

October 5, 2015

The Randolph County Board of Commissioners met in regular session at 6:00 p.m. in the 1909 Randolph County Historic Courthouse Meeting Room, 145 Worth Street, Asheboro, NC. Commissioners Frye, Haywood, Kemp, Lanier, and Allen were present.

Dr. Bob Shackelford, RCC President, gave the invocation and the Pledge of Allegiance to the American flag was led by Randolph County 4-H youth. The Randolph County 4-H youth also recited their pledge to the 4-H flag.

Retirement Recognition

Shelby Marsh retired on August 31, 2015, with 15 ½ years of service to Randolph County Department of Social Services. Ms. Marsh was also recognized by Chairman Frye and presented with an engraved clock on behalf of the Board.

Public Comment Period

Pursuant to N.C.G.S. § 153A-52.1, Chairman Frye opened the floor for public comment. County Attorney Ben Morgan read aloud the Rules of Procedure for Public Comment Period.

Alan Ferguson, 4794 Troy Smith Rd., Liberty, presented some information that he said had occurred with Volkswagen and their emissions equipment that could be relevant to the County's recruitment of an automotive manufacturer. He referenced the Volkswagen plant in Chattanooga, Tennessee. Mr. Ferguson said that the Governor of Tennessee, Bill Haslam, had been quoted in the Chattanooga Times Free Press on September 28th as saying "We have an investment in the original plant and then the expansion. Second, we obviously have a vested interest in their success." According to Mr. Ferguson, the reported cost of this plant was \$358.2 million from the state, \$219.2 million from the local government, and \$260 million more last year from the city and Hamilton County. He said \$837.4 million had been the cost for Chattanooga "playing the mega site game." Mr. Ferguson asked the Board to consider this when trying to find an automotive manufacturer for the Mega site property.

Donna Hughes, 225 Kennedy Farm Rd., Trinity, spoke in favor of an anti-tethering ordinance like the one in Guilford County and stated that this issue was not only about animal rights but also about public safety and property values. She said she works for Keller Williams Realty and had listed a vacant lot that had chained dogs located on the property across the street. She mentioned feeling in danger because of the aggressive behavior they displayed and also stated that no one had inquired about that lot even though it was priced low. Ms. Hughes couldn't imagine that a family with children would want to live there because of the danger. In her opinion, tethering should not be allowed and said that anti-tethering has passed in many areas across the country. Next, she spoke of wanting to form a group of volunteers similar to an organization in Oregon that installs fences for dogs. Ms. Hughes commented on her willingness to help with solutions and encouraged the Board to pass the anti-tethering ordinance.

Lena Keller, Humane Society of Randolph County (HSRC), mentioned the flooding in South Carolina as a hazard to the animals that were tethered looking for a place to get out of the flood waters. She said that people use dog houses with no bottom and need to be educated about what

is appropriate for the protection of the dogs. She also stated that puppy mills chain the dogs and only have them produce puppies for profit. She said the HSRC will volunteer to educate people in the County if this new ordinance passes.

Consent Agenda

Chairman Frye spoke about and read aloud the Proclamation designating 4-H Week (October 4-10) and the Proclamation recognizing October 2016 as Disability Employment Awareness Month in Randolph County to be adopted in the consent agenda.

Chairman Frye also read aloud the Resolution of Support for the naming of a section of N.C. Highway 49 in honor of Talmadge Baker.

On motion of Kemp, seconded by Allen, the Board voted unanimously to approve the Consent Agenda, as follows:

- *approve minutes of 9/8/15 regular meeting;*
- *make the following Firemens' Relief Fund appointments: Coleridge--Benny Beck, C.E. Teague; Eastside--Jim Pell, David Creason; Farmer--Roger King, Steven Hughes; Franklinville--Kyle Dixon, Danny Burgess; Guil Rand--Dustin Smith, Arch Hamilton; Level Cross--David Davis, Kenneth Adams; Northeast--Larry Williams, William Flowe, Jr.; Randleman—Melissa Blalock, Zachary Hewett; Seagrove--Patty Gatlin, Bernard Needham; New Hope (Southwest)--Troy Powell, Wiley Hurley; Staley--Yancy King, Terry Williams; Tabernacle--Darrell Owenby, Joy Ann Sexton; Ulah—Jerry Dickinson, Ted Scott; Westside--Wesley Garner, James Lamonds;*
- *appoint Shawn Patel to the Tourism Development Authority;*
- *appoint April Staley and reappoint Dr. Robert Dough, Fred deFriess, Dr. Jason Stopyra, Paula Lineberry, Sandy Smith, Donovan Davis, Lewis Schirloff, Bradley Beck, Raphael Beech, Steven Staley, Brett Powell, Amanda Varner, Angela Orth, and Jason Phillips to the Randolph County EMS Peer Review Committee;*
- *reappoint Myra Gaddy to the Randolph County Child Fatality Review/Community Child Protection Team;*
- *authorize the Sheriff's Office to dispose of obsolete Whelen Light Bars(4)—transfer of ownership to Wilkes County Sheriff's Office for use as parts;*
- *approve amendment to contract extending water purchase agreement with the City of Archdale through June 30, 2016 and update the contact information for the respective parties;*
- *adopt Proclamation designating 4-H Week (October 4-10) in Randolph County, as follows:*

4-H Week in Randolph County

WHEREAS, *4-H youth across the nation are leading efforts to solve problems in their communities and make a difference for their futures; and*

WHEREAS, *4-H is the largest youth development organization in North Carolina and the largest in the nation with over six million participants; and*

WHEREAS, *4-H in North Carolina claims 289,460 youth members and 30,825 volunteers, while Randolph County's 4-H program reaches more than 5000 youth and more than 350 volunteers; and*

WHEREAS, 4-H as part of the NC Cooperative Extension System of NC State University and NC A&T State University is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living; and citizenship; and

WHEREAS, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 101 years;

NOW, THEREFORE, the Randolph County Board of Commissioners do hereby proclaim October 4-10, 2015, as National 4-H Week in Randolph County. I urge the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Randolph County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our state University System.

- *adopt Proclamation recognizing October 2016 as Disability Employment Awareness Month, as follows:*

***Proclamation Recognizing October 2015 as
Disability Employment Awareness Month***

WHEREAS, Randolph County, North Carolina, recognizes, participates and proclaims October 2015 as National Disability Employment Awareness Month; and

WHEREAS, Randolph County gives special notice to workplaces welcoming the talents of all people, to employers supporting differently abled workers and where people with disabilities are encouraged and recognized as a critical part of efforts to build an inclusive community and strong economy; and

WHEREAS, Randolph County is raising awareness about disability employment issues, celebrating the many and varied contributions of people with disabilities and supporting activities during the month of October which will reinforce the value and talent people with disabilities add to our workplaces and communities.

*NOW, THEREFORE, the Randolph County Board of Commissioners does hereby proclaim October 2015 to be “**Randolph County Disability Employment Awareness Month**” and urges all employers, schools, and other community organizations in Randolph County to observe this month with appropriate programs and activities, and to advance the important message that people with disabilities are equal to the task throughout the year.*

- *approve Resolution of Support for the naming of a section of N.C. Highway 49 in honor of Talmadge Baker, as follows:*

***RESOLUTION
OF SUPPORT TO NAME A PORTION OF N.C. HIGHWAY 49
TO HONOR TALMADGE BAKER***

WHEREAS, the State of North Carolina has a program where sections of roadways may be named for leaders in their communities; and

***WHEREAS,** Talmadge Baker has devoted his life to public service, having retired as the Randolph County Director of N.C. Cooperative Extension, serving as an Asheboro City Councilman with diligence and honor for 24 consecutive years, and Mayor Pro Tem since December 2011; and*

***WHEREAS,** Talmadge Baker's commitment to quality roadways and transportation in North Carolina included his election as Director of the National I-73/I-74/I-75 Corridor Association dedicated to the economic success and quality of life in a six-state corridor by pursuing the planning and construction, and maintenance of Interstates 73/ 74 and 75; a position in which he served for 18 years; and*

***WHEREAS,** Talmadge Baker was unanimously elected by all the municipalities within Randolph County to serve as their municipal representative to the Piedmont Triad Rural Planning Organization and has served since its inception in 2002 until present; and was Chairman from 2003 until December 2014; and*

***WHEREAS,** Talmadge Baker will retire from the Asheboro City Council at the end of his current term in December 2015; and*

***WHEREAS,** naming a section of N.C. Highway 49 located within Asheboro Township, Randolph County, N.C. would provide lasting public recognition for the contributions Talmadge Baker has made to quality transportation in North Carolina.*

***NOW THEREFORE BE IT RESOLVED** that the Randolph County Board of Commissioners hereby requests that the North Carolina Board of Transportation name a section of N.C. Highway 49 between the city limits on the southwestern edge of town to where the highway intersects U.S. Highway 64 to the east in the City of Asheboro in honor of Talmadge Baker for his service to the community, City of Asheboro, County of Randolph, and State of North Carolina, and that appropriate signage be placed along the roadway.*

Randolph County Economic Development Corporation (EDC) Public Hearing & Approval of Grant Match-Ennis Flint

EDC President Bonnie Renfro reminded the Board that Flint Trading Company / Ennis-Flint purchased a vacant building in Turnpike Industrial Park at 4686 Turnpike Court in the City of Trinity. The City of Trinity applied for two grants to extend public sewer to serve the property. The public sewer line is the first service to the Turnpike Industrial Park and will eventually provide service to seven additional businesses in that park area. The line will become part of the City of Trinity's public sewer system.

The project will result in the following economic impact:

Investment:	\$2,000,000 in real property
	\$3,000,000 in personal property - business equipment
Jobs:	14 new jobs
	18 transferred jobs
Wages:	Vary from \$36,000 to \$60,000 by job classification
Product:	Specialized paints and coatings used on roads and highways

She said to date the company has added 80 new jobs and retained 18 jobs at this location. They have invested \$1,702,165.80 in real property and \$2,678,861.42 in equipment.

The Board has held two previous public hearings and approved a total of \$10,500 in matching funds for this project. She said the bids for the sewer construction came in at 24% over the engineered estimate, creating a shortfall in committed funds.

Proposed Sewer Construction Budget:	Original	Revised (6.2015)	Final (10.2015)
Sewer Cost Estimate:	\$325,000	\$360,000	\$425,000
Community Development Block Grant:	\$168,000	\$168,000	\$168,000
Golden Leaf Foundation:	\$140,000	\$140,000	\$140,000
Local Government Match:	\$ 7,000	\$ 21,000	\$ 42,000 (50% / each govt.)
Company:	\$ 10,000	\$ 31,000	\$ 75,000

Ms. Renfro requested approval of a resolution authorizing the increased matching funds totaling \$10,500 in addition to the \$10,500 already approved. She said the Trinity City Council has already agreed to increase their match to this amount, contingent on this approval.

Commissioner Allen asked why there was a difference in the amounts between the original estimates and the costs now. Ms. Refro said she did not know.

At 6:33 p.m., the Board adjourned to a duly advertised public hearing to receive public comments on the requested increase from the County for the economic development Building Reuse Grant on behalf of Ennis Flint.

Hearing no comments, Chairman Frye closed the public hearing.

Commissioner Haywood questioned if this would be the last time that a request for more money would come from Ennis-Flint. Chairman Frye replied that there had not been a firm contract until now, only estimates.

On motion of Kemp, seconded by Frye, the Board voted unanimously to adopt a resolution approving an additional \$10,500 match for a sewer grant for Flint Trading Company/Ennis Flint in Trinity, contingent upon approval of all project grants, and approve Budget Amendment #12, as follows:

**RESOLUTION AUTHORIZING THE COUNTY OF RANDOLPH TO
PROVIDE
ONE-HALF OF THE LOCAL MATCH GRANT REQUIREMENT FOR
THE
ENNIS-FLINT ECONOMIC DEVELOPMENT PROJECT**

WHEREAS, Section 158-7.1 of the North Carolina General Statutes authorizes a county to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, Flint Trading Company/Ennis-Flint has stated its commitment to invest two million dollars (\$2,000,000.00) in real property and

three million dollars (\$3,000,000.00) in personal property and business equipment to expand its business and to create fourteen (14) new jobs in the City of Trinity in Randolph County; and

***WHEREAS**, anticipating grant eligibility that would require a local match estimated at Seven Thousand Dollars (\$7,000.00), Randolph County and the City of Trinity each passed resolutions authorizing the payment of one-half of the local match or Three Thousand Five Hundred Dollars (\$3,500.00) each; and*

***WHEREAS**, after the passage of the above-referenced resolutions, the project was approved for sewer infrastructure grants from the North Carolina Department of Commerce, Community Development Block Grant and the Golden Leaf Foundation, said grants requiring a local match of twenty-one thousand dollars (\$21,000.00); and*

***WHEREAS**, on June 1, 2015, the Randolph County Board of Commissioners held a public hearing and approved the increase of its portion of the local match to ten thousand five hundred dollars (\$10,500.00); and*

***WHEREAS**, the City of Trinity also approved the increase of its portion of the local match to ten thousand five hundred dollars (\$10,500.00); and*

***WHEREAS**, an increase in project costs, due to the bids for sewer construction exceeding engineer estimates, has resulted in a request that the Randolph County Board of Commissioners increase the County contribution from ten thousand five hundred dollars (\$10,500.00) to twenty-one thousand dollars (\$21,000.00); and*

***WHEREAS**, the Board of Commissioners of Randolph County has held a public hearing to consider whether to participate in this project by providing the ten thousand five hundred dollars (\$10,500.00) in additional funds to constitute one-half of the local match of twenty-one thousand dollars (\$21,000.00); and*

***WHEREAS**, this economic development project will stimulate and stabilize the local economy, promote business in the County and City, and result in the creation of a number of jobs in the County and City; and*

***WHEREAS**, the County has in its General Fund available revenues sufficient to fund this economic development project;*

***NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Randolph County, this 5th day of October, 2015, as follows:*

Section 1. The County is authorized to expend up to twenty-one thousand dollars (\$21,000.00) of County funds to provide one-half of the required local match for the grants applied for on behalf of Ennis-Flint by the City of Trinity. Three-thousand five hundred dollars (\$3,500.00) was previously approved by resolution adopted on August 5, 2013 and another seven thousand dollars (\$7,000.00) was approved by resolution adopted on June 1, 2015. This resolution authorizes an additional ten thousand five hundred dollars (\$10,500.00).

Section 2. Participation by the County in this economic development is expressly contingent upon the provision of one-half of the required local match or twenty-one thousand dollars (\$21,000.00) by the City of Trinity.

2015-2016 Budget Ordinance General Fund—Budget Amendment #12		
Revenues	Increase	Decrease
<i>Transfer from Economic Development Reserve</i>	<i>\$10,500</i>	
Appropriations	Increase	Decrease
<i>Other Economic and Physical Development Appropriations</i>	<i>\$10,500</i>	

Approval of West Randleman Business Park Loan Renewal

President of the Randolph County Economic Development Corporation (EDC) Bonnie Renfro said that in 2000, the Randolph County EDC purchased a tract of land in Randleman for development as an industrial park. The purchase was financed by a group of local banks at attractive terms and structured as a line of credit with interest paid annually. The Randolph County Board of Commissioners voted in February 2000 to support this project by assisting the EDC with the annual interest payment as needed. The Commissioners have voted annually to appropriate funds for that purpose following a public hearing.

Ms. Renfro said that over the last ten years, the EDC has purchased additional tracts and made various improvements to the site. A portion of the site was sold in 2004 for Rheem’s new distribution center. The total remaining acreage is 35.68 acres. The property is marketed for sale and presents various options for additional development. More than twenty acres have been graded to provide a shovel ready site. Site layouts show development options for multiple facilities ranging in size from 40,000 to 400,000 square feet. Asking price for the property is \$35,000 per acre for the graded portion of the site and one million for the entire site.

The site is broker listed and listed on Access NC, the state's web based portal. The EDC submits the site for all qualified projects including four in 2015 for buildings ranging from 60,000 to 200,000 square feet. In 2013, the EDC transferred a one-acre tract to the County as the site for a new ambulance base to serve the Randleman area.

Ms. Renfro said that the loan was renewed in September 2013 for a five year term at a fixed rate of 4.85%, with annual principal and interest payments, and the loan is administered by CommunityOne Bank on behalf of three partner banks. Ms. Renfro requested approval of assistance to the EDC with debt service for the principal payment of \$74,364.00 plus current interest of \$21,898.24, totaling \$96,262.24. She stated that in January 2011, the Board of Commissioners agreed that the Economic Development Reserve Fund would be used for this purpose, and has been over the last several years.

Commissioner Allen asked Ms. Renfro what the County was getting out of this. Ms. Renfro stated that there were taxes from Rheem and the EDC as well as the jobs at Rheem. She also referenced the one-acre tract that had been permanently transferred to the County for use as an

ambulance base to serve Randleman citizens. Mr. Allen said it seems that nothing has really happened to this property since 2004 and the County is paying interest with little return on the investment. Chairman Frye asked if anyone had approached the bank to renegotiate the interest rate on the loan. Ms. Renfro said that no one had done that.

At 6:42 p.m., Chairman Frye opened a duly advertised public hearing, and upon hearing no comments, declared the public hearing closed.

Chairman Frye questioned Mr. Massie about using the Economic Development Reserve to repay this debt. Mr. Massie stated that the MOM Brands repayment had gone back to that fund and there was enough to pay for this expense.

Vice Chair Kemp inquired as to whether or not the tract was in the City of Randleman. He was told that it was. He then asked if the City participated at all in this project. Ms. Refro responded that the City had extended the water and sewer at no charge for the project. Both Chairman Frye and Commissioner Kemp agreed that the financing and the City of Randleman's participation needed to be addressed for the upcoming year.

On motion of Kemp, seconded by Haywood, the Board voted 4-1, with Commissioner Allen opposing, to approve the debt service payment in the amount of \$96,263 on the EDC's loan on the W. Randleman Business Park, and approved Budget Amendment #13 to effect the fund transfer from the Economic Development Reserve fund, as follows:

2015-2016 Budget Ordinance General Fund-Budget Amendment #13		
Revenues	Increase	Decrease
<i>Transfer from Economic Development Reserve</i>	\$96,263	
Appropriations	Increase	Decrease
<i>Other Economic and Physical Development Appropriations</i>	\$96,263	

Update on the Emergency Services Headquarters

Eric Schoenagel of Little Diversified Architectural Consulting presented a PowerPoint presentation of the final design, budget, and scheduling of the Emergency Services Headquarters construction. He presented a timeline with tentative dates estimating awarding the bid for construction at the December 8th meeting with construction beginning as early as February 1, 2016. The estimated projected costs total approximately \$10.8 million.

Approval to Proceed with Bidding for Construction of the Emergency Services Headquarters

Paxton Arthurs, Public Works Director, requested that the Board authorize staff and Little Diversified Architectural Consulting to proceed with the bid process for construction of the Emergency Services Headquarters as presented.

Commissioner Kemp addressed the cost cutting measures that were taken in order to reduce the expense but maintain the integrity of the building. He listed such items as fewer square feet, less expensive building materials, a smaller 9-1-1 tower, a single back-up generator, a microwave signal, reduced number of card scanners and cameras, and stained concrete floors; all which helped lower the estimate. Another impact on the project, he explained, came when a 9-1-1 grant for approximately \$2.2 million was rejected leaving a standard reimbursement of only \$500,000.

On motion of Kemp, seconded by Lanier, the Board voted unanimously to authorize staff and Little Diversified Architectural Consulting to proceed with the bid process for construction of the Emergency Services Headquarters.

Approval to Seek Financing Proposals for Construction of the Emergency Services Headquarters

Finance Officer Will Massie stated that in order to construct the Emergency Services Headquarters project, it will be necessary to finance the project through an installment financing agreement. He gave details regarding the County's debt capacity stating that local governments generally strive to maintain at least 50% of debt balances to be retired within ten years. Including the additional debt for the Emergency Services headquarters, Randolph County would still retire 84% within ten years. He asked permission to seek bank proposals to determine the most effective financing for the project and he would present the recommended proposal at the December Board meeting, along with the construction bids. A public hearing will occur at that time.

Mr. Massie anticipates the Local Government Commission will consider the application for approval at their January 5, 2016, meeting allowing the debt proceeds to be available to begin spring construction.

He said the future debt service on this obligation had been anticipated as part of the Emergency Services Modernization funding and will not require any additional property tax increase. He requested that the Board authorize him as the Finance Officer to seek financing proposals for the construction of the Emergency Services Headquarters.

On motion of Kemp, seconded by Allen, the Board voted unanimously to authorize the Finance Officer to seek financing proposals for the construction of the Emergency Services Headquarters.

Update on Ambulance Bases

Paxton Arthurs, Public Works Director, gave a brief update on the status of ambulance bases, as follows:

- Randleman-Complete January 2014
- Uwharrie-Complete January 2015
- Liberty-Complete Summer 2015
- Coleridge/Erect-Garage under construction-completion potentially by the end of the year
- Trinity-Searching for property

Update on Child Support Enforcement Building/JDRC Renovation

Paxton Arthurs, Public Works Director, presented the floor plan of the new offices for Child Support Enforcement and the JDRC. He said the front of the building will house the Child Support offices while the back will contain the JDRC. Mr. Arthurs stated that the County Maintenance Department was almost finished with the renovations for the JDRC. Upon completion there, Maintenance will begin to construct private offices for Child Support Enforcement.

Update on DSS Renovation

Paxton Arthurs, Public Works Director, explained that the DSS office has now outgrown the current space in the main building and the old restaurant. The space on the end will be vacated by the JDRC once their new office is ready. He said that all renovations will be done in-house by the Maintenance Department after the completion of renovations to the new building for Child Support. He presented a slide noting some file and classroom areas that would be converted to offices allowing the old restaurant to be used for storage only. He did mention that this renovation does not take into consideration space needed for Medicaid expansion if that were to occur.

Update on Space Utilization at the New Courthouse

Paxton Arthurs, Public Works Director, said that certain offices within the courthouse have reached capacity with no room for growth. He stated that consultants with Moser Mayer Phoenix, the original designers of the Courthouse, will be meeting with the court staff to discuss needs and space utilization. Mr. Arthurs said the consultants are planning to present their findings and recommendations at the retreat in the spring.

Update on the Great Oak Landfill

Paxton Arthurs, Public Works Director, said the application for permit to allow Waste Management to start construction was submitted in January but has not been approved yet. He stated that the timber is being removed and the County has already been paid for it. Phase one of the site plan has been designed by The Wooten Company. He said they have sent the driveway permit to DOT for approval. Mr. Arthurs explained that Waste Management is responsible to pay any costs for the driveway entrance. The County, he said, is responsible for other road expenses such as the need to widen a curve at Henley Country Road and Old Cedar Falls Road. The Wooten Company has estimated that this will cost the County approximately \$21,000. Mr. Arthurs said that the County can apply with the NCDOT for a grant that could help pay for the expense.

Mr. Arthurs stated that because the draft permit from NCDENR has still not been issued, the timeline presented will be moved back one month with a potential grand opening in October 2016.

Update on Waste Convenience Sites

Paxton Arthurs, Public Works Director, stated that the contract with Waste Management allows for six manned sites. Currently, the County only has four sites creating the potential for two additional sites that could service the Trinity and Seagrove areas. He said the County would need to create the sites but that Waste Management would man them at no additional cost once the contract is in force.

Update on Animal Shelter Addition

Paxton Arthurs, Public Works Director, presented initial drafts of what a possible renovation to the Animal Shelter could look like. He listed the funding thus far for the project. Waste Management pledged \$750,000 during the bid process. The Board approved \$180,000 from the

recent sale of timber at the landfill to go into this fund. The Health Department received a \$25,000 donation which was used to contract with Smith Sinnett Architecture of Raleigh for the conceptual drawings and study. Mr. Arthurs displayed the drawings and floorplan proposed for the new addition. They consisted of a new 3200 square foot lobby and reception area as well as space for 26 adoptable cats and 40 adoptable dogs. The open concept design is achieved with glass walls for easier visibility of animals. The total project estimate is currently \$1,066,800. Mr. Arthurs said that the portion of costs for renovations on the old building could possibly be lower and would be addressed in future design work. \$90,000 of the estimate would be for a contract with Smith Sinnett for their work.

Mr. Arthurs requested the Board award a contract to Smith Sinnett Architecture in the Amount of \$90,000 for the on-going design, bidding, and construction administration.

On motion of Kemp, seconded by Lanier, the Board voted unanimously to award a contract to Smith Sinnett Architecture in the Amount of \$90,000 for the on-going design, bidding, and construction administration of the proposed addition to the Randolph County Animal Shelter.

Repeal Old and Adopt New Animal Control Ordinance

Mimi Cooper, Health Department Director, said she first presented the proposed new Animal Control Ordinance at the August 2015 Commissioners Meeting. The Commissioners voted to table the issue until October to allow County citizens to voice their opinions on a tethering rule. Another of the changes involves the definition of a shelter. The old definition was two sides and a roof while the proposed one is two sides, a roof, and a bottom. Other differences in the proposed ordinance involve a change of a statute and removal of penalties and fees.

Ms. Cooper said she spoke with Perry Connor, Mayor of Franklinville, who wanted the Board to know that the Franklinville Board was in favor of the new ordinance. As far as citizen feedback on the tethering change, she said some citizens are in favor of the rule change while others oppose it. Some of those in favor feel that the rule is not specific enough and have suggested additional language. Ms. Cooper said it remains the Board of Health's recommendation that the proposed wording stay the same as presented in August allowing for a year of education/awareness and only carry a penalty beginning January 1, 2017.

Ms. Cooper stated that public health and safety are very important reasons to pass this new ordinance. She said dogs who spend most of their life on a chain are frustrated, less social, and often aggressive. When speaking to the Animal Control officers, she said they feel the toughest calls involve a dog running at-large dragging a chain because that animal will be hard to catch and will usually react aggressively.

Animal welfare is another important issue, not only to the animal but also to the community, she said. She has had citizens tell her that people should treat their dogs like a part of the family and they don't see that dogs left on a tether all their lives are treated that way. She stated that many citizens would like to see this ordinance adopted and she hoped that the Commissioners would agree.

Chairman Frye asked Ms. Cooper to clarify the definition of “a bottom” on a shelter. She said it could not be the ground but that a shelter must be a substantial structure to keep the dog out of the heat, the cold, and the rain.

Commissioner Kemp said he had a citizen call about dogs running loose in the community. The citizen told Kemp that people in that area of the County could not afford a structure to enclose their animals. Kemp said that it would be important that organizations could make this available for those folks. Ms. Cooper replied that a large number of the humane organizations and rescues in the County have pledged their help. She said that they would find resources to provide for those animals. Chairman Frye asked if this would be part of the educational phase in the next year. Ms. Cooper answered that it would be.

Commissioner Allen asked if additional personnel would be necessary to enforce this ordinance if it were passed. Ms. Cooper said that the year of education would really be the key to get people to voluntarily comply as had happened in Guilford County making the number of enforcement actions lower once enforcement begins and no additional personnel would be needed.

Commissioner Lanier inquired about the use of barrels by hunters for doghouses. Ms. Cooper said that a barrel would be considered a shelter under the new ordinance. Lanier also mentioned rabies vaccines being given by individuals who are not certified. Ms. Cooper stated that NC law requires rabies vaccines to be given to animals by a veterinarian or a certified vaccinator.

Commissioner Kemp asked about what kind of tether and circumstances would be allowed. Ms. Cooper responded that the ordinance allows for tethering under reasonable circumstances, such as for waste elimination and exercise. She said that the ordinance was written to keep dogs from being tethered 24/7.

Commissioner Allen questioned why there were no other fees and penalties listed after a third offense. Ms. Cooper said that after three offenses, she will file a case with the court and ask a judge to help resolve the situation.

Commissioner Haywood said that he felt the Health Board made a conscientious effort to present a reasonable ordinance. He stated that he did not think any kind of tethering should be allowed.

Commissioner Lanier asked the Board if something could be added to the new animal control ordinance to regulate the Red Fox population. He said it is a protected species but could be killed legally under certain circumstances. The reason for his request, he said, was because the Red Fox was spreading rabies. Ms. Cooper said she would look into that.

Commissioner Kemp asked where the anti-tethering ordinance would be in effect. Ms. Cooper said all of the County and its municipalities that use the services of Animal Control would need to follow those rules.

Commissioner Haywood asked if the County could make all tethering illegal. Ms. Cooper addressed this saying there may be need for tethering under extreme circumstances. Chairman

Frye said that after the year trial period, issues could be readdressed. Commissioner Lanier said he agreed with the trial period.

Commissioner Haywood questioned the educational component. Ms. Cooper responded that the partners of the animal shelter would help with this and agreed with Commissioner Kemp that enforcement will be complaint driven. Commissioner Allen added that the trial period will give Animal Control the opportunity to see the plan in action.

On motion of Kemp, seconded by Allen, the Board voted unanimously to repeal the old ordinance and adopt the new Animal Control Ordinance, as follows:

***An Ordinance Governing the General Control
Of Animals in Randolph County***

PURPOSE

To provide for the orderly, humane treatment of domesticated animals, to control and prevent the spread of rabies and other communicable diseases, to regulate the possession or harboring of exotic reptiles and wild and dangerous animals, to provide for the operation of an animal shelter for such animals, to appoint animal control officers as well as animal cruelty investigators, and to promote the health, safety and welfare of the citizens of Randolph County, the Board of County Commissioners of Randolph County does enact the following ordinance:

Section 1. DEFINITIONS

Animal Control Officers - Person or persons properly appointed by the Randolph County Health Director to enforce all sections of this ordinance and who are responsible for discharging such other duties and functions as may be prescribed by the Randolph County Health Director through the authority described in NCGS 67-30

Animal Cruelty Investigator - Person or persons appointed by the Randolph County Board of Commissioners under North Carolina General Statutes 19A-45 to investigate suspected cases of cruelty to animals

Animal - Domestic or wild mammals capable of transmitting rabies or other communicable diseases to other animals or humans

Animal Shelter - Any premises designated by the Randolph County Commissioners for the purpose of impoundment, adoption, and disposal of animals

Appeals Board - The animal control sub-committee of the Randolph County Board of Health who serves by virtue of their position. The sub-committee is made up of the chairman of the Board of Health, the physician who serves on the Board of Health, and the veterinarian who serves on the Board

At Large - An animal shall be deemed to be at large when it is off the property of its owner and not under physical restraint of some competent person

Board of County Commissioners - Randolph County Board of Commissioners

Cage - Enclosures constructed of bars or wire mesh of adequate strength, or equivalent material, which secures all sides, top and bottom from entry or egress

Cat - A domestic feline

Competent Person - A person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to persons, to the animal and to other animals, including but not limited to domestic livestock or property

County - Randolph County

Dangerous Dog - Any dog that without provocation has killed or inflicted severe injury on a person, or killed or inflicted severe injury upon a domestic animal when not on the owner's real property, or approached a person when not on the owner's real property in a vicious or terrorizing manner in an apparent attitude of attack

Dog - A domestic canine

Entrance to Owner's Property - The part of the owner's real property where the majority of visitors enter the property and would be most likely to see a "Dangerous Dog" sign

Exotic Mammals – All mammals designated by the Centers for Disease Control and Prevention, Department of Agriculture or other National or State public health protection agencies as embargoed or prohibited under legal protection orders. No reference or regulations in this ordinance applies to exotic mammals under the control of the North Carolina Zoological Park.

Exotic Reptiles - All reptiles not native to North Carolina. No reference or regulations in this ordinance apply to exotic reptiles under the control of the North Carolina Zoological Park.

Exposed to Rabies - An animal shall be deemed to have been exposed to rabies if it has been bitten by or been in the presence of or suspected of being in the presence of any animal known or suspected to have been infected with rabies

Health Director - Health Director of the Randolph County Health Department or designated representative

Impoundment - The confinement of an animal in an animal shelter or in the custody of an animal control officer or other person authorized by the Health Director to have custody of such animal

Livestock – Includes but is not limited to equine animals, bovine animals, sheep, goats, llamas, alpacas, swine, domestic fowl, or other animals kept for profit or pleasure.

Owner, Harboring, Possessor - Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person for more than ten days.

Owner's Real Property - Any real property owned, leased by, or in the lawful possession of the owner but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development

Person - Any individual or parent/guardian of a minor, corporation, partnership, organization, or institution recognized as a legal entity

Restraint - To humanely control an animal by leash, cage, bridle, or similar effective device for the purposes of protecting the animal from other animals or protecting people or other animals from the animal

Severe Injury - Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic or corrective surgery or hospitalization

Shelter - A structure with a minimum of three sides, a roof, and a bottom used to house the animal and protect it from the weather

Sheriff - Randolph County Sheriff or his authorized representative

Stray - Any animal not under restraint and found off the property of its owner or not bearing evidence of identification of its owner

Tethering- The act of tying, chaining, or restraining a dog to a fixed object with a rope, chain or other device in order to keep the dog confined

Veterinarian - A person licensed to practice veterinary medicine in the State of North Carolina

Wild and Dangerous Animals - Animals of the cat, bear and wolf species and non-human primates which are normally born and live in a wild habitat, even though such species may be raised and kept in captivity. No reference or regulation in this ordinance applies to wild and dangerous animals that are under the control of the North Carolina Zoological Park.

Section 2. AGENCY AUTHORITY AND RESPONSIBILITY

The Randolph County Board of Commissioners, in establishing this ordinance, grants authority to:

The Randolph County Health Director

- to employ and supervise animal control officers
- to seize and impound animals in violation of this ordinance

- *to issue notices of violation of this ordinance*
- *to control the spread of rabies in animals and persons*
- *to educate the public concerning rabies control*
- *to establish and maintain the general animal control program as described herein*
- *to establish and to operate the animal shelter for the purpose of humanely impounding animals and to collect fees as approved by the Board of County Commissioners*
- *to keep accurate and detailed records of all animal control activities*
- *to investigate all reported animal bites*
- *to offer animals for adoption, humanely destroy, or otherwise dispose of animals in ways approved by this ordinance*
- *to investigate cruelty or abuse with regard to animals*

The Randolph County Tax Department

- *to charge and collect a privilege fee from all persons listing a dog for county taxes as set by the Board of County Commissioners*

The Randolph County Sheriff's Department

- *to assist the Health Director when requested to carry out the provisions of this ordinance*

Section 3. ANIMAL CONTROL

A. Shelter Operation

1. Impoundment

- a. *In performing duties under the provisions of this ordinance, the Health Director may impound any seized animal. He/she may also impound animals released by their owners to the County.*
- b. *The Health Director will use all reasonable means to notify promptly the owners of impounded animals. Animals will be held for a minimum of 72 hours (excluding weekends and holidays). This time period will begin at the time of impoundment.*
- c. *The Health Director will provide impounded animals with daily care such as sanitary conditions, adequate water and food, protection from extremes of weather, protection from injury from fighting with other animals, and protection from obviously sick animals, and will prohibit females in heat from being impounded in the same cage with males.*

2. Adoption/Redemption/Release from Owner

- a. *If after 72 hours the impounded animal is unclaimed, the animal becomes the property of the County and is eligible to be released for adoption. The Randolph County Health Department shall develop and periodically review and revise standards for adoption taking into consideration the health and safety of animals and people.*

The owner of an animal impounded under this ordinance may redeem the animal and regain possession within 72 hours after complying with all applicable provisions of the ordinance by paying applicable fees as determined by the Board of Commissioners. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems an animal at the shelter will be given a “proof of rabies vaccination notice” at the time of redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the animal to the veterinarian of such person’s choice for rabies vaccination. The licensed veterinarian will complete the notice by verifying that the vaccination was given and returning the form to the animal shelter. Payment for vaccination is the responsibility of the owner of the animal. The time limits for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.

- b. *Any animal surrendered by its owner to the Animal Control Program of the Health Department may be immediately placed for adoption or humanely destroyed when:*
 - i. *The owner directs in writing that the animal be placed for adoption or humanely destroyed; and*
 - ii. *The owner affirmatively represents in writing that he or she is the legal owner of the animal; and*
 - iii. *The owner agrees that he or she will indemnify and hold the Randolph County Health Department harmless from any loss or damage he or she may sustain, including attorney’s fees, by reason of the destruction or placement for adoption of said animal; and*
 - iv. *The owner transfers ownership of said animal to the County and releases the Health Director from any and all future claims with respect to this animal.*

3. Euthanasia

- a. *If its owner does not redeem an animal within 72 hours, it may be humanely destroyed.*
- b. *Euthanasia is to be performed by animal control personnel who have completed training by a licensed veterinarian. Euthanasia procedures must be signed and approved by a licensed veterinarian.*
- c. *Any animal seized and/or impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be immediately humanely destroyed. If the animal has identification, the Health Director shall attempt to notify the owner before destroying said animal. If the owner cannot be reached readily, and the animal is suffering, the Health Director may destroy the animal at his/her discretion in a humane manner.*

4. *Municipalities Requesting Animal Shelter Services*

Municipalities within the County of Randolph which elect to impound animals in the Randolph County Animal Shelter, or release animals to the County for euthanasia or disposition under this ordinance, must certify in writing that the animal has been lawfully obtained.

- a. *By delivering such animals to the Randolph County Animal Shelter, such municipalities consent to the jurisdiction of Randolph County in respect to the matters set forth in this ordinance and warrants to Randolph County that the animal may be processed or destroyed within the terms and conditions of this ordinance. Delivery of such animals to the Randolph County Animal Shelter for processing and disposition under this ordinance shall constitute a conclusive presumption that such municipality by resolution has allowed this ordinance to be applicable within the municipality in respect to the animals so delivered to the animal shelter.*

B. *Animals Out of Control*

1. *Nuisance*

It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance or a nuisance to neighbors. By way of example, and not of limitation, the following acts or actions of an owner, harboror, or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

- a. *Having an animal that disturbs the rights of, threatens the safety of or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property; or*
- b. *Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables, or defecating upon the property of another; or*
- c. *Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or*
- d. *Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property; or*
- e. *Allowing or permitting an animal to bark, whine, or howl in an excessive, continuous, or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or*

- f. *Maintaining an animal that is diseased and dangerous to the public health; or*
- g. *Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles; or*
- h. *Failing to confine a female cat or dog while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog, or create a nuisance by attracting other animals, provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.*

2. Running at Large

It shall be unlawful for any person owning or controlling any animal or livestock to allow the same to create a danger to the public by running at large. Animal control officers may pick up and confine at the Randolph County Animal Shelter any animal or livestock endangering property, people or livestock. Officers may also issue civil citations with fines for animals or livestock in violation. Each person owning or controlling an animal or livestock shall be responsible for taking whatever measures are reasonably necessary for keeping the animal or livestock on the owner's property, or restrained on a leash or in a vehicle (passenger compartment, trailer or bed enclosure) when off the owner's property.

- a. *On property one acre or less- It shall be unlawful for any person owning or having possession, custody or control of any animal or livestock, to keep such animal on his property unless such animal or livestock is under sufficient restraint such as a leash, bridle, cage, (or similar device which restrains and controls the animal) or adequately contained by a fence or other enclosure. If the owner maintains an effective and working electronic pet containment system to restrain his/her animals or livestock, a visible and permanent sign must be on the premises that states such a system is in use.*
- b. *On property greater than an acre- Animals kept on a parcel of land greater than one acre must remain under the control of their owner on that parcel of land but do not have to be kept in a fence or other secure enclosure if control can be maintained and the animal restricted to the owner's property. Livestock however must be contained by a fence or enclosure on property greater than an acre.*
- c. *This article does not restrict the lawful use of dogs engaged in hunting activities or the use of specially trained dogs that can be controlled by voice commands, including search and rescue dogs, drug dogs, arson dogs and others used in public safety programs.*
- d. *It is a violation of this ordinance to interfere with an animal control officer while he is performing his duties.*

3. Stray Animals/Animals Without Tags

- a. *It is the responsibility of all animal owners to place a collar on their animal and attach currently valid rabies vaccination tags to the collar to be worn at all times. It is a violation of this ordinance to use tags identifying one animal and place them on another animal. Any animal which appears to be lost, stray or unwanted, or not wearing a currently valid rabies vaccination tag, as required by state law or this ordinance, may be seized, impounded, and confined in a humane manner in the animal shelter.*
- b. *Citizens of Randolph County may call the animal shelter during operating hours and report stray animals. Animal control officers will respond to these calls in order of priority.*
- c. *If an animal cannot be seized by reasonable means and the Sheriff or Health Director deems it necessary to seize the animal at the cost of its life, then the Sheriff or an authorized animal control officer may humanely destroy the animal. All consideration must be given to protecting surrounding people and property when this action is necessary.*
- d. *It is a violation of this ordinance for any person to abandon an animal or livestock.*
- e. *The County will purchase and maintain a number of humane animal traps to use for capturing stray and feral animals. If a sufficient number of traps are available, the animal shelter staff will loan traps to citizens of the County to capture stray or feral animals. Citizens borrowing traps will be required to agree to use the traps in accordance with County policy. If the trap suffers intentional or neglectful damage while it is the responsibility of the citizen who borrowed it on loan, the citizen is responsible for repair or replacement costs. The decision to loan traps will be based on availability of traps, signature of a responsible person and danger to the community posed by uncaptured animals. It is a violation of this ordinance to interfere with a trap set by an animal control officer or a citizen in accordance with the County policy.*

4. *Dangerous Dogs*

- a. *The Randolph County Board of County Commissioners has appointed the Health Director as the person designated to determine when a dog is dangerous or potentially dangerous. The Appeals Board appointed by the Commissioners shall consist of the Chairman of the Board of Health, the veterinarian member, and the physician member.*
- b. *In addition to North Carolina General Statute 67-4.1 through 67-4.5, dangerous dogs and potentially dangerous dogs in Randolph County will be subject to these requirements:*
 - i. *Any dog determined to be a dangerous dog or a potentially dangerous dog must be confined according to the law and this ordinance until the dog dies, is destroyed or the determination is overturned on appeal.*
 - ii. *The owner of a dangerous dog or potentially dangerous dog must prominently display a "Dangerous Dog" sign at the entrance to the owner's property and on all sides of the enclosure containing the dog. The sign at the entrance must be 2 ft. x 2 ft., and the signs at all sides of the enclosure must be a minimum of 8.5 in. x 11 in. and read*

**BEWARE OF DOG
STAY AWAY
THIS DOG IS DANGEROUS**
(according to State Law NCGS 67-4.1)

The signs must be clearly readable.

5. *Wild and Dangerous Animals*

- a. *It shall be unlawful for any person to possess or harbor a wild and dangerous animal or their hybrids.*
- b. *Wild and dangerous animals privately owned on July 13, 1999 may remain in the county but must be registered with the Animal Control section of the Health Department.*
- c. *Breeding or allowing the reproduction of wild and dangerous animals as defined in this ordinance is prohibited.*
 - i. *At the time of registration owners must submit a recapture plan in the event their animal escapes.*
 - ii. *Escapes of wild and dangerous animals must be reported to 911 immediately.*
 - iii. *Owners are liable for costs to local agencies associated with the recapture of an escaped wild and dangerous animal.*
 - iv. *Owners of all wild and dangerous animals registered with Animal Control must house the animal in an enclosure which properly contains the animal, provides secondary containment from escape, and is adequately ventilated, cooled, heated, lighted and constructed that it may be kept in a clean and sanitary condition. The physical and psychological health and well-being of the animal may not be endangered by the manner of confinement. The keeper/caregiver must have adequate knowledge of the nutritional, physical and behavioral needs of the species in his care. The owner/caregiver must be able to identify the veterinarian providing medical care for the animal.*

6. *Exotic Reptiles*

- a. *Individuals must be greater than eighteen years of age to own a venomous exotic reptile or an exotic reptile weighing over 40 lbs.*
- b. *Owners are required to report to 911 any escapes of venomous exotic reptiles and exotic reptiles weighing over 40 lbs.*
- c. *It is unlawful for exotic reptiles to run loose unsupervised.*

- d. *Owners are required to register venomous exotic reptiles with the Animal Control section of the Randolph County Health Department. Animal Control will notify 911 of the location of venomous reptiles in order to protect rescue workers and the public during any emergency situations.*
- e. *Owners are liable for costs to local agencies associated with the recapture of an escaped exotic reptile.*

7. *Exotic Mammals*

- a. *It shall be unlawful for any person to possess, sell or harbor an exotic mammal or their hybrids.*
- b. *Exotic mammals privately owned prior to any embargo or protection orders may remain in the county if so allowed by the order but must be registered with the Animal Control section of the Health Department.*
- c. *Breeding or allowing the reproduction of exotic mammals as defined in this ordinance is prohibited.*

8. *Tethering Dogs*

- a. *It shall be unlawful to tether a dog(s) as a regular method of keeping the dog(s) on the owner's property.*
- b. *Owners may tether a dog(s) for a reasonable period of time to allow for waste elimination.*
- c. *Owners may tether a dog(s) on a runner for a reasonable period of time that allows the dog(s) to exercise.*
- d. *The provisions of paragraphs (b) and (c) above notwithstanding, it shall be unlawful for a dog to be tethered twenty-four (24) hours a day.*
- e. *Owners may only tether their dog(s) for reasons other than those set out in paragraphs (b) and (c) or for extended periods in emergency situations or under extreme extenuating circumstances. Owners should be prepared to explain to Animal Control Officers what circumstances existed that required them to tether their dog(s).*

Section 4. RABIES CONTROL

A. Prevention

- 1. *In accordance with state law, the owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the North Carolina Commission for Health Services. Rabies vaccine shall*

be administered only by a licensed veterinarian. Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by said Commission shall be used on animals in this state.

- 2. The local Health Director shall organize or assist other County departments to organize quarterly countywide rabies vaccination clinics for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.*
- 3. A licensed veterinarian who administers rabies vaccine to a dog or cat shall complete a three-copy rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or cat that receives rabies vaccine. A record of the rabies vaccination certificate shall be retained by the licensed veterinarian. Upon request a copy shall be given to the Health Director.*
- 4. A licensed veterinarian who administers rabies vaccine to a dog or cat 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 "N.C." and the words "rabies vaccine". Dogs and cats shall wear the rabies vaccination tags at all times.*

B. Quarantine

When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the Health Director may declare an area-wide quarantine for such period as is deemed necessary. Upon invoking of such quarantine, no dog or cat may be taken or shipped from the county without written permission of the Health Director. During such quarantine, the Health Director or persons duly authorized by the Health Director may seize and impound any dog or cat found running at large in the county. After reasonable effort has been made to apprehend any animals violating the quarantine, persons mentioned above may destroy the uncontrolled animals and properly dispose of their bodies. During the quarantine period the Health Director shall be empowered to provide for a program of mass immunizations by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

C. Confinement/Destruction

- 1. When a person has been bitten by, or exposed to the saliva of an animal on broken skin or mucous membrane the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control of possession of the animal shall notify the Health Director immediately and give the name and address of the person bitten, the name and address of the owner of the animal, and a description of the animal. All dogs and cats that bite a person shall immediately be confined for ten (10) days in a place designated by the Health Director. After reviewing the circumstances of the particular case, the Health Director may allow the owner to confine the animal on the owner's property. If the owner refuses to confine the animal as required by state law and this ordinance, the Health Director may order seizure of the animal and its confinement for ten (10) days at the expense of the owner. A physician who attends a person bitten by*

an animal known to be a potential carrier of rabies shall report within twenty-four (24) hours to the Health Director the name and address of that person.

- 2. An animal exposed to rabies shall be destroyed immediately by its owner, the Health Director or her agents unless the dog or cat has been vaccinated against rabies in accordance with this ordinance more than three weeks prior to exposure and is given a booster dose of rabies vaccine within three days of the exposure.*
- 3. A person who owns an animal which is suspected of having rabies shall immediately notify the Health Director and shall securely confine the animal in a place designated by the Health Director. Other non-domestic animals may be destroyed at the discretion of the State Public Health Veterinarian.*
- 4. An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all dogs and cats that die during the ten-day confinement period shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis.*
- 5. The Sheriff will notify the Health Director of all animal bites reported to the Sheriff's office. The Health Director will direct the animal control officers to investigate all animal bites in a timely manner and carry out the provisions of this ordinance and the directions of the Health Director in such investigations. A copy of all animal bite reports will be sent to the Health Director as soon as investigations are complete.*

Section 5. CRUELTY

A. Appointment of Animal Cruelty Investigator

- 1. The Board of County Commissioners may appoint one or more animal cruelty investigators to serve in the county without any compensation or other employee benefits. In making these appointments, the Board may consider persons nominated by any society incorporated under North Carolina law for the prevention of cruelty to animals. Prior to making any such appointment, the Board of County Commissioners are authorized to enter into an agreement whereby any necessary expenses of caring for seized animals not collectable through charge to the owner may be paid by the animal cruelty investigator or by any society incorporated under North Carolina law for the prevention of cruelty to animals that is willing to bear such expense.*
- 2. Animal cruelty investigators shall serve a one-year term subject to removal for cause by the Board of County Commissioners. Animal cruelty investigators shall, while in the performance of their official duties, wear in plain view a badge of a design approved by the Board identifying them as animal cruelty investigators, and provided at no cost to the County.*

3. *Upon approval by the Board of County Commissioners, the animal cruelty investigator or investigators may be reimbursed for all necessary and actual expenses, to be paid by the County.*
4. *Animal cruelty investigators appointed under the provision of this section shall not be considered for any purpose as employees, officers or agents of Randolph County.*
5. *The Sheriff may also investigate suspected cases of animal cruelty and issue citations for such.*

B. Powers and Duties of the Animal Cruelty Investigator

The animal cruelty investigator is empowered with the duties and powers as prescribed by North Carolina General Statutes.

C. Cruelty to Animals

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance and shelter, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, deprive of needed veterinary care or subject to conditions detrimental to its health or general welfare any animal, or to aid and abet in such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, nor to prohibit the sheriff or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research or lawful use for sport.

Section 6. PENALTIES

- A. *The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in North Carolina General Statutes 14-4. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in a criminal proceeding pursuant to this ordinance does not relieve a person of his liability for taxes or fees imposed under this ordinance.*
- B. *Enforcement of this ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes Section 153A-123 (d) and (e).*
- C. *In addition to or in lieu of any criminal penalties and other sanctions provided in the ordinance and in accordance with North Carolina General Statutes Section 153A-123, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth:*

1. *The Health Director or designee may issue to the known owner or possessor of any animal, or to any violator of the provisions of this ordinance, a ticket, citation, or warning giving notice of the alleged violation(s). Tickets, citations, or warnings so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot readily be found. The ticket or citation shall impose upon the violator a minimum civil penalty of Twenty-Five Dollars (\$25.00), or such greater amount for subsequent offenses as may be set by the ordinance. Civil penalties shall be paid in full to the Health Director or his or her designee within fourteen days of receipt of the citation assessing the civil penalty. The civil penalty is in addition to any other fees or costs authorized by this ordinance.*

2. *In the event that the owner or possessor of an animal or other alleged violator does not appear in response to the above described ticket or citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or possessor or other alleged violator of this ordinance, and upon conviction, the owner shall be punishable as provided by State law. The Health Director, or designee, is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due the Department and may call on the jurisdiction's Attorney's Office for assistance as needed.*

3. *Issuance of a citation for a violation of the Section entitled "Running At Large" is directed toward and against the owner and/or possessor of an animal or livestock. The purpose of the issuance of a citation is to affect the conduct of the owner of an animal or livestock by seeking to have the owner responsibly maintain sufficient restraint and confinement of his/her animal or livestock. Therefore, an owner of an animal or livestock shall be subject to escalating penalties for each violation of the Section allowed by the owner, whether the animal is the same animal, a different animal, or various animals belonging to the same owner.*

Section 8. SEPARABILITY

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by 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 thereof.

Section 9. REPEAL OF PRIOR ORDINANCES

"An Ordinance Governing the General Control of Animals in Randolph County," enacted January 10, 2000, is hereby repealed on December 31, 2015.

Section 10. This ordinance shall become effective January 1, 2016.

Uwharrie Charter School Update

Mac Whatley, Uwharrie Charter Academy Chairman of the Board of Directors, said that on August 24th, 761 students went through the doors at Uwharrie Charter Academy. For the first time this included a senior class of 70, and for the first time it included a middle school containing 311 students in 6th, 7th, and 8th grades who occupy the Lewallen Street campus where UCA has conducted classes for the past three years. He said new middle school students were chosen by lottery last March. The high school students were welcomed to a new 45,000 square foot facility built on a 47-acre tract on US 220 Business South near the Ulah/Troy/Pinewood Exit on Interstate 73/74.

Mr. Whatley said the new school went up faster than many onlookers ever thought possible due to its innovative precast concrete or “tilt-up” construction process. No traditional masonry techniques were used. He explained that beginning in December 2014, more than a hundred panels were cast on-site in custom molds. When all the panels were ready, a crane lifted them into position, they were bolted into place, and all the walls were ready for the roof by the middle of April. He said construction took place in less than nine months. Move-in began on August 18th and was completed on August 20th for the first “Parent Open House”.

Mr. Whatley stated that the facility included a gym, student commons area, orchestra practice hall, and 25 classrooms. He estimated the total cost of construction as being a little more than \$8.6 million dollars, financed with the developer through a lease-purchase agreement. More than \$76,000 of new furniture and equipment was provided through a similar agreement with Perfection Equipment. Additional furnishings were purchased from J&S Wholesale. Six high school classrooms will have Smart Boards; all other classrooms are equipped with an IPEVO Interactive Whiteboard System which transforms most any flat surface into an interactive whiteboard. In real time, it allows the teacher or student to draw, highlight, and annotate on any available surface.

Mr. Whatley conveyed that the high school has approximately 15 clubs and offers every sport (except football) which traditional public schools offer: basketball, softball, soccer, wrestling, lacrosse, cross country, cheerleading, baseball, and volleyball. Baseball is played at Scott Rush Memorial Park off of Mack Road. He said UCA leases the field and has spent more than \$15,000 to renovate it.

He expressed that both the middle and high school curricula are designed to promote hands-on, project-based experiential learning, with a focus on environmental stewardship. With a STEM (Science, Technology, Engineering, Mathematics) focus, the middle grades are offered such electives as robotics, PEAK (agriculture class), “Digging Da Vinci” (art class), “Myth busters,” music, Cross Fit, Engineering 101, Home Economics, and Hunter Safety. The Lewallen Street building has been renovated to include a “Maker Space” for middle school classes, with workshop tools and benches. Students, supervised by teachers and staff, will learn how to use power tools and gain skills that are meant to engage them in the engineering process.

Mr. Whatley explained that Uwharrie Charter Academy is Randolph County’s only charter school, a public school with a private board of directors. Operations are funded by a state per-

pupil allotment, with local supplements from Asheboro City Schools, Randolph County Schools, and other school systems where students reside. The total UCA budget for all grades in fiscal 2015/2016 will be \$4.95 million. All employees received a cost of living increase, despite the budget uncertainty, and were offered the same benefits package as any other public school teacher. State funding does not include monies allocated toward food service, transportation, or facilities; those services are still provided to the students, but are funded out of the per pupil allocation or by fund-raising events. The difference is made up by the administrative staff doing double, triple, or even quadruple duty.

Both students and faculty doubled in size for the school year, with 68 teachers and staff, and a total of 761 students funded under the charter, he said. The UCA student population includes young people from every county surrounding Randolph, including one who commutes from Landis in Rowan County. More than one hundred students arrive each day from Davidson, Moore, and Montgomery counties. Mr. Whatley stated that UCA now maintains a fleet of seven standard school buses, purchased second-hand from various other public school systems and maintained under a contract with the Randolph County Schools.

Mr. Whatley invited anyone to tour the school. Commissioner Kemp stated that he was very impressed with the school and the well-rounded program he saw when he toured the facility. He recommended visiting the school.

Chairman Frye asked if enrollment was capped at this point. Mr. Whatley said that it was currently. Next school year's enrollment could increase by no more than five percent but will be limited by the facilities.

Commissioner Lanier asked about the lunch program at the school. Mr. Whatley responded that kids either bring lunch or can purchase the lunch of the day. He said that Chick-fil-a was one of the vendors that was used to sell lunch one day of the week. He mentioned that the school was required to provide lunch to those students who qualified for free or reduced meals.

Commissioner Haywood asked who comprised the Board of Directors. Mr. Whatley said that the Board is made up of more than fifty percent parents but still has a lot of diversity and has been a very hands-on group.

Tourism Development Authority Annual Report

Tammy O'Kelley, Director of Tourism, provided the Randolph County Tourism Development Authority (TDA) Annual Report to the Board in agenda packets. It includes details on the TDA's 2014 program of work and accomplishments. Ms. O'Kelley reviewed the highlights from that report.

Ms. O'Kelley stated that the County reaped a record \$128.39 million in direct visitor spending in 2014, generating \$9.6 million in state and local tax revenues. She said tourism also means jobs for local residents and gave the following statistics:

- 1,056 workers have jobs sustained solely by visitation to our area.
- Workers earn a payroll of \$19.25 million.

- Hotel occupancy tax collections increased 7.69 % over 2013 totaling \$803,022.
- Hotel revenues increased by 11.13%.

Ms. O’Kelley shared website data comparing 2013 and 2014 information. The number of unique visitors increased .79%. The number of visits on the site increased 31.13%. The pages viewed increased 41.11%. The average number of visits per day increased 31.03%.

Approval of New Franklinville Fire Insurance District

Aimee Scotton, Associate County Attorney, said that property owners who live within a certain road distance from a fire department (currently six miles) receive a discount on their homeowners’ insurance. The North Carolina Department of Insurance requires that County Commissioners approve insurance district boundary lines.

The Franklinville Fire Department has opened a new station, Station 88. Ms. Scotton said while many of the homes located within six miles of this new station were already within the insurance district, there are quite a few that will be included for the first time now.

Ms. Scotton presented a list of the newly-included parcels along with a map of the entire proposed new insurance district. The existing insurance district is shaded in yellow; the area to be added appears shaded in white. This does not affect the tax district in any way; therefore, there are no statutory requirements to fulfill and no need for a public hearing. The Board needs to approve the inclusion of these parcels in the insurance district so that the property owners can receive a discount on their homeowners’ insurance.

On motion of Allen, seconded by Lanier, the Board voted unanimously to approve the new Franklinville Fire Insurance District, as presented (map ATTACHED).

Commissioner Lanier asked if the Board had any authority to change which fire station serves a particular area within the County. Ms. Scotton and Fire Marshall Erik Beard stated that most of the fire protection districts in the County are rural fire protection districts and that changing district boundary lines in this type of district is a difficult process and is one reason that the County is in the process of creating County Service Districts instead. Ms. Scotton said that the combined Randleman-Sophia district, Guil-Rand, and Climax were already designated as County Service Districts. Mr. Lanier questioned how long the conversion process would take. Ms. Scotton replied that it would take at least two months to complete the conversion for each station. She also recommended only changing two stations at a time to help alleviate confusion.

Approval of Resolution Adopting 2016 Board of Commissioners Regular Meeting Schedule

On motion of Haywood, seconded by Allen, the Board voted unanimously to approve the Resolution Adopting the 2016 Regular Meeting Schedule of the Board of Commissioners, as follows:

***Resolution Adopting 2016 Meeting Schedule of the
Randolph County Board of Commissioners***

WHEREAS, pursuant to N.C.G.S. 153A-40(a), the board of commissioners shall hold a regular meeting at least once a month; and

WHEREAS, pursuant to N.C.G.S. 153A-40(a) the board of commissioners may, by resolution, fix the time and place of its regular meetings; and

NOW, THEREFORE, BE IT RESOLVED that the Randolph County Board of Commissioners hereby adopts the following meeting schedule for all of its 2016 regular meetings:

Monday, January 4	Monday, July 11
Monday, February 1	Monday, August 1
Monday, March 7	Tuesday, September 6
Monday, April 4	Monday, October 3
Monday, May 2	Monday, November 7
Monday, June 6	Monday, December 5

BE IT FURTHER RESOLVED that the regular meetings shall begin at 6:00 p.m., with the rezoning public hearing commencing at 7:00 p.m.; and

FURTHER, that all regular meetings shall be held in the 1909 Historic Courthouse, 145-C Worth St., Asheboro, NC 27203; and

BE IT FINALLY RESOLVED that the Clerk shall cause a copy of this resolution to be posted and published pursuant to NCGS 153A-40.

Addition to New Business Agenda - Board of Commissioners Planning Retreat

Chairman Frye stated that Commissioner Haywood had suggested that the Board go ahead and set their Planning Retreat date. The Board typically holds a board retreat in order to become better informed on current topics. Dates that the RCC Foundation Conference room is available were submitted.

On motion of Haywood, seconded by Allen, the Board voted unanimously to set a special meeting at 1:00 pm on Wednesday, April 13, 2016, for a Board of Commissioners Planning Retreat at the RCC Foundation Conference Center.

Set Special Joint Meeting with the City of Asheboro and the Airport Authority

On motion of Allen, seconded by Lanier, the Board voted unanimously to set a joint meeting with the City of Asheboro and the Airport Authority on October 22 at 7:00 pm at the City Public Works Building located on N. Fayetteville St., Asheboro.

Regional Update

Chairman Frye said he attended a meeting and learned about certain items in the state budget that affected counties. The items he addressed were the reversal by the state of Stokes County's three year moratorium on fracking, new regulations on moonlighting by County employees, and exemption from property taxes on property under construction or listed for sale until it is sold.

Adjournment

At 8:29 p.m., on motion of Haywood, seconded by Allen, the Board voted unanimously to adjourn.

Darrell L. Frye, Chairman

Phil Kemp

Arnold Lanier

Stan Haywood

David Allen

Amanda Varner, Clerk to the Board



FRANKLINVILLE FIRE DISTRICT PARCELS OUTSIDE INSURANCE DISTRICT

- Legend**
- ★ Fire Stations
 - Roads
 - PARCELS
- Fire/Districts**
- OUTSIDE INSURANCE DIST
 - COLERIDGE-ERECT
 - FRANKLINVILLE
 - RAMSEUR
 - STALEY

1 inch = 2,500 feet



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