *Sam J. Watson*  
Chairman

This the 9<sup>th</sup> day of May 2012.

ATTEST: *Anna M. Burkhardt*  
Clerk to the Board

**BOARD OF COMMISSIONERS OF FRANKLIN COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF CHATHAM COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF DAVIDSON COUNTY**

Approved: \_\_\_\_\_, 2012.


By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

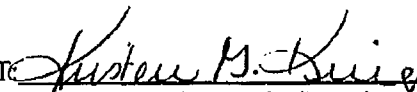
ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF FRANKLIN COUNTY**

Approved: April 16 \_\_\_\_\_, 2012.

By:   
Chairman

This the 16 day of April 2012.

ATTEST:   
Clerk to the Board

**BOARD OF COMMISSIONERS OF GRANVILLE COUNTY**

Approved: March 19, 2012.

By: Hubert R. Booth, Jr.  
Chairman

This the 19<sup>th</sup> day of March 2012.

ATTEST: Debra A. Weary  
Clerk to the Board



**BOARD OF COMMISSIONERS OF HALIFAX COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ORANGE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF GRANVILLE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF HALIFAX COUNTY**

Approved: \_\_\_\_\_, 2012.

By: James H. Piene  
Chairman

This the 2nd day of April, 2012.

ATTEST: Andrea H. Wilgins  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ORANGE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF GRANVILLE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF HALIFAX COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ORANGE COUNTY**

Approved: March 22, 2012.

By: Bernadette Pedersen  
Chairman

This the 3 day of April 2012.

ATTEST: Leah St. Bon  
Clerk to the Board

**BOARD OF COMMISSIONERS OF PERSON COUNTY**

Approved: March 12, 2012.

By: Jimmy B. Claytor  
Chairman

This the 12 day of March 2012.

ATTEST: Brenda B. Reaves  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ROWAN COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF STANLY COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board



**BOARD OF COMMISSIONERS OF PERSON COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ROWAN COUNTY**

Approved: May 21, 2012.

By: Ch. Mitchell  
Chairman

This the 23<sup>rd</sup> day of May 2012.

ATTEST: Carolyn Shey  
Clerk to the Board

**BOARD OF COMMISSIONERS OF STANLY COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF PERSON COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF ROWAN COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF STANLY COUNTY**

Approved: April 16, 2012.

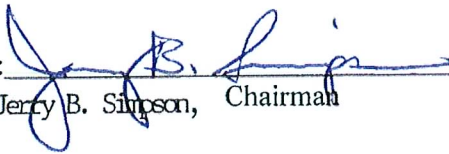
By: Lindsay Dunworth  
Chairman

This the 16 day of April 2012.


ATTEST: Jayce Brunnett  
Clerk to the Board

**BOARD OF COMMISSIONERS OF UNION COUNTY**

Approved: June 4, 2012.

By:   
Jerry B. Simpson, Chairman

This the 4th day of June, 2012.

ATTEST:   
Lynn G. West, Clerk to the Board

**BOARD OF COMMISSIONERS OF VANCE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF WARREN COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF UNION COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF VANCE COUNTY**

Approved: April 2 \_\_\_\_\_, 2012.

By:  \_\_\_\_\_  
Chairman

This the 2nd day of April 2012.

ATTEST: Kelley H. Bisson \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF WARREN COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF UNION COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

**BOARD OF COMMISSIONERS OF VANCE COUNTY**

Approved: \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Chairman

This the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST: \_\_\_\_\_  
Clerk to the Board

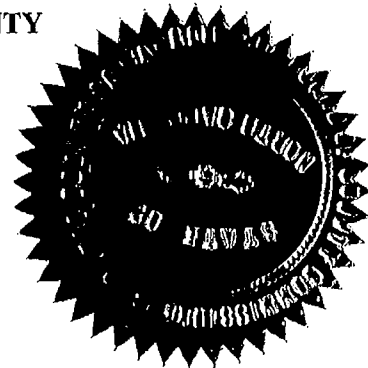
**BOARD OF COMMISSIONERS OF WARREN COUNTY**

Approved: May 7, 2012.

By: [Signature]  
Chairman

This the 8th day of May 2012.

ATTEST: [Signature]  
Clerk to the Board





# Stanly County Volunteer Application

## Volunteer Application Stanly County Boards and Commissions

NAME: Elizabeth M. Hill  
HOME ADDRESS: 705 Moss Springs Rd.  
CITY, STATE, ZIP: Albemarle, NC 28001  
TELEPHONE: (W) 704-982-8124 (H) 704-983-8683  
FAX: 704-983-3797  
DATE: 6-25-10  
EMAIL: beth.hill@dhhs.nc.gov

PLACE OF EMPLOYMENT: NC Dept. Vocational Rehabilitation

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: Caucasian

DATE OF BIRTH: (MM/DD/YYYY): 1/12/1957

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

- Stanly County DSS
- Workforce Development
- Mental Health

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: \_\_\_\_\_

VOLUNTEER EXPERIENCE: Past Hospice, ADDC, Community Table

EDUCATION: MS - Rehabilitation Counseling

OTHER COMMENTS: \_\_\_\_\_

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012

Presenter Andy Lucas

Consent Agenda	103 Regular Agenda
----------------	-----------------------

## ITEM TO BE CONSIDERED

Subject

### Economic Development Commission - Vacancy

Paul Childress, a current Commission member, recently re-located to Concord and has resigned his position on the EDC effective Monday, August 27, 2012.

Paul was appointed from the Central District, and his unexpired term runs through January 31, 2014.

There is currently one (1) EDC application from the Central District for consideration.

Requested Action

**Recognize this recent EDC resignation and seek to appoint a new member to fill the unexpired term**

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

Dept: \_\_\_\_\_

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

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



# **BEAR INSURANCE SERVICE**

173 North Second Street, Albemarle, NC 28001

August 27, 2012

Stanly County EDC  
C/O Paul Stratos  
1000 North First Street, Ste 11  
Albemarle, NC 28001

RE: Resignation from EDC Board

Paul:

Due to a job opportunity for my wife in Cabarrus County and some pending job duties in Mecklenburg and Cabarrus County for myself in relation to Bear Insurance development activities, my family and I have relocated to Concord, NC. It is therefore with deep regret that I must tender my letter of resignation from the EDC Board effective immediately as I will no longer meet the residency requirements for appointment. Although I will continue to be very active in Stanly County and will support EDC activity in any way possible, my primary residence will not be in Stanly County. I am very appreciative of the opportunity to have served on the EDC board----AND I have tremendous respect for each of the board members for their willingness to serve in efforts to better our community. I consider many of the board members mentors and friends. I have—and will continue to have—deep friendships and meaningful business relationships with many of you. With this in mind, I want to make sure everyone understands that both myself and Bear Insurance Service will continue to be active participants in the community and in efforts to better Stanly County. Please know that I will be glad to be of assistance in any way possible. Thanks for the opportunity I have had to serve on the board and thank you to each of you for what you continue to do to help improve Stanly County.

Sincerely,

A handwritten signature in black ink that reads "Paul". The signature is written in a cursive, flowing style.

Paul Childress, CIC  
Bear Insurance Service



## Tyler Brummitt

---

**From:** webmaster@co.stanly.nc.us  
**Sent:** Wednesday, August 29, 2012 2:10 PM  
**To:** Tyler Brummitt  
**Subject:** Board Member Application

**Name:** Bryce Wilson Kimrey  
**Address:** 317 North First Street, PO Box 1764  
**City:** Albemarle  
**State:** NC  
**Zip:** 28001  
**HomePhone:** 7043225978  
**Work Phone:** 7044631000  
**Sex:** Male  
**Race:** White  
**DOB:** 09/10/1981  
**Boards:** Economic Development Commission  
**WorkExperience:** Albemarle Truck and Trailer, Inc Mar 2010-Present Dealer Sales Knowledge of All brands of Heavy Duty Trucks, Compile extensive list of Dealers throughout North America and Central America, Communicate by email, social network, and telephone inventory list to dealers, Set up delivery of sold units through third party transporters, assist in buying of local units and trades, daily inventory upgrades, revisit existing customers, promote business to new customers nationally. McCauley's GM Superstore Nov 2009-Mar 2010 Sales Consultant Assist Customers with Automobile Purchase, Knowledge of Automobile Specifics on All Models on General Motors, Chevrolet, and Buick, Assist in Internet Leads-Consulting Customer on Telephone Conversation, Continued Communication with Former Customers for Future Business Storm Technologies, Inc Nov 2007- April 2009 Combustion Specialist Perform Pulverizer Optimization and Performance Testing on Large Utility Boilers, Calibration of Testing Probes "K" Factor using wind tunnel technology, Knowledge of power plant operation, International Power Plant research for future proposals in China, Germany and Australia, Coal Fineness Analysis and Flyash Loss of Ignition, Shipping and Receiving-Domestic and International Bill of Lading Stanly County Economic Development Commission Jan 2007- Sept 2007 Coordinator Assisted with Existing Business and Retention Issues, Produced and Published News Releases for Economic Development Announcements, Research of Infrastructure Capabilities for Potential Industrial Customers, Assisted in Grant writing for North Carolina Dept of Commerce Grants, Rezoning of county land for Economic Development, Contract Review, Daily Accounting Summaries Hartsell Funeral Home, Albemarle, NC June 2004- Jan 2007 Funeral Assistant Assist in Funeral Services- Funerals and Visitations, Removal of Deceased, Assign Funeral Duties-make schedule of daily task for employees, Assist in Customer Service, Inventory Management-ordered all supplies for company with daily records of inventory Alexander Sosebee, Inc. Banner Elk, NC Apr 2003 to May 2004 Sales Associate – Second key holder Inventory Manager Co-managed and trained employees, Performed opening and closing duties, Maintained daily bookkeeping, Ran daily accounting reports and made bank deposits, Inventory receiving and data entry, Inventory accounting and updating on Point of Sale system The Christmas Market,

Blowing Rock, NC June 2002 to January 2003 Inventory Manager Managed extensive warehouse inventory by receiving merchandise, entering it into hand written inventory system, Priced inventory and delivered to retail store

**Volunteer Experience:** Stanly Regional Medical Center Foundation Forum June 2006-Present Foundation Forum Steering Committee April 2007- Oct 2008 Albemarle Downtown Development Commission Promotions Committee Jan 2007- Sept 2007 Jan 2012- Present Alive @ 5 Steering Committee May 2007- Sept 2007 Stanly County Winter Wine Festival Chair- Mar 2012-Present Co-Chair Mar 2012-Mar 2012 First Presbyterian Church Member Deacon - January 2011-Present Vice Chair of Diaconate Jan 2012-Present International Mission Work Zambia, Africa Mar 2010-Apr 2012 Montana de Luz, Honduras Aug 2011

**Education:** Appalachian State University May 2004 Bachelor of Science in Business Administration Major: Business Management Dean's List

**Comments:** A younger voice needs to be present in the decisions of the future of the economic prosperity of our county. New ideas and contacts come from the generations at need.



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: Becky Weemhoff

Consent Agenda | 10C 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>There are five members of the Senior Services Advisory Board whose term is expiring at the end of September.</p> <p>Three of these five Board members have served for two three-year terms and cannot be reappointed. The remaining two members are eligible to be reappointed according to the By-Laws and they have agreed to serve another three year term.</p> <p>The three names of people being submitted for your approval as new Advisory Board members are Robin Lentz, E.H. “Bud” Morton, Jr. and Wayne Sasser. These three individuals bring varied knowledge and experience to the Advisory Board and we look forward to their input.</p> <p>The two Board members who wish to be reappointed to the Board are Vanessa Chambers and Dr. Marianne Bumgarner-Davis. These two individuals have contributed to the Board over the past three years and we look forward to their continued service.</p> <p>All of these names submitted for your approval will be serving a three year term ending 9-30-15.</p>
	<p><b>Requested</b></p> <p>Respectfully request the appointment of Robin Lentz, E.H. “Bud” Morton, Jr. and Wayne Sasser and the reappointment of Vanessa Chambers and Dr. Marianne Bumgarner-Davis to the Senior Services Advisory Board with terms expiring 9-30-2015.</p>

Signature: _____	Dept. Senior Services
Date _____	Attachments: Yes No
<b>Review Process</b>	
Approved	
	Yes No Initials
Finance Director _____	_____
Budget Amendment Necessary _____	_____
County Attorney _____	_____
County Manager _____	_____
Other: _____	_____
<b>Certification of Action</b>	
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 Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Robin D. Lentz  
HOME ADDRESS: 44009 Hearne Road  
CITY, STATE, ZIP: New London, NC 28127  
TELEPHONE: (717) 704-463-7453  
FAX: \_\_\_\_\_  
DATE: 8/14/12  
EMAIL: robinlentz1@hotmail.com  
PLACE OF EMPLOYMENT: \_\_\_\_\_

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: White/Caucasian  
DATE OF BIRTH: (MM/DD/YYYY): 10/26/56

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

- Senior Services Advisory Bd
- \_\_\_\_\_
- \_\_\_\_\_

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: Most recently Doug's Electronics Enterprises

VOLUNTEER EXPERIENCE: \_\_\_\_\_

EDUCATION: High School education - graduated North Stanly High School

OTHER COMMENTS: Member of the Stanly County Amateur Radio Club

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001



## Stanly County Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Ernest H. Morton, Jr.  
HOME ADDRESS: 1100 N. Eleventh Street  
CITY, STATE, ZIP: Albemarle, NC 28001  
TELEPHONE: (W) 704-983-3167 (H) 704-982-5048  
FAX: 704-985-0149  
DATE: 8/14/2012  
EMAIL: BudMorton@vnet.net

PLACE OF EMPLOYMENT: Ernest H. Morton, Jr. law office

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: W

DATE OF BIRTH: (MM/DD/YYYY): 11 / 26 / 1926

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

1. Advisory Board
- 2.
- 3.

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: 59 years of law practice

VOLUNTEER EXPERIENCE: American Red Cross / Special Olympics  
Host Town Chairman for World Special Olympics games

EDUCATION: 7 years of college culminating in a Juris Doctorate  
degree

OTHER COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001



## Stanly County Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Wayne Sasser  
HOME ADDRESS: 29013 Jordan Pond  
CITY, STATE, ZIP: Albemarle NC 28001  
TELEPHONE: (W) 980-581-0340 (H) 704-983-4013  
FAX: 704 781 0026  
DATE: 8-13-12  
EMAIL: The SASSERS 2000 @ AOL.COM  
PLACE OF EMPLOYMENT: Medical Pharmacy

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: \_\_\_\_\_

DATE OF BIRTH: (MM/DD/YYYY): 2/1/1950

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

- Senior Citizens
- \_\_\_\_\_
- \_\_\_\_\_

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: Pharmacist 40 years

VOLUNTEER EXPERIENCE: hions optimist Rotary

EDUCATION: UNC Chapel Hill Pharmacy degree

OTHER COMMENTS: \_\_\_\_\_

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012

Presenter: Andy Lucas, County Manager

Consent Agenda	II Regular Agenda
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## ITEM TO BE CONSIDERED

### NCACC 2013-2014 Legislative Goals

The NC Association of County Commissioners is in the process of developing goals for the 2013-2014 biennium. Counties are invited to submit their proposals for consideration. The proposed legislative items must be substantially applicable on a statewide basis.

A few legislative items for the Board to consider are identified below:

Subject

1. Support legislation to ensure the Public School Capital Building Fund reverts back to comprising both Lottery and ADM revenue sources, and the Lottery funds are allocated at the full 40% rate.
2. Improve inmate medical care cost containment by seeking legislation that would authorize medical care providers to charge both the State and counties no more than the established Medicare or Medicaid schedule of charges.
3. Retain state aid to counties in order to maintain federal matching funds especially in the County's health, social services and transportation service areas.
4. Study the economic development impact of the State's new Energy Conservation Building Code. The code could potentially add significant costs to building construction, and this may put NC at a competitive disadvantage when competing against neighboring states that have not adopted comprehensive energy conservation standards.

**Consider, discuss and possibly approve the proposed legislative items**

Signature: _____ Date: _____	Dept: _____ Attachments: <input type="checkbox"/> yes <input type="checkbox"/> no																												
<b>Review Process</b>	<b>Certification of Action</b>																												
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th colspan="2" style="text-align: center;">Approved</th> <th style="text-align: center;">Initials</th> </tr> <tr> <th></th> <th style="text-align: center;">Yes</th> <th style="text-align: center;">No</th> <th></th> </tr> </thead> <tbody> <tr> <td style="border-top: 1px solid black;">Finance Director</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td style="border-top: 1px solid black;">    Budget Amendment Necessary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td style="border-top: 1px solid black;">County Attorney</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td style="border-top: 1px solid black;">County Manager</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td style="border-top: 1px solid black;">Other:</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> </tbody> </table>		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
	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"/>																											

## Memorandum

**To:** County Board Chairs, County Commissioners, County Managers, Clerks and Affiliate Organization Presidents

**From:** David F. Thompson, Executive Director

**Date:** July 13, 2012

**Subject:** NCACC Solicitation of County Legislative Goals Proposals for 2013-14

The time is here for us to begin our legislative goals development process for the 2013-14 biennium. We are inviting counties to submit their legislative proposals to the Association. Our goals development process is open, inclusive and deliberative. It is designed to give all 100 counties a voice in developing our legislative agenda.

This Association is the only organization in the state that truly represents all the citizens of North Carolina. For each biennial session of the General Assembly, counties submit legislative proposals, and commissioners from across the state review and recommend them to our members. Legislators know and appreciate that all 100 counties have the opportunity to be involved in our process.

Receipt of your county's proposals is instrumental to our process. Attached is a form for submittal of 2013-14 legislative goals proposals, a legislative goals handbook that delineates NCACC's legislative goals process, and a list of the progress made on the 2011-12 legislative goals. Due to your efforts, many of our goals were achieved. Reviewing these issues may be helpful in contemplating new goals or revisiting ones that need further action.

When submitting your goals, please keep in mind the following:

- Complete the accompanying goal proposal form.
- Goals may be submitted in any of the following formats: a resolution approved by the Board of Commissioners, a letter from the Chairman of the Board on behalf of the entire board, or by letter from an affiliate organization.
- Proposed goals received on or before Sept. 17 will be referred to the appropriate steering committee for review and consideration.
- Proposed goals received after Sept. 17 will be sent directly to the Legislative Goals Committee for review.

As referenced above, this packet includes the 2012 NCACC Legislative Goals Handbook. This handbook contains information about the rules, procedures and guidelines for the legislative goals adoption process. Please note the following schedule for your planning purposes.

### Legislative goals development timeline

- Sept. 17, 2012 Goals submission deadline
- September - October Steering committees review goals
- November Legislative Goals Committee meets
- December Board of Directors reviews and finalizes recommendations
- Jan. 24-25, 2013 Legislative Goals Conference, membership approval of goals

If you have any questions, please do not hesitate to contact me or Kevin Leonard, NCACC Deputy Director.





2013-14 biennium

# LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by Sept. 17, 2012

Mail to NCACC, Attn.: Kevin Leonard, 215. N. Dawson St., Raleigh, NC 27603;  
e-mail to [ncacc@ncacc.org](mailto:ncacc@ncacc.org); or fax to (919) 733-1065

Attach one or more of the following to this form:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board; and/or
- A letter from the president of an affiliate organization.
- Any other documentation or materials that support the proposed goal.

If you have questions, contact Kevin Leonard at (919) 715-4369 or [kevin.leonard@ncacc.org](mailto:kevin.leonard@ncacc.org).

Date:	
Name of county/affiliate organization:	
Name and title of person submitting goal:	
Phone:	E-mail:
Goal title:	
Goal description (what is the problem being addressed?):	
County staff contact if other than submitter:	

## Legislative Goals Timeline

**Sept. 17:** Deadline for submission of proposals

**Sept. – Oct.:** Steering committees review goals

**November:** Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors

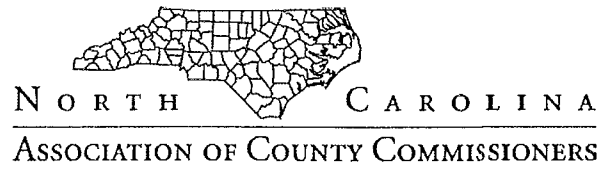
**December:** Board of Directors finalizes package to be presented to full membership

**Jan. 24-25, 2013:** Membership adopts goals at Legislative Goals Conference

## Select Steering Committee(s)

*You may choose more than one*

- Agriculture
- Environment
- Human Services
- Intergovernmental Relations
- Justice and Public Safety
- Public Education
- Tax and Finance



# LEGISLATIVE GOALS HANDBOOK

**FALL 2012**

SECOND EDITION

## **THE NCACC LEGISLATIVE GOALS PROCESS**

### **Mission Statement**

The Association's Legislative Goals process is thoughtful, deliberative, inclusive and fair. The investment of time and energy, and value of full discourse, strengthens our Association as we navigate the legislative currents. The process is designed to create an informed grassroots organization and to build a cohesiveness of purpose within the organization that, in turn, grants a degree of credibility to the Association that is unique. All counties and all county officials are invited and encouraged to participate in the Legislative Goals process.

## CONTENTS

This handbook is intended to offer the reader an overview and guidance about the rules and processes used to develop the legislative agenda of the North Carolina Association of County Commissioners. Information is presented in a format that tracks the chronological course of action for the goals adoption process.

Page 6	Background & 2012-13 Timeline
Page 7	Stage 1 - Seeking Goal Proposals
Page 8	Stage 2 - Steering Committee Review
Page 10	Stage 3 - Legislative Goals Committee
Page 11	Stage 4 - Board of Directors Consideration
Page 12	Stage 5 - Legislative Goals Conference
Page 14	Guidance Outside of Legislative Goals Process

## Stage 1 - Seeking Proposed Goals (July - September)

The Association's goals-setting process begins with an effort to elicit proposals that members think should be part of the county legislative "package" for the upcoming legislative biennium. Through CountyLines, e-mail communications and other means, the Association solicits proposals from county boards of commissioners. Suggested goals can be submitted via adopted resolutions from full boards, from the Board Chairmen via letter on behalf of the full boards, and from the fifteen affiliate and related organizations (which are groups of county officials/staff organized by function) via a letter from those organizations' presidents.

Presently, the following organizations are included as Affiliate and Related organizations:

### Affiliates

- Association of North Carolina Boards of Health
- Human Resources Directors' Association of North Carolina Counties
- N.C. Association of Assessing Officers
- N.C. Association of County Boards of Social Services
- N.C. Association of County Attorneys
- N.C. Association of County Clerks to the Board
- N.C. Association of County Directors of Social Services
- N.C. Association of County Finance Officers
- N.C. Association of Emergency Medical Services Administrators (NCAEMSA)
- N.C. Association of Local Health Directors
- N.C. Association of Registers of Deeds
- N.C. Tax Collectors' Association

### Related Organizations

- Joint Regional Forum
- N.C. City/County Managers Association
- N.C. Association of County Department of Social Services Attorneys

The Association intentionally casts a wide net to encourage inclusiveness and full membership participation. Discussion and action on proposed goals by full boards of commissioners is requested because this interaction contributes to the deliberative process and builds consensus.

Counties are provided a form on which to submit proposed goals. This streamlines the internal processing of proposals. Forms can be requested by contacting the Association office or can be accessed on the NCACC website at [www.ncacc.org](http://www.ncacc.org). A sample form is included in the Appendix of this handbook.

## Policy Statement Review

The Steering Committees also review the Association's subject area Policy Statements. The Policy Statements are general declarations of ongoing positions that give guidance on broad policy objectives, such as "no mandates without funding." These statements also guide the staff in dealing with unanticipated issues that arise in the legislative context or that affect the counties in other ways, as with proposed administrative rules and regulations or state agency policies.

Because the Steering Committees are ongoing and have broad member participation, they are a critical first step in the Legislative Goals development process. The committees meet quarterly and are available to review legislation during the legislative session; they are used to guide unanticipated legislative action and to recommend any actions that might be advisable to the NCACC Board of Directors for formal consideration and action. This issue is described in greater detail in a later section included in this handbook.

#### **Stage 4 - Board of Directors (December)**

As the Association's goal-setting process moves forward, the elected county commissioners become more and more involved in the decision-making process. The Board of Directors is almost exclusively elected commissioners, with the one exception of a non-voting county manager.

At its December meeting, the Board reviews the recommendations of the Legislative Goals Committee. As at earlier stages of the process, the Board may hear presentations, review research and analysis, add, delete or amend proposals and policy statements.

The Board gives final approval to the package of proposals and policy statements that are to be voted on by the full membership at the Legislative Goals Conference in January. By taking this action in December, the individual county boards of commissioners have time and opportunity for a full review prior to the conference.

- Goals approved and recommended by the Screening Committee are brought to the floor for consideration by the voting delegates on the second day of the conference. A majority vote of the delegates is required for approval.
- Any proposal not approved by the Screening Committee can only be brought to the floor for consideration upon a vote of two-thirds of the number of voting delegates present at 2 p.m. on the first day of the conference. This requirement recognizes that by the end of the second day, voting delegates may leave, and it protects the members from having their goals process circumvented by what could be a relatively small number of delegates.
- The Screening Committee has the authority to request a Steering Committee to give further study to newly proposed ideas. Any Steering Committee recommendations that derive from this kind of study can be presented to the Board of Directors for consideration at a later date.

## **Conclusion**

All goals and policies receiving a favorable report at the Legislative Goals Conference are included in the official final NCACC Legislative Goals package. The official document containing the organization's goals and policy statements shall be mailed to all 100 counties and presented to each member of the North Carolina General Assembly, to the Governor, and to other executive branch leaders.



Appendix



2013-14 biennium

## LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by, Sept. 17, 2012

Mail to NCACC, Attn.: Kevin Leonard, 215. N. Dawson St., Raleigh, NC 27603;  
e-mail to [ncacc@ncacc.org](mailto:ncacc@ncacc.org); or fax to (919) 733-1065

Attach one or more of the following to this form:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board; and/or
- A letter from the president of an affiliate organization.
- Any other documentation or materials that support the proposed goal.

If you have questions, contact Kevin Leonard at (919) 715-4369 or [kevin.leonard@ncacc.org](mailto:kevin.leonard@ncacc.org).

Date:	
Name of county/affiliate organization:	
Name and title of person submitting goal:	
Phone:	E-mail:
Goal title:	
Goal description (what is the problem being addressed?):	
County staff contact if other than submitter:	

### Legislative Goals Timeline

Sept. 17: Deadline for submission of proposals

Sept. – Oct.: Steering committees review goals

November: Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors

December: Board of Directors finalizes package to be presented to full membership

Jan. 24-25, 2013: Membership adopts goals at Legislative Goals Conference

### Select Steering Committee(s)

*You may choose more than one*

- Agriculture
- Environment
- Human Services
- Intergovernmental Relations
- Justice and Public Safety
- Public Education
- Tax and Finance



This document provides a summary status report of the county legislative goals adopted in the 2011-12 biennium. Goals are presented by steering committee area, with the following symbols depicting each goal's progress:



Goal Accomplished



Goal Partially Accomplished








Goal Not Met

Counties are encouraged to use this progress report when considering what legislative goals should be submitted as a part of NCACC's legislative goals process for the 2013-14 Legislative Biennium.

NCACC staff will provide a thorough review and discussion of these goals during the steering committee legislative goals review process. County members are invited to join a steering committee, with steering committee meetings to be scheduled in September and October, 2012.

### Priority Goals

1.  **Oppose shift of state transportation responsibilities to counties** – Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties.
2.  **Reinstate ADM and lottery funds for school construction** – Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund.
3.  **Ensure adequate mental health funding**
  - Seek legislation to ensure adequate capacity of state-funded acute psychiatric beds.
  - Oppose legislation to close state-funded beds until there is adequate capacity statewide.
  - Seek legislation to maintain the existing levels of state funding for community mental health services.
4.  **Preserve the existing local revenue base.**
5.  **Authorize local revenue options** – Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county.



Goal Accomplished








Goal Partially Accomplished



Goal Not Met

## Environment

1.  **Enhance river basin monitoring and streamline rule-making** - Enhance monitoring for all river basins in North Carolina and review the rule-making process to enhance regional cooperation.
2.  **Streamline water supply reservoir permitting** - Seek legislation to streamline local water supply reservoir permitting without sacrificing the scientific rigor of Environmental Impact Assessment and ensure adequate opportunities for public and local official comment.
3.  **Authorize county oversight of bio-solids disposal** - Support legislation to authorize counties to regulate, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas.
4.  **Clarify yard waste facility runoff statutes** - Seek legislation to clarify that runoff from yard waste staging areas at county landfills does not require wastewater treatment.
5.  **Create study commission on horizontal drilling, hydraulic fracturing and uranium mining** - Seek legislation to create a Study Commission on horizontal drilling and hydraulic fracturing for shale gas deposits and uranium mining.



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

## Intergovernmental Relations

1.  **Oppose shift of state transportation responsibilities to counties** - Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties.
2.  **Modernize annexation laws** - Seek legislation modernizing annexation laws.
3.  **Oppose collective bargaining for public employees** - Oppose legislation to authorize local governments to enter into collective bargaining agreements with public employees, or to mandate dues check-off programs.
4.  **Implement combined motor vehicle registration and property tax collection system** - Seek legislation to ensure that the combined motor vehicle registration and property tax collection system is implemented within the statutory deadline.
5.  **Protect local control of ABC system** - Seek legislation to protect local control of the local ABC system including all local revenue streams generated through local ABC store operations.
6.  **Authorize counties to offer broadband through partnership or direct service** - Seek legislation to authorize counties to provide high-speed internet through direct county service or public-private partnerships.
7.  **Eliminate second primary and run-off elections** - Seek legislation to eliminate second primary and run-off elections.
8.  **Authorize electronic notice of public hearings and other legal notices** - Seek legislation to provide counties with options for notice of public hearings, notice of delinquent taxpayers, and other legal notices, through electronic means.
9.  **Repeal public employee personnel record changes** - Repeal HB 961. Seek legislation that will better clarify issues regarding privacy of public employee personnel records and release of other public records.
10.  **Protect privacy of citizen email notification and distribution lists** - Seek legislation to protect the privacy of email notification and distribution lists of citizens who have requested electronic communication with their local governments.
11.  **Modernize public records retention** - Seek legislation to modernize public records retention to permit records storage in digital format.
12.  **Support Rural Transportation Planning Organizations (RPOs)** - Support legislation to maintain the funding for rural transportation planning organizations (RPOs).
13.  **Reform workers' compensation** - Support legislation to reform North Carolina's workers' compensation system to reduce disability findings and open-ended streams of payment, to address the trend in favor of long-term disability findings, to diminish control over these findings on the part of claimants and their legal representatives, and to curtail adoption of rules that limit return-to-work efforts.



Goal Accomplished








Goal Partially Accomplished



Goal Not Met

## Justice and Public Safety

1.  **Protect county jail system**
  - Seek legislation to protect the fiscal viability of the county jail system by reinstating the reimbursement rate for state inmates housed in county jails and increasing the reimbursement rate for state inmates awaiting post-trial prison transfer.
  - Oppose legislation to increase time counties are mandated to house state misdemeanants.
2.  **Improve inmate medical care cost containment** - Seek legislation that would authorize medical care providers to charge the state and counties no more than the rates set in the Medicaid or Medicare schedule of charges for inmate medical care.
3.  **Maintain funding for gang prevention and adolescent substance abuse prevention, intervention and treatment programs.**
4.  **Allow court facility fee flexibility** - Seek legislation to allow counties to collect additional fees to support specialty courts and help fund capital, operational and other needs associated with increasing demands on our judicial system.
5.  **Authorize inmate electronic monitoring cost reimbursement** - Seek legislation to authorize counties to seek reimbursement from defendants for electronic monitoring, based on ability to pay.



Goal Accomplished















Goal Partially Accomplished



Goal Not Met

## Tax and Finance

1.  **Preserve the existing local revenue base .**
2.  **Authorize local revenue options** - Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county.
3.  **Recover costs through in rem foreclosure fee** - Seek legislation to increase the reimbursement rate for in rem foreclosure collection efforts to recover actual costs, including legal expenses.
4.  **Set property tax relief application deadline at June 1** - Seek legislation to establish June 1 as the statutory deadline for exemption, deferment and other property tax relief applications.
5.  **Clarify centralized listing and assessing of cellular and cable companies** - Seek legislation to implement the central listing and assessment of cellular and cable companies.
6.  **Clarify definition of charity eligible for property tax relief** - Seek legislation to clarify the definition of charity and set a cap amount for hospitals, facilities financed through Medical Care Commission bonds, and continuing care facilities, and require that any property valuation exclusion formula provide for a higher test of charity.
7.  **Allow hospital authority access to setoff debt collection** - Seek legislation to authorize hospital authorities to participate in the setoff debt collection program.
8.  **Require sales tax reported at zip+4** - Seek legislation to require that large vendors report sales tax by the 9-digit zip code.
9.  **Simplify register of deeds fees** - Support legislation to require that all real estate recording fees charged by the Register of Deeds be set at appropriate flat rates, with a single rate paid to a single state agency, provided that implementation of this legislation not reduce any revenues to any county.
10.  **Standardize local vehicle fees** - Seek legislation to require that all local vehicle fees be adopted at the time the tax rate is adopted and impose the fees on all registered and unregistered vehicles.
11.  **Allow solid waste authority access to setoff debt collection** - Seek legislation to authorize solid waste authorities to participate in the setoff debt collection program.
12.  **Manufactured home taxes paid before transfer** - Seek legislation to require that all taxes levied on manufactured homes be paid before the home may be moved, repossessed or sold on site.



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012

Presenter Andy Lucas

Consent Agenda	12 Regular Agenda
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## ITEM TO BE CONSIDERED

Subject

### Homes of Hope – Surplus Property Donation Request Follow-Up

At the August 6, 2012 Board meeting, a representative from Homes of Hope requested the Board consider donating the County's surplus desktop computers to Homes of Hope for use by their clients.

Per NCGS 153A-176 and NCGS 160A-280, the Board does have the legal authority to donate surplus personal property to a non-profit organization after providing the proper public notice and formal adoption of an authorizing resolution.

Staff has reviewed the County's current surplus property disposition process and the subsequent fiscal/revenue impact of any changes. It is staff's recommendation to maintain the current process of selling the surplus technology equipment via public auction through GovDeals. This provides a level-playing field for all potential bidders (including local citizens and non-profits) and maximizes non-property tax revenues.

Requested Action

**Accept staff's recommendation to maintain the current process for disposing of surplus personal property.**

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

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

Dept: \_\_\_\_\_

Attachments:  yes  no

### Review Process

	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"/>	

### 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



# Stanly County Board of Commissioners

Meeting Date:  
Presenter:

13

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

### CONSENT AGENDA

Subject

- A. Minutes – Regular meeting of August 6, 2012, special meeting of August 13, 2012 and emergency meeting of August 24, 2012
- B. Tax – Refund requests for Mi Fuente Mexican Restaurant, Cynthia Lewis, Billy & Margaret Thomas and Julian Trail.
- C. Utilities – Request to renew approval of the Stanly County Language Access Plan
- D. Airport – Request approval of the Talbert & Bright Inc. work authorization # 3803-1203 and its associated project ordinance

Requested Action

Request approval of the above items as presented.

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

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

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

Attachments: Yes No   x  

### Review Process

### Certification of Action

Approved  
Yes No Initials

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

Finance Director \_\_\_\_\_

Budget Amendment Necessary \_\_\_\_\_

County Attorney \_\_\_\_\_

County Manager \_\_\_\_\_

Other: \_\_\_\_\_

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



**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
AUGUST 6, 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

**CALL TO ORDER**

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, August 6, 2012 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dunevant called the meeting to order and Commissioner Dennis gave the invocation.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

There being no adjustments to the agenda, Vice Chairman McIntyre moved to accept the agenda as presented. His motion was seconded by Commissioner Dennis and passed by unanimous vote.

**ITEM # 1 – RETIREMENT AWARDS PRESENTATIONS**

The Board recognized Carolyn Little, Stanly County Tax Administration and Kay Deese, Stanly County Health Department for their many years of service to the citizens of Stanly County.

**ITEM # 2 – HOMES OF HOPE**

**Presenter: Andy Lucas, County Manager**

The County Manager stated he had been contacted by Homes of Hope Director Skeet Ayscue who requested the Board's consideration in donating the county's surplus computers to Homes of Hope. These computers will be given to families entering the Homes of Hope program in order to take on-line personal finance courses, to look for employment and housing, and to

complete homework. According to G. S. 160A-280, a governmental unit can donate surplus items as long as proper notice is provided prior to the adoption of a resolution approving the donation.

Commissioner Lowder moved to table the item until the September 4, 2012 meeting in order to allow more time to direct questions to county staff and the Information Technology Department. The motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

### **ITEM # 3 – UTILITIES**

**Presenter: Donna Davis, Utilities Director**

#### **A. Award of the Contract for the Carpenter Road Waterline**

The NC DOT is upgrading Carpenter Road and the waterline will have to be relocated to the new right-of-way due to conflict with the road construction. Stanly County Utilities will pay for the relocation because the original waterline was not authorized for installation on NC DOT right-of-way. Based on the bids received on July 18, 2012, it was requested this contract be awarded to the apparent responsive, responsible low bidder RDR, Inc.

By motion, Commissioner Dennis moved to award the contract to RDR, Inc. as recommended by staff. The motion was seconded by Vice Chairman McIntyre and carried by a 5 – 0 vote.

#### **B. Application for the 2012 CDBG Infrastructure Grant Program**

Applications for the 2012 CDBG Infrastructure Grant Program are due to the NC Department of Commerce Division of Community Investment and Assistance between August 31, 2012 - September 14, 2012. Grants of up to \$750,000 will be awarded for selected infrastructure projects based on severity of need, level of readiness, feasibility of project, and commitment of other funds for the project. In addition, the required local match of \$37,500 will be allocated from utility funds. With these funds, approximately 64 households will be served.

Commissioner Lowder moved to approve the submission of an application for the 2012 CDBG Infrastructure Grant Program and was seconded by Commissioner Dennis. The motion passed by unanimous vote.

### **ITEM # 4 – TAX ADMINISTRATION – PRESENTATION OF THE ANNUAL SETTLEMENT REPORT FOR FY 2012**

**Presenter: Melia Miller, Tax Administrator**

The Tax Collector presented the annual settlement report and financial reports which included the collection activity for the current fiscal year. It was requested the Board accept and approve

the annual settlement report and charge the Tax Collector with collecting the FY 2013 taxes.

By motion, Commissioner Dennis moved to accept and approve the annual settlement statement and charge the Tax Collector with the collection of the FY 2013 taxes. The motion was seconded by Vice Chairman McIntyre and passed with a 5 – 0 vote.

#### **ITEM # 5 – HEALTH DEPARTMENT**

**Presenter: Dennis Joyner, Health Director**

##### **A. Budget Amendment # 2013-02 – In-House Physical Therapist Position**

The Stanly County Health Department's Home Health Program requested approval of budget amendment # 2013-02 to transfer funds from Professional Services and Home Health Fund Balance to Salary & Fringe Benefits to support a full-time in in-house salaried physical therapist. In doing this, the majority of the contracted physical therapy services would be moved to the in-house physical therapist which will allow greater flexibility to more efficiently meet the needs of their clients and in addition see more clients which will generate more revenue.

Vice Chairman McIntyre moved to approve budget amendment #2013-02 and was seconded by Commissioner Dennis. The motion carried unanimously.

##### **B. Consideration of the new Stanly County Animal Control Ordinance**

Board consideration was requested in order to establish a public hearing for the new Animal Control Ordinance. With the last revision to the current Animal Control Ordinance taking place in 2001, a new ordinance is needed to better meet the animal control needs of the county. Some of the changes and additions are extensive and 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. Due to the scope of these changes and additions, it was requested the Board schedule a public hearing to the new Animal Control Ordinance.

By motion, Commissioner Lowder moved to schedule the public hearing for the September 4, 2012 commissioners meeting. The motion was seconded by Vice Chairman McIntyre and carried with a vote of 5 – 0.

#### **ITEM # 6 – DISCUSSION OF THE SWIFT ISLAND BRIDGE**

**Presenter: Andy Lucas, County Manager**

Earlier in the year, the Board took action to have the NC DOT develop an alternative route to maintain the historical Swift Island Bridge as a bicycle/ pedestrian facility as part of the NC

24/27 road widening project. The alternative route has been designed and the right-of-way cost estimates included for the Board's consideration. After reviewing the right-of-way requirements and fiscal impact, it was requested the Board make a final decision regarding the County's acquisition of the bridge.

By motion, Commissioner Morton moved that the County not take ownership of the bridge. His motion was seconded by Commissioner Lowder and passed by unanimous vote.

#### **ITEM # 7 – “CONNECT OUR FUTURE” MEMORANDUM OF UNDERSTANDING & CONSORTIUM APPOINTMENTS**

**Presenter: Andy Lucas, County Manager**

The Centralina Council of Governments has requested the Board approve the associated memorandum of understanding and appoint members to the Consortium Program Forum and Consortium Policy Forum.

By motion, Vice Chairman McIntyre moved to approve the Memorandum of Understanding for Connect Consortium Membership for Stanly County, NC, and appoint Planning Director Michael Sandy as the primary appointee and County Manager Andy Lucas as the alternate appointee to the Consortium Program Forum. In the same motion, he also moved to approve Chairman Lindsey Dunevant as the primary appointee and Commissioner Tony Dennis as the alternate appointee to the Consortium Policy Forum. The motion was then seconded by Commissioner Lowder and passed by unanimous vote.

#### **CONSENT AGENDA**

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

Commissioner Dennis moved to approve the above consent item as presented and was seconded by Vice Chairman McIntyre. The motion carried with a 5 – 0 vote.

#### **PUBLIC COMMENT**

Debra Harvey and Daphne Smith addressed the Board stating the new Animal Control Ordinance needs to provide better protection for its senior citizens from vicious animals and needs to specifically address concerns with large dogs.

Bill Harwood came forward to comment on the special meeting held by the Board on Tuesday, July 31, 2012. Mr. Harwood stated that after the meeting, he did not have any better understanding of either the Alcoa or AltaGas issues that were discussed. He felt a public

comment session during the meeting would have helped those in attendance to better understand the information presented by the Board.

Vanessa Mullinix expressed her concerns stating that no industry will consider coming to Stanly County until the relicensing issue is settled. She also feels that Alcoa is being environmentally responsible for the clean-up of the Badin site and wants to help bring jobs to the site.

Ron Bryant addressed the previous speakers' comments by requesting that supporters of Alcoa go on-line and read about the contamination found at other Alcoa plant sites and reiterated the fact that no jobs have been delivered as promised once Alcoa received the new license to operate its dams at their other locations.

#### **GENERAL COMMENTS & ANNOUNCEMENTS**

Chairman Dunevant welcomed County Attorney Jenny Furr who was absent from the previous meeting due to the birth of her second child.

There were no other comments.

#### **CLOSED SESSION**

Vice Chairman McIntyre moved to recess the meeting into 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. The motion was seconded by Commissioner Lowder and passed unanimously at 8:05 p.m.

#### **ADJOURN**

There being no further discussion, Vice Chairman McIntyre moved to adjourn the meeting and was seconded by Commissioner Morton. The motion passed with a 5 – 0 vote at 8:55 p.m.

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**Lindsey Dunevant, Chairman**

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**Tyler Brummitt, Clerk**

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
AUGUST 13, 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

**CALL TO ORDER**

The Stanly County Board of Commissioners (the "Board") met in special session on Monday, August 13, 2012 in the Manager's Conference Room, Stanly Commons. The meeting was called to order by Chairman Dunevant at 9:00 a.m.

**CLOSED SESSION**

By motion, Commissioner Dennis moved to recess the meeting to 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. His motion was seconded by Vice Chairman McIntyre and passed by unanimous vote.

**ADJOURN**

There being no further discussion, Commissioner Dennis moved to adjourn the meeting and was seconded by Vice Chairman McIntyre. The motion carried with a 5 – 0 vote at 10:25 a.m.

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Lindsey Dunevant, Chairman

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Tyler Brummitt, Clerk

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
EMERGENCY MEETING MINUTES  
AUGUST 24, 2012**

**COMMISSIONERS PRESENT:**

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

**STAFF PRESENT:**

Andy Lucas, County Manager  
Jenny Furr, County Attorney

**CALL TO ORDER**

Chairman Dunevant called the emergency meeting of the Stanly County Board of Commissioners (the "Board") to order on Friday, August 24, 2012 at 11:30 a.m. in the Manager's Conference Room, Stanly Commons.

**CLOSED SESSION**

By motion, Commissioner Dennis moved to recess the meeting into 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. The motion was seconded by Commissioner McIntyre and passed with a 5 – 0 vote at 11:31 a.m.

**ADJOURN**

There being no further discussion, Commissioner Dennis moved to adjourn the meeting and was seconded by Commissioner McIntyre. The motion passed unanimously at 12:19 p.m.

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Lindsey Dunevant, Chairman

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Tyler Brummitt, Clerk

MEMO TO: Stanly County Board of Commissioners  
FROM: Pam Blake, Tax Collection Supervisor  
DATE: August 16, 2012  
SUBJECT: Release/Refund

I am submitting, on behalf of MI Fuente Mexican Restaurant. This refund is necessary because of removing a Late List Penalty.

Please issue the check as follows:

<u>NAME AND ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
MI Fuente Mexican Restaurant 117 N Central Ave. Locust NC 28097	2012	\$8.92

The August end of month will reflect \$8.92 less. UNDISTRIBUTED 110-2610-200.



DOUBLE

STANLY COUNTY  
201 S SECOND STREET RM104  
ALBEMARLE, NC 28001  
\*\* DUPLICATE RECEIPT \*\*

Property DP DEPRECIABLES  
SECT SCH E10 CLASS FF ASM# 00  
045008 E10 FF 000

Assessed Value \$8,118  
Exemption NONE

TAX STANLY COUNTY 54.39  
TAX WEST STANLY FIRE 6.49  
TAX CITY OF LOCUST 29.22  
CHG DISCOUNT .90-

Transaction # 202716  
Date 8/10/2022 Time 10:25:08  
Amount 89.20  
Cash .00  
Check 98.12  
3916

*Last Listing taken off*

XFR FM 2012 100 2088054

\*\*\*\*\* PAID IN FULL \*\*\*\*\*

TOTAL TAXES/CHARGES 89.20  
COLLECTED TO DATE 89.20

TOTAL STILL DUE .00  
REFUND AMOUNT DUE ~~8.92~~

MI FUENTE MEXICAN RESTAURANT  
117 N CENTRAL AVE  
LOCUST, NC 28097

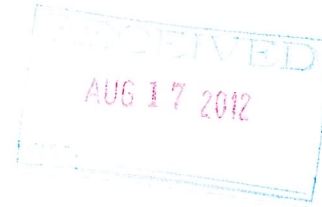
As of 8/15/2012  
District 550  
Account 52068  
Receipt 2012 100 2099154 1278240  
REAL AND PERSONAL

DATE: 8/16/12 FROM DATE: 8/01/2012 STANLY COUNTY  
 TIME: 15:17:06 TO DATE: 8/15/2012 HISTORY REFUNDS BY NAME REPORT  
 USER: PBI/AKE

WORKSTN	USER	TRANS DATE	MAINT DATE/TIME	YEAR	RECEIPT TRAILS	GRP	RPT	OWED AMT	PAID AMT	OVERAGE AMT	CORRECTING
		3/12/2012	8/14/2012 12:29	2011	2099135	202240	200	47.43	83.70	36.27	
	HATLEY PHILLIP BYRON		COMMENT: XFR FM	2011	200	0140403					REFUND TO TAXPAYER
	ADDR: 913 MEADOW CREEK CH RD										
	LOCUST, NC 28097										
		3/15/2012	8/13/2012 10:17	2011	2092765	200732	200	122.23	137.77	15.54	
	NAME: KAYS DENNIS ADRIAN		COMMENT:								REFUND TO TAXPAYER
	ADDR: 104 DELANCY ST										
	LOCUST, NC 00002-8097										
		8/03/2012	8/03/2012 11:05	2011	40978	194636	100	64.08	124.37	60.29	
	NAME: LEWIS CYNTHIA		COMMENT: STATE								REFUND TO TAXPAYER
	ADDR: 33733 ROCKY RVR SPRGS RD										
	NORWOOD, NC 28128										
		8/10/2012	8/15/2012 10:25	2012	2099154	202716	100	89.20	98.12	8.92	
	NAME: MI FUENTE MEXICAN RESTAURANT		COMMENT: XFR FM	2012	100	2088054					REFUND TO TAXPAYER
	ADDR: 117 N CENTRAL AVE										
	LOCUST, NC 28097										
		12/21/2011	8/13/2012 8:42	2011	2099099	200462	200	315.97	343.78	27.81	
	NAME: MILLER DARIN ELREED		COMMENT: XFR FM	2011	200	0141760					REFUND TO TAXPAYER
	ADDR: 254 LAGODA DR										
	LOCUST, NC 28097										
		8/15/2012	8/15/2012 11:36	2005	67442	202893	200		37.11	37.11	
	NAME: NEECE DONNA JOHNSON		COMMENT: OVER PAYMENT ALB OIL								REFUND TO TAXPAYER
	ADDR: 1126 CORBIN ST										
	ALBEMARLE, NC 28001										
		7/30/2012	8/08/2012 15:10	2012	2098988	197618	200	5.60	31.17	28.57	
	NAME: PLYLER DAVID BRIAN		COMMENT: XFR FM	2012	200	2032882					REFUND TO TAXPAYER
	ADDR: 16792 RUSTER RD										
	OAKRORO, NC 28129-8118										
		4/1/2012	8/13/2012 11:52	2011	2099108	201611	200	18.08	29.65	11.57	
	NAME: RIENER RUDDIE		COMMENT: XFR FM	2011	200	2017525					REFUND TO TAXPAYER
	ADDR: 454 ANDERSON RD										
	ALBEMARLE, NC 28001										
		6/3/2012	8/08/2012 15:58	2012	2098991	197715	200	15.59	47.01	27.42	
	NAME: STANCIL JENNINGS BRYAN		COMMENT: XFR FM	2012	200	2029398					REFUND TO TAXPAYER
	ADDR: PO BOX 1423										
	PINEVILLE, NC 28134										
		8/01/2012	8/03/2012 11:14	2011	141384	194162	200		1.19	1.19	

RECEIVED  
 AUG 17 2012  
 BY:

MEMO TO: Stanly County Board of Commissioners  
FROM: Pam Blake, Tax Collection Supervisor  
DATE: August 16, 2012  
SUBJECT: Release/Refund



I am submitting, on behalf of Cynthia Lewis refund request. This refund is necessary because of an overpayment in garnishments.

Please issue the check as follows:

<u>NAME AND ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
Cynthia Lewis 33733 Rocky River Springs Rd Norwood NC 28128	2011	\$60.29

The August end of month will reflect \$60.29 less. UNDISTRIBUTED 110-2610-200.

201 S SECOND STREET RM104

ALBEMARLE, NC 28001

\*\* RECEIPT OF PAYMENT \*\*

Property OT OTHER PERSONAL  
PERSONAL PROPERTY  
53530 100 0000001

Assessed Value \$0  
Exemption NONE

CHG DOG FEE	30.00	THIS	Transaction #	194636
* CHG GARNISHMENT FEE	30.31	PAYMENT	Date 8/03/2012	Time 11:05:06
CHG INTEREST	3.77		Amount	124.37
			Cash	.00
			Check	124.37
			24008	

STATE

\*\*\*\*\* PAID IN FULL \*\*\*\*\*

TOTAL TAXES/CHARGES	64.08	TOTAL STILL DUE	.00
COLLECTED TO DATE	64.08	REFUND AMOUNT DUE	60.29

LEWIS CYNTHIA  
33733 ROCKY RVR SPRGS RD  
NORWOOD, NC 28128

As of 8/03/2012  
District 115  
Account 53530 G  
Receipt 2011 100 40978 40978 1  
REAL AND PERSONAL

STANLY COUNTY  
 HISTORY REFUNDS BY NAME REPORT

DATE	FROM DATE	TO DATE	TRANS DATE	MAINT DATE/TIME	YEAR	RECEIPT	TERMS	GRP	PPT	OWED AMT	DEBIT AMT	COVERED AMT	CURRENT BAL
8/16/12	8/01/2012	8/15/2012	3/12/2012	8/14/2012 12:29	2011	2099135	202240	200		47.43	83.70	36.27	
NAME	HATLEY PHILLIP BYRON												
ADDR	912 MEADOW CREEK CUI RD LOCUST, NC 28097												
COMMENT	HOND UEXORD ACTION REFUND TO: HATLEY PHILLIP BYRON 912 MEADOW CREEK CUI RD LOCUST NC 28097												
8/15/2012	8/13/2012	8/13/2012 10:17	3/15/2012	8/13/2012 10:17	2011	2092765	200732	200		122.23	137.77	15.54	
NAME	KAYS DENNIS ADRIAN												
ADDR	104 DELANCY ST LOCUST, NC 00002 8097												
COMMENT	YSR8597 2006 DORGE ACTION: REFUND TO: KAYS DENNIS ADRIAN KAYS BRENDA SUE 104 DELANCY ST LOCUST NC 00002 8097												
8/03/2012	8/03/2012 11:05	2011	8/03/2012	11:05	2011	40978	194636	100		64.08	124.37	60.29	
NAME	LEWIS CYNTHIA												
ADDR	33733 ROCKY RVR SPRGS RD NORWOOD, NC 28128												
COMMENT	REFUND TO: LEWIS CYNTHIA 33733 ROCKY RVR SPRGS RD NORWOOD NC 28128												
8/15/2012	8/15/2012 10:25	2012	8/10/2012	10:25	2012	2099154	202716	100		89.20	98.12	8.92	
NAME	MI FUENTE MEXICAN RESTAURANT												
ADDR	117 N CENTRAL AVE LOCUST, NC 28097												
COMMENT	REFUND TO: MI FUENTE MEXICAN RESTAURANT 117 N CENTRAL AVE LOCUST NC 28097												
12/21/2011	8/13/2012	8:42	2011	2099099	200462	200				315.97	343.78	27.81	
NAME	MILLER DARIN ELREED												
ADDR	254 LAGODA DR LOCUST, NC 28097												
COMMENT	ZSV6753 2011 FORD COF50 ACTION: REFUND TO: MILLER DARIN ELREED 254 LAGODA DR LOCUST NC 28097												
8/15/2012	8/15/2012 11:36	2005	8/15/2012	11:36	2005	67442	202893	200			37.11		
NAME	NEECE DONNA JOHNSON												
ADDR	3225 COPPER ST ALBEMARLE, NC 28001												
COMMENT	1993 FORD TAURUS ACTION: REFUND TO: NEECE DONNA JOHNSON 3225 COPPER ST ALBEMARLE NC 28001												
8/08/2012	8/08/2012 15:10	2013	7/11/2012	8:08/2012 15:10	2013	2098988	197618	200		60	31.19	28.97	
NAME	PLAYER DAVID BRIAN												
ADDR	1692 RUSTER RD OSLORO, NC 28129 8538												
COMMENT	ZSR8329 2001 JEFF BCK ACTION: REFUND TO: PLAYER DAVID BRIAN 1692 RUSTER RD OSLORO NC 28129 8538												
8/13/2012	8:13/2012 11:52	2011	4/1/2012	8:13/2012 11:52	2011	2099108	201011	200		11.08	29.65	18.57	
NAME	RUMER RIDDIE												
ADDR	451 BRUNSON RD ALBEMARLE, NC 28001												
COMMENT	WY28456 199 R FORD TO: RUMER RIDDIE 451 BRUNSON RD ALBEMARLE, NC 28001												
8/08/2012	8/08/2012 15:58	2011	6/7/2012	8/08/2012 15:58	2011	2098991	19715	200		17.59	17.01	0.58	
NAME	JENNINGS BRN N												
ADDR	PO BOX 1423 PINEVILLE, NC 28134												
COMMENT	PME913 2007 FORD AC FORD REFUND TO: JENNINGS BRN N REFUND TO: STANLEY JENNINGS BRN N PO BOX 1423 PINEVILLE, NC 28134												

13 B

MEMO TO: Stanly County Board of Commissioners  
FROM: Pam Blake, Tax Collection Supervisor  
DATE: August 16, 2012  
SUBJECT: Release/Refund

I am submitting, on behalf of Billy and Margaret Thomas. This refund is necessary because of an overpayment.

Please issue the check as follows:

<u>NAME AND ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
Billy and Margaret Thomas 18578 Pebblestone Circle Locust NC 28097	2012	\$9.03

The August end of month will reflect \$9.03 less. UNDISTRIBUTED 110-2610-200.

PFESPERMAN

STANLY COUNTY  
201 S SECOND STREET RM104  
ALBEMARLE, NC 28001  
\*\* DUPLICATE RECEIPT \*\*

Property MH MOBILE HOME  
1986 00014 00069  
13512

Assessed Value \$3,977  
Exemption NONE

TAX STANLY COUNTY	26.65	LAST	Transaction #	201281
TAX RIDGECREST FIRE	3.58	PAYMENT	Date 8/13/2012	Time 16:54:17
CHG SOLID WASTE FEE	67.00		Amount	91.22
CHG DISCOUNT	1.00-			
CHG LATE LIST	3.02		Cash	.00
<i>over payment</i>			Check	100.25
			1431	

BILLY WAYNE THOMAS

\*\*\*\*\* PAID IN FULL \*\*\*\*\*

TOTAL TAXES/CHARGES	99.25	TOTAL STILL DUE	.00
COLLECTED TO DATE	99.25	REFUND AMOUNT DUE	9.03

THOMAS BILLY WAYNE & MARGARET  
18578 PEBBLESTONE CIR  
LOCUST, NC 28097

As of 8/13/2012  
District 114  
Account 53663  
Receipt 2012 100 2091326 1279610  
REAL AND PERSONAL

DATE 8/16/12 FROM DATE: 8/01/2011 STANLY COUNTY  
 TIME 15:11:09 TO DATE: 8/15/2012 HISTORY REFUNDS BY NAME REPORT  
 USER FBLAKE

WORKSTN USER TRANS DATE MAINT DATE/TIME YEAR RECEIPT TRANS# GRP RPT OWED AMT PAID AMT OVERAGE AMT YEAR RECEIPT CORRECTING

NAME: STIREWALT ANDY LEON ADDR: 32486 GUARD RD APT E ALBEMARLE, NC 28001	8/13/2012	8/13/2012 16:54	2012 2091326	201281	100	AHE6954	2006	HOND UCLIC	ACTION: REFUND TO TAXPAYER	REFUND TO TAXPAYER			
NAME: THOMAS BILLY WAYNE & MARGARET ADDR: 18578 PEBBLESTONE CIR LOCUST, NC 28097	8/13/2012	8/13/2012 16:54	2012 2091326	201281	100				ACTION: REFUND TO TAXPAYER	REFUND TO TAXPAYER	91.22	100.25	9.03
NAME: TRAIL JULIAN S ADDR: 10633 WILLOW OAK RD NORWOOD, NC 28128	8/06/2012	8/08/2012 8:44	2012 2098963	196820	100				ACTION: REFUND TO TAXPAYER	REFUND TO TAXPAYER	26.16	52.44	26.28
NAME: WHITLEY DEBORAH LYNN ADDR: 31965 HERLOCKER ROAD ALBEMARLE, NC 28001	8/14/2012	8/14/2012 11:25	2011 138372	202147	200	XXD9997	2005	HOND UEXORD	ACTION: REFUND TO TAXPAYER	REFUND TO TAXPAYER	26.16	52.44	26.28
NAME: WHITLEY LAURIE JEAN ADDR: 211 MEADOW CREEK CH RD LOCUST, NC 28097	8/10/2012	8/10/2012 13:19	2011 2006490	199886	200	AHE7961	2008	FORD SPE	ACTION: REFUND TO TAXPAYER	REFUND TO TAXPAYER	112.07	112.07	112.07
NAME: ZIMMERIE RONALD JAMES ADDR: 12078 BETHEL CHURCH RD LOCUST, NC 28097	8/01/2012	8/01/2012 10:37	2007 72230	193698	200				ACTION: REFUND TO TAXPAYER	REFUND TO TAXPAYER	1,142.19	2,075.15	932.96

TOTALS:

AUG 17 2012



MEMO TO: Stanly County Board of Commissioners  
FROM: Pam Blake, Tax Collection Supervisor  
DATE: August 16, 2012  
SUBJECT: Release/Refund

August 16, 2012

I am submitting, on behalf of Julian S Trail. This refund is necessary because of a billing error.

Please issue the check as follows:

<u>NAME AND ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
Julian S Trail 10633 Willow Oak Rd Norwood NC 28128	2012	\$67.17

The August end of month will reflect \$67.17 less. UNDISTRIBUTED 110-2610-200.

201 S SECOND STREET RM104  
 ALBEMARLE, NC 28001  
 \*\* RECEIPT OF PAYMENT \*\*

Property BM BOAT AND MOTOR  
 1998 RIVIERA CRUISER SL 2625  
 695

Assessed Value \$1  
 Exemption NONE

TAX STANLY COUNTY

.01 THIS  
 PAYMENT

Transaction # 196820  
 Date 8/06/2012 Time 8:44:50  
 Amount 67.18

Cash .00  
 Check 67.18  
 4021

XFR FM 2012 100 2098939

\*\*\*\*\* PAID IN FULL \*\*\*\*\*

TOTAL TAXES/CHARGES  
 COLLECTED TO DATE

.01  
 .01

TOTAL STILL DUE  
 REFUND AMOUNT DUE

.00

67.17

TRAIL JULIAN S  
 10633 WILLOW OAK RD  
 NORWOOD, NC 28128

As of 8/06/2012  
 District 112  
 Account 28751  
 Receipt 2012 100 2098963 1264154  
 REAL AND PERSONAL

*Billed in Error*

WORKSHEET USER TRANS DATE MAINT DATE/TIME YEAR RECEIPT TRANS GRP RPT  
 CORRECTING

WORKSHEET	USER	TRANS DATE	MAINT DATE/TIME	YEAR RECEIPT	TRANS GRP	RPT	OWED AMT	PAID AMT	COVERAGE AMT	YEAR RECEIVED	CORRECTING
NAME: STIREWALT ANDY LEON	ADDR: 32486 CHARD RD APT E	ALBEMARLE, NC 28001									
NAME: THOMAS BILLY WAYNE & MARGARET	ADDR: 18578 PERRLESTONE CIR	LOCUST, NC 28007	8/13/2012	16:54	2012	2091326	201281	100	91.22	100.25	2-03
COMMENT: BILLY WAYNE THOMAS											
NAME: THOMAS BILLY WAYNE & MARGARET	ADDR: 18578 PERRLESTONE CIR	LOCUST, NC 28007									
REFUND TO: STIREWALT ANDY LEON	32486 CHARD RD APT E	ALBEMARLE NC 28001									
ACTION: REFUND TO STIREWALT ANDY LEON											
ACTION: REFUND TO BILLY WAYNE THOMAS											
REFUND TO: THOMAS BILLY WAYNE & MARGARET	18578 PERRLESTONE CIR	LOCUST NC 28007									
ACTION: REFUND TO BILLY WAYNE THOMAS											
NAME: TRAIL JULIAN S	ADDR: 10633 WILLOW OAK RD	NORWOOD, NC 28128	8/06/2012	8:44	2012	2098963	196820	100	26.16	52.44	
COMMENT: XFR FM 2012 100 2098939											
NAME: WHITLEY DEROPAH LYNN	ADDR: 31965 HERLOCKER ROAD	ALBEMARLE, NC 28001	8/14/2012	11:25	2011	138372	202117	200	26.28	26.28	
COMMENT: ALL STAR LEARNING CENTER											
NAME: WHITLEY LAURIE JEAN	ADDR: 211 MEADOW CREEK CH RD	LOCUST, NC 28097	8/10/2012	13:19	2011	2006490	199886	200	112.07	112.07	
COMMENT: CAROLINAS HEALTHCARE											
NAME: LORD PICKUP ACTION	ADDR: 12038 BETHEL CHURCH RD	LOCUST, NC 28097	8/01/2012	10:37	2007	72230	193698	200	4.16	4.16	
COMMENT:											
NAME: ZIMMERLE RONALD JAMES	ADDR: 12038 BETHEL CHURCH RD	LOCUST, NC 28097									
REFUND TO: ZIMMERLE RONALD JAMES											
ACTION: REFUND TO ZIMMERLE RONALD JAMES											
REFUND TO: WHITLEY LAURIE JEAN	211 MEADOW CREEK CH RD	LOCUST NC 28097									
ACTION: APPLY TO OPEN BILL											
REFUND TO: LORD PICKUP ACTION											
ACTION: REFUND TO LORD PICKUP ACTION											
REFUND TO: ZIMMERLE RONALD JAMES	12038 BETHEL CHURCH RD	LOCUST NC 28097									
ACTION: REFUND TO ZIMMERLE RONALD JAMES											
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# Stanly County Board of Commissioners

Meeting Date: September 4, 2010  
 Presenter: Donna Davis

130

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

### Stanly County Utilities

Subject

The North Carolina Department of Commerce, Division of Community Investment and Assistance requires that a Language Access Plan be in place for all North Carolina counties and municipalities receiving Community Development Block Grant (CDBG) funds. Stanly County Utilities is a recipient of these funds and intends to apply for such funds in the future. As a result Utilities is submitting for review and requesting renewal of a *Stanly County Language Access Plan* for compliance with Title VI of the Civil Rights Act of 1964 and other applicable federal and state laws with respect to people with Limited English Proficiency (LEP). The last review and approval of this document by the Board of Commissioners occurred on September 9, 2010. No significant changes have been made.

Requested Action

1) Renew approval of *Stanly County Language Access Plan*

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

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

Date: August 21, 2012

Attachments:           yes    X           No

### Review Process

### Certification of Action

Approved		Initials
Yes	No	
Finance Director	___	___
Budget Amendment Necessary	___	<u>X</u>
County Attorney	___	___
County Manager	___	___
Other:	___	___

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

Finance Director

Budget Amendment Necessary

County Attorney

County Manager

Other:

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

## *Stanly County, North Carolina*

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the **County of Stanly** (*local unit of government*) must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective September 30, 2012.

### **I. Scope of Policy**

These requirements will apply to the **County of Stanly** (herein referred to as “**the agency**”) including subcontractors, vendors, and subrecipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

### **II. Definitions**

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require

a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

### III. Providing Notice to LEP Individuals

- A. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

Stanly County Utilities  
Donna Davis  
1000 N 1<sup>st</sup> Street  
Suite 12  
Albemarle, NC 28001  
(704) 986-3686

**(Note: The agency must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)**

- B. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

**Identify areas within the agency where these signs will be posted:**

Stanly County Utilities Lobby Bulletin Board  
Commons Main Hallway Entrance Bulletin Board (next to Commissioner's Meeting Room)

- C. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).

D. The agency will also disseminate information in the following manner:

Posted on website

#### IV. Provision of Services to LEP Applicants/Recipients

A. Assessing Linguistic Needs of Potential Applicants and Recipients

1. The agency will assess the language needs of the population to be served, by identifying:

- a. the language needs of each LEP applicant/recipient
- b. the points of contact where language assistance is needed; and
- c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
- d. Other (*describe*):

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
  - i. census data
  - ii. school system data
  - iii. reports from federal, state, and local governments
  - iv. community agencies' information, and
  - v. data from client files
  - vi. Other (*specify*):
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
  - English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
  - Other ( describe):
- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services



1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by utilizing the services of two Spanish speaking interpreters employed in our Social Services Department to meet the needs of customers.

2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Stanly County also has a standing agreement with Fluent Language Solutions for “pay-as-you-go” telephone interpreter services in the event that our interpreters aren’t available or for other languages required by our customers.

3. Interpreter Standards

a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:

- i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
- ii. Can accurately and impartially interpret to and from such languages and English
- iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency’s services
- iv. Demonstrates cultural competency
- v. Understands the obligation to maintain confidently
- vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Stanly County will ensure the competency of bilingual staff and interpreters on review of this plan and as needed according to the standards list above. The language access compliance officer responsible for this plan will also conduct the review of bilingual staff competency.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
4. Using Family Members or Friends as Interpreters
- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
  - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
  - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
  - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.
5. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

- 1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
- 2. Translation of Vital Documents

- a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
  - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
  - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
  - d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor

and will provide this information to DCA upon request.

3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Training information will be provided in written form to all applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

## **V. Compliance Procedures, Reporting and Monitoring**

### **A. Reporting**

1. The agency will complete an annual compliance report and send this report to DCA.  
(Format will be supplied by DCA)

### **B. Monitoring**

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The agency will cooperate, when requested, with special review by the DCA .

## **VI. Applicant/Recipient Complaints of Discriminatory Treatment**

### **A. Complaints**

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

### **B. Investigation**

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

### **C. Resolution of Matters**

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

SUBMITTED AND APPROVED BY:

Lindsey Dunevant  
Name of Chairman of Board

\_\_\_\_\_  
Signature of Chairman of Board

September 4, 2012  
Date



# Stanly County Board of Commissioners

Meeting Date: September 4, 2012  
 Presenter: David Griffin

X 13D

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

Subject

**Talbert & Bright, Inc. Work Authorization # 3803-1203 in the amount of \$166,666.67 for engineering and planning services for preparation of the 35% complete contract drawings for the proposed extension of Runway 22L (1,000' X 100').**

Requested Action

**Request board of commissioners concur with Stanly County Airport Authority in approving this work authorization. Funds to pay for this come from NC Division of Aviation Grant #36237.50.13.2 in the amount of \$150,000. The local match of \$16,667 was appropriated in the airports current operations budget so no additional funding is required at this time.**

Signature: 

Date: August 21, 2012

Dept. Airport

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

### 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

**STANLY COUNTY AIRPORT  
NEW LONDON, NORTH CAROLINA  
WORK AUTHORIZATION 1203  
August 7, 2012  
PROJECT NO.: TBI NO. 3803-1203**

It is agreed to undertake the following work in accordance with the provisions of our Contract for Professional Services.

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**Description of Work:** Engineering and Planning Services for preparation of the 35 percent complete contract drawings for the proposed extension of Runway 22L (1,000' x 100') for the Stanly County Airport in accordance with the Master Contract.

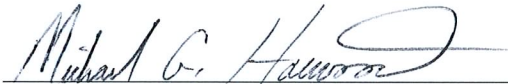
**Estimated Time Schedule:** Work shall be completed in accordance with the schedule established and agreed upon by the Owner and Engineer.

**Cost of Services:** The method of payment shall be on a lump sum basis in accordance with Section V, Paragraph A1 and B will apply; specifically basic services of the Work Authorization will be a lump sum of **\$163,632.00**. Special services shall be performed on a not-to-exceed basis with a budget of **\$3,034.67**, which includes reimbursable expenses. The total value of this Work Authorization shall not exceed **\$166,666.67** without additional authorization.

Agreed as to Scope of Services, Time Schedule, and Budget:

**OWNER:  
STANLY COUNTY AIRPORT  
AUTHORITY**

**ENGINEER:  
TALBERT, BRIGHT &  
ELLINGTON, INC.**

  
BY: \_\_\_\_\_

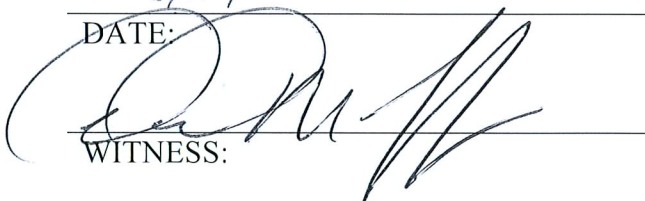
  
BY: \_\_\_\_\_

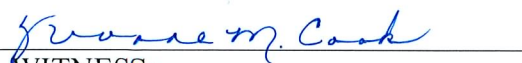
Chairman  
TITLE: \_\_\_\_\_

Vice President  
TITLE: \_\_\_\_\_

8/22/12  
DATE: \_\_\_\_\_

08/21/12  
DATE: \_\_\_\_\_

  
WITNESS: \_\_\_\_\_

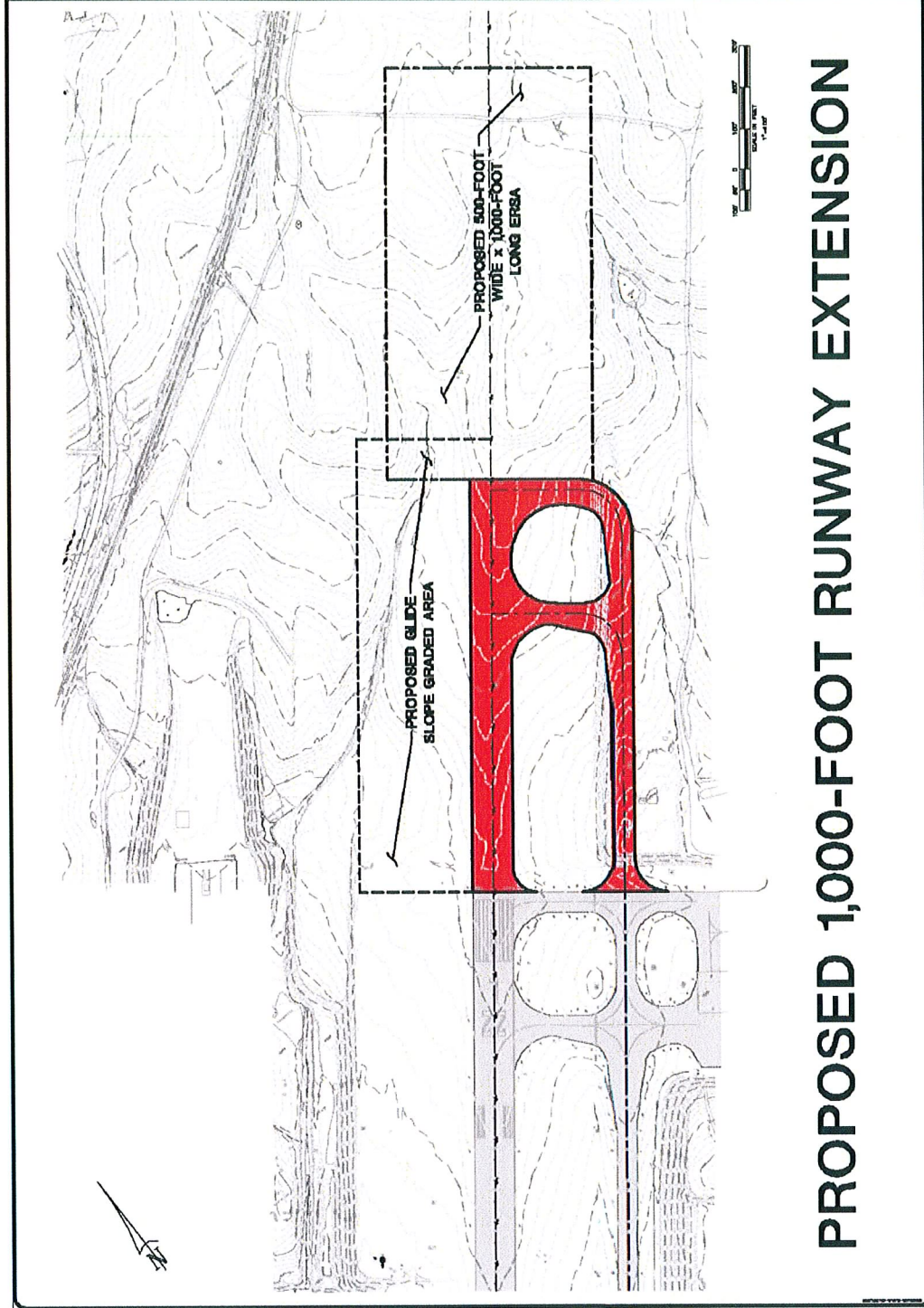
  
WITNESS: \_\_\_\_\_

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Talbert, Bright & Ellington, Inc.

3803-1203







MANHOUR ESTIMATE

RUNWAY EXTENSION DESIGN  
 STANLY COUNTY AIRPORT  
 NEW LONDON, NORTH CAROLINA  
 NCDOT GRANT NO:  
 TBI PROJECT NO: 3803-1203

August 6, 2012

PROJECT FORMULATION/DEVELOPMENT PHASE (01)

DESCRIPTION	PRIN	PM	SP	E6	E4	E2	E1	T5	T3	AD5	AD3
	\$ 168	\$ 158	\$ 125	\$ 142	\$ 108	\$ 78	\$ 68	\$ 98	\$ 69	\$ 74	\$ 53
Preliminary project review w Owner	8	8	0	0	8	0	0	0	0	0	0
Preliminary project devel. w/Owner	8	8	0	0	8	0	3	0	0	0	0
Develop project scope/contract	8	8	0	0	8	0	0	0	0	8	0
Coordinate w-Subconsultants	4	16	16	0	16	0	0	0	0	4	0
Determine project approach	10	20	8	0	20	0	0	2	0	2	0
Develop preliminary estimate	2	8	0	0	8	12	4	12	12	0	0
<b>MANHOUR TOTAL</b>	<b>40</b>	<b>68</b>	<b>32</b>	<b>0</b>	<b>68</b>	<b>12</b>	<b>7</b>	<b>14</b>	<b>12</b>	<b>14</b>	<b>0</b>

DIRECT LABOR EXPENSES:

CLASSIFICATION	BILL RATE	EST. MIRS	EST. COST
Principal	PRIN \$ 168	40	\$ 6,720
Project Manager	PM \$ 158	68	\$ 10,744
Senior Planner	SP \$ 125	32	\$ 4,000
Engineer V	E6 \$ 142	-	\$ -
Engineer III	E4 \$ 108	68	\$ 7,344
Engineer II	E2 \$ 78	12	\$ 936
Engineer I	E1 \$ 68	7	\$ 476
Technician V	T5 \$ 98	14	\$ 1,372
Technician III	T3 \$ 69	12	\$ 828
Admin. Assistant IV	AD5 \$ 74	14	\$ 1,036
Admin. Assistant III	AD3 \$ 53	-	\$ -
	Total	267	
<b>SUBTOTAL</b>			<b>\$ 33,456.00</b>

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 50	1	\$ 50
Postage	LS	\$ 100	1	\$ 100
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 150	1	\$ 150
Travel	LS	\$ 200	1	\$ 200
<b>SUBTOTAL</b>				<b>\$ 500.00</b>

SCOPE OF SUBCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
	NTE	\$ -	0	\$ -
	NTE	\$ -	0	\$ -
<b>SUBTOTAL</b>				<b>\$ -</b>

**TOTAL PRELIMINARY COST: \$ 33,956.00**

MANHOUR ESTIMATE

RUNWAY EXTENSION DESIGN  
 STANLY COUNTY AIRPORT  
 NEW LONDON, NORTH CAROLINA  
 NCDOT GRANT NO:  
 TBI PROJECT NO: 3803-1203

August 6, 2012

DESIGN PHASE (04)

DESCRIPTION	PRIN \$ 168	PM \$ 158	SP \$ 125	E6 \$ 142	E4 \$ 108	E2 \$ 78	E1 \$ 68	T5 \$ 98	T3 \$ 69	AD5 \$ 74	AD3 \$ 53
<b>PLANS</b>											
Cover Sheet	0	1	0	0	0	0	0	0	8	0	0
Quantities and General Notes	0	2	0	0	4	0	0	4	0	0	0
Phasing & Safety Plan	2	8	0	4	0	0	0	12	0	0	0
Phasing Notes and Details	2	8	0	4	4	0	0	8	0	0	0
Demolition Plan	1	4	0	8	0	0	0	16	16	0	0
Clearing and Grubbing Plan	2	8	0	0	20	0	0	24	0	0	0
Geometric Plan	2	8	0	0	16	0	0	24	8	0	0
Grading and Drainage Plan	12	24	0	20	56	0	0	80	48	8	0
Sediment and Erosion Control Plan	2	12	0	0	16	0	0	32	24	0	0
Sediment and Erosion Control Details	1	4	0	0	12	0	0	0	12	0	0
Drainage Details	2	6	0	0	8	0	0	8	0	0	0
Centerline Profiles	2	8	0	0	8	0	0	8	8	0	0
Typical Sections and Pavement Details	0	0	0	0	0	0	0	0	0	0	0
Temporary Marking and Removal Plan	0	0	0	0	0	0	0	0	0	0	0
Marking Plan	0	0	0	0	0	0	0	0	0	0	0
Marking Notes and Details	0	0	0	0	0	0	0	0	0	0	0
Edge Lighting/Signage Layout Plan	0	0	0	0	0	0	0	0	0	0	0
Edge Lighting/Signage Circuiting Plan	0	0	0	0	0	0	0	0	0	0	0
Electrical Details and Sign Schedule	0	0	0	0	0	0	0	0	0	0	0
Electrical Vault Modifications Plan	0	0	0	0	0	0	0	0	0	0	0
Glideslope Site Plan	0	0	0	0	0	0	0	0	0	0	0
Glideslope Site Layout and Ground Plan	0	0	0	0	0	0	0	0	0	0	0
Glideslope Tower Foundation Details	0	0	0	0	0	0	0	0	0	0	0
Glideslope Antenna Tower Installation Details	0	0	0	0	0	0	0	0	0	0	0
Glideslope Shelter Foundation Details	0	0	0	0	0	0	0	0	0	0	0
Glideslope Shelter Power Plan and Details	0	0	0	0	0	0	0	0	0	0	0
Glideslope Tower Lightning Protection Details	0	0	0	0	0	0	0	0	0	0	0
Glideslope Tower Climbing System Details	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous Details	1	2	0	4	0	4	4	4	6	0	0
<b>DESIGN</b>											
Coordination with Owner, NCDOT, NCANG	12	12	0	0	0	0	0	0	0	4	0
Pre-Design Geotechnical Coordination	1	4	0	0	8	0	0	2	0	1	0
Pre-Design Survey Coordinatin	0	4	0	0	0	0	0	2	0	1	0
Pre-Design Meeting with Owner/NCDOT/NCANG	8	8	0	0	0	0	0	0	0	2	0
Property Acquisition Identification-Approach	0	0	0	0	0	0	0	0	0	0	0
Phasing and Safety Design	2	2	0	0	2	0	0	0	0	0	0
Geometric Design	2	8	0	4	16	0	0	12	0	0	0
Grading Design	16	24	0	40	40	0	0	40	0	0	0
Drainage Design	4	16	0	24	40	24	0	8	16	0	0
Pavement Design	0	0	0	0	0	0	0	0	0	0	0
Erosion Control Design	4	8	0	12	24	0	0	0	0	4	0
Electrical Design	0	0	0	0	0	0	0	0	0	0	0
Electrical Vault Mod's Design	0	0	0	0	0	0	0	0	0	0	0
Glideslope Design	0	0	0	0	0	0	0	0	0	0	0
Perform Airspace Evaluation from Existing Info.	0	0	0	0	0	0	0	0	0	0	0
FAA NAVAID's Relocation Coord	0	0	0	0	0	0	0	0	0	0	0
Instrument Approach Procedure Coord.	0	0	0	0	0	0	0	0	0	0	0
Quantities and Construction Estimates	0	0	0	0	0	0	0	0	0	0	0

MANHOUR ESTIMATE

RUNWAY EXTENSION DESIGN  
 STANLY COUNTY AIRPORT  
 NEW LONDON, NORTH CAROLINA  
 NCDOT GRANT NO:  
 TBI PROJECT NO: 3803-1203

August 6, 2012

DESIGN PHASE (04)

Preliminary Engineering Report	0	0	0	0	0	0	0	0	0	0	0
Final Engineering Report	0	0	0	0	0	0	0	0	0	0	0
Specifications	0	0	0	0	0	0	0	0	0	0	0
Design Review Meetings	0	0	0	0	0	0	0	0	0	0	0
Quality Assurance Plan	0	0	0	0	0	0	0	0	0	0	0
Revisions	0	0	0	0	0	0	0	0	0	0	0
<b>MANHOUR TOTAL</b>	<b>78</b>	<b>181</b>	<b>0</b>	<b>120</b>	<b>274</b>	<b>28</b>	<b>4</b>	<b>284</b>	<b>146</b>	<b>20</b>	<b>0</b>

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MHRS	EST. COST
Principal	PRIN	\$ 168	78	\$ 13,104
Project Manager	PM	\$ 158	181	\$ 28,598
Senior Planner	SP	\$ 125	-	\$ -
Engineer V	E6	\$ 142	120	\$ 17,040
Engineer III	E4	\$ 108	274	\$ 29,592
Engineer II	E2	\$ 78	28	\$ 2,184
Engineer I	E1	\$ 68	4	\$ 272
Technician V	T5	\$ 98	284	\$ 27,832
Technician III	T3	\$ 69	146	\$ 10,074
Admin. Assistant IV	AD5	\$ 74	20	\$ 1,480
Admin. Assistant III	AD3	\$ 53	-	\$ -
	Total		1,135	
<b><i>SUBTOTAL</i></b>				<b>\$ 130,176.00</b>

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 100	1	\$ 100.00
Postage	LS	\$ 500	1	\$ 500.00
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 934.67	1	\$ 934.67
Travel	LS	\$ 1,000	1	\$ 1,000.00
<b><i>SUBTOTAL</i></b>				<b>\$ 2,534.67</b>

SCOPE OF SUBCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT RATE	EST. UNITS	EST. COST
NTE	\$ -	1.00	\$ -
NTE	\$ -	1.00	\$ -
<b><i>SUBTOTAL</i></b>			<b>\$ -</b>

TOTAL DESIGN COST: **\$ 132,710.67**

**This instrument has been preaudited in the manner required by the local Government Budget and Fiscal Control Act.**

**STANLY COUNTY FINANCE DIRECTOR**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

**NC Division of Aviation Grant #36237.50.13.2  
TBI Work Authorization 3803-1203  
35% Design of Extension of Runway 22L (1,000' X 100')**