

**PERSON COUNTY BOARD OF COMMISSIONERS**

**MAY 6, 2013**

**MEMBERS PRESENT**

**OTHERS PRESENT**

Jimmy B. Clayton  
Kyle W. Puryear  
B. Ray Jeffers - ABSENT  
Frances P. Blalock  
David Newell, Sr.

Heidi York, County Manager  
C. Ronald Aycock, County Attorney  
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in recessed session on Monday, May 6, 2013 at 6:00 pm in the Commissioners' meeting room in the Person County Office Building. The purpose of the meeting will be for closed session discussion jointly with the City of Roxboro of matters relating to the location or expansion of industries or other businesses in the county per General Statute 143-318.11(a)(4).

Person County Attendees:

Chairman Clayton, Commissioners Blalock, Puryear and Newell  
County Manager, Heidi York  
Clerk to the Board, Brenda Reaves

City of Roxboro Attendees:

Mayor Marilyn Newell, Mayor Pro-Tem William Davis, Council Members:  
Henry Daniel, Sandy Stigall, Mark Phillips, and Byrd Blackwell  
City Manager, Stephen Steese

Chairman Clayton called the meeting to order. Vice Chairman Jeffers was absent.

**CLOSED SESSION #1:**

A **motion** was made by Commissioner Puryear, and **carried 4-0** to enter Closed Session per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development) jointly with the City of Roxboro at 6:04 pm with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Economic Development Director, Stuart Gilbert, Economic Commission Chairman/Person County Business Industrial Center Chairman, Randy Reynolds and the City of Roxboro attendees listed above.

A **motion** was made by Commissioner Blalock, and **carried 4-0** to return to open session at 7:01 pm.

A **motion** was made by Commissioner Puryear, and **carried 4-0** to recess briefly.

Chairman Clayton called the meeting to order at 7:04 pm, led invocation and the Pledge of Allegiance.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

A **motion** was made by Commissioner Puryear, and **carried 4-0** to add the following items to the agenda, move Item #4 to be considered before Item #3 and to approve the agenda as adjusted:

- a Public Service Recognition Week Proclamation, and
- Two additional Closed Sessions per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development).

**INFORMAL COMMENTS:**

There were no comments from the public.

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Puryear, and **carried 4-0** to approve the minutes of April 1, 2013 and April 15, 2013.

**TAX ADMINISTRATIVE REPORT:**

A **motion** was made by Commissioner Puryear, and **carried 4-0** to approve the Tax Administrative Report noting the Releases for the month of March, 2013.

**OLD BUSINESS:**

**REVISED PERSON COUNTY ANIMAL SERVICES ORDINANCE:**

County Attorney, Ron Aycock requested the Board to consider an amendment for the section outlining the effective date to read: effective upon adoption.

Animal Services Director, Ron Shaw stated the Person County Animal Control Advisory Board has been working on a comprehensive revision to the Animal Control Ordinance over the last two years. The first revised version of the Ordinance was presented to the Board of Commissioners in early 2011. Since that time, the Animal Control Advisory Board has been updating their Ordinance to incorporate best practices for enforcement and animal welfare.

Mr. Shaw presented the revised Animal Services Ordinance for Board consideration of adoption and recognized the members of the Animal Services Board present in the audience.

Commissioner Blalock asked Mr. Shaw about Section 5, Possession of Livestock: The Person County Animal Services Department shall enforce the applicable State Laws in reference to the care and possession of livestock. Mr. Shaw noted the current Animal Cruelty Officer, Mike Fuqua would enforce such rules. Commissioner Blalock requested the applicable State Laws be linked to the Animal Services web site.

Mr. Shaw stated the Animal Services Department and advisory board would be recommending to the County Manager a future proposal for the ability to issue citations.

A **motion** was made by Commissioner Puryear, and **carried 4-0** to adopt the Animal Services Ordinance. By unanimous vote on the first reading of the Animal Services Ordinance, the ordinance was adopted May 6, 2013.

## PERSON COUNTY ANIMAL SERVICES ORDINANCE

The Person County Board of Commissioners is authorized under the provisions of G.S. 153A-121, 153A-153 and 153A-442 to adopt ordinances.

### SECTION 1: DEFINITIONS

As used in this ordinance the following terms mean:

- A. **Animal Services Officer:** A county employee designated as Person County Animal Services Officer, Person County Animal Services official or other designations that may be used whose responsibility includes Person County Animal Services.
- B. **Owner:** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals.
- C. **Kennel, Dealer, Breeder, or Pet Shop:** Any person, group of persons, partnership, or corporation engaged in buying, selling, breeding or boarding pet animals.
- D. **At Large:** Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.
- E. **Restraint:** An animal is under restraint within the meaning of this ordinance if he is controlled by means of a chain, leash or other like devise; or, is secured within a vehicle being driven or parked; or, is within a secure enclosure.
- F. **Spayed Female:** Any female which has been operated upon to prevent conception.
- G. **Neutered Male:** Any male which has been operated upon to prevent reproduction.
- H. **Animal Shelter:** Any premises designated by the County for the purpose of impounding and caring for animals found running at large or otherwise subject to impoundment in accordance with the provisions of this ordinance.
- I. **Exposed to Rabies:** An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to any animal known or suspected to have been infected with rabies.
- J. **Potentially Dangerous Dog:** A dog that:
  - 1. Inflicted a bite on a person either upon public or private real property
  - 2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property.

3. Approached a person when not on the owner's property in a vicious or terrorizing manner, or an apparent attitude of attack.

K. **Dangerous Dog:** A dog that:

1. Without provocation has killed or inflicted severe injury on a person; or animal.
2. Is declared vicious by the Director of Person County Animal Services pursuant to N.C.G.S. 130A-200.
3. Is determined by the Director of Person County Animal Services to be dangerous and, after this determination, engages in one or more of the behaviors listed in subsection J of this section.

L. **Stray Dog or Cat:** Any dog or cat, within the County wandering at large or lost and does not have an owner, or any dog or cat, within the County, whose owner fails to list animal for license purposes, or fails to have said dog or cat vaccinated against rabies by a veterinarian, or any dog or cat not wearing a collar and current rabies tag.

M. **Acts Deemed Public Nuisance:** An act of public nuisance is defined as any animal that repeatedly chases snags at, or attacks pedestrians, bicyclists or vehicles and also includes animals that turn over garbage pails, damages gardens flowers or vegetables. Public nuisance includes the owner permitting a female animal to run at large during the estrous stage of reproduction.

N. **Rabies Vaccination:** the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator. Rabies vaccines given by a certified rabies vaccinator are only valid for one year. Rabies vaccines given by a veterinarian are valid for one year to three years as determined by State Law.

O. **Animal:** refers primarily to domestic cats and dogs unless provided for by state law. Domestic livestock is part of the jurisdiction of Person County Animal Services as set out by state law. Ferrets are included for the purpose of rabies vaccines.

P. **Proof of Ownership:** Can include but is not limited to veterinary records, photos, registration papers, bill of sale, microchip or adoption contract.

**SECTION 2: DUTIES OF PERSON COUNTY ANIMAL SERVICES DEPARTMENT:**

The State laws regarding the care of animals will be enforced by the Person County Animal Services Department of Person County.

The Person County Animal Services Department shall be further charged with the responsibility of:

- A. Enforcing all State or County laws, ordinances and resolutions relating to dogs and cats,

and the care, custody and control of animals.

- B. Aiding the Health Director to insure public safety and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or leashing of dangerous and potentially dangerous animals.
- C. Investigating animal cruelty, neglect or abuse.
- D. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all dogs, cats and ferrets are vaccinated against rabies.
- E. Operating, pursuant to policies of the Board of County Commissioners;
- F. Maintaining a reference file of rabies vaccination all in accordance with the provisions of this ordinance and the policies of the Board of County Commissioners.

**SECTION 3: DOGS, CATS AND FERRETS MUST WEAR COLLAR AND RABIES TAG**

- A. It shall be unlawful for any dog, cat or ferret owner to fail to comply with the State laws relating to the control of rabies. It shall be unlawful for any dog, cat or ferret owner to fail to provide any dog, cat or ferret he or she owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon vaccination.
- B. The rabies tag is to be worn by said dog or cat at all times except as otherwise provided by State Law. Exceptions include but are not limited to performing at shows, obedience trials, tracking tests, field trials, training schools or other events sanctioned and supervised by a recognized organization. Proof of rabies must be presented upon request of the Person County Animal Services Officer as required by the NC G.S. 130A-192.
- C. Unless proof of rabies vaccination is available, it shall be the duty of the Person County Animal Services staff to insure that any redeemed animal over the age of four months is vaccinated against rabies at the owner's expense before release and that a record be maintained of the vaccination.
- D. A dog, cat or ferret is subject to impoundment in accordance with the provisions of this ordinance if it is not wearing a current rabies tag or if the owner cannot furnish evidence of vaccination.
- E. It shall be unlawful for any person to use for any animal a rabies vaccination tag not issued for that animal.
- F. It is recommended that animals be micro-chipped in the event that the collar and tags are lost for identification purposes.

- G. It is the purpose of this ordinance to supplement the State law by providing a procedure for the enforcement of State laws relating to rabies control.

**SECTION 4: POSSESSION OF DOGS OR CATS**

It shall be unlawful for any person knowingly to harbor, feed, or keep in his possession, by confinement or otherwise, any dog or cat that does not belong to him unless he has:

- A. The consent of the owner or custodian of the dog or cat.
- B. If a dog or cat is not wearing tags, or other mode of identification indicating its owner, and is delivered to an animal shelter by;
1. A person who has found and captured the dog or cat.
  2. By an approved rescue organization that received the dog or cat from a person who found and captured the dog or cat.
  3. The Person County Animal Services' shelter may, in writing, appoint the finder or approved rescue organization to be the agent of the Person County Person County Animal Services' shelter.
  4. For purposes of this subsection, the term "approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the Director of Person County Animal Services through the application of written standards.
    - a. The finder or approved rescue organization shall hold the dog or cat for the 72-hour holding period.
    - b. After the expiration of the applicable holding period, the shelter may:
      - 1) Transfer the dog or cat to the person or organization that has held it as agent.
      - 2) Extend the period of time the finder or rescue organization holds the dog or cat as agent of the shelter.
    - c. The privilege to act as an agent for the shelter may be revoked during the holding period at any time by directing the finder or rescue organization to deliver the animal to the shelter.
    - d. The city, county, or organization operating the animal shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent.

- e. During the 72-hour or longer holding period established an animal shelter may place an animal it is holding in foster care.
- f. If the Person County Animal Services' shelter transfers physical possession of an animal under subsections of this section a photograph which depicts the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation. This will remain posted for the 72-hour or longer holding period.

*Comments: Humane traps may be obtained from Person County Person County Animal Services on a first come first serve basis for domestic dogs or cats only. There will be a deposit fee. See Appendix A.*

#### **SECTION 5: POSSESSION OF LIVESTOCK**

The Person County Animal Services Department shall enforce the applicable State Laws in reference to the care and possession of livestock.

#### **SECTION 6: RABIES VACCINATION AND CONTROL**

It shall be unlawful for an owner to fail to provide current vaccination against rabies for his dogs, cats and ferrets over the age of four months as required by State law.

Should it be deemed necessary by the County Health Director or Board of County Commissioners that it is necessary for other animals to be vaccinated for rabies, the owner must insure they are vaccinated in order to prevent a threatened epidemic, or to control an existing epidemic. It shall be unlawful for an owner to fail to provide current rabies vaccination against rabies for those animals, provided that rabies vaccination is available for those species.

##### **A. Bite Cases:**

1. Every animal which has bitten a human or domestic animal shall be confined immediately and shall be promptly reported to the Person County Animal Services Department.
2. The animal shall be securely quarantined under the direction of the Person County Animal Services Department for a period of 10 days, and shall not be released from such quarantine except by written permission from the Person County Animal Services Department.
3. The biting animal and its records of rabies vaccination shall be inspected by the Person County Animal Services Officer. The following policy will then be observed:
  - a. A properly rabies vaccinated dog, cat or ferret may be confined on the owner's premise provided that an Person County Animal Services Officer determines that the owner has an adequate means of confinement upon his own premises.



The animal must be available for observation by the officer at any time during the 10 day period.

- b. A dog, cat or ferret not properly vaccinated against rabies, belonging to an owner, shall immediately be confined in a veterinary hospital or the county Animal Shelter at the expense of the owner for the 10 day confinement. The dog, cat or ferret shall not be vaccinated during confinement.
- c. At the end of 10 days, the animal must be vaccinated at the owners' expense by a certified rabies vaccinator before release in addition to the other fees.
- d. A biting stray dog, cat or ferret shall immediately be confined in the County Animal Shelter for a 10 day period.

*Comments: Rabies vaccinations are available for some other animals through a licensed veterinarian.*

**B. Surrender for Quarantine Required on Demand:**

It shall be unlawful for any person to refuse to allow an investigation by the Person County Animal Services Department upon demand, of any animal which has bitten a human, domestic animal or has been in an encounter with a suspected rabid animal.

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required, when demand is made by the Person County Animal Services Department or the County Health Director.

**C. Rabies Diagnosed:**

If an animal dies or appears ill while under observation for rabies, then the head of such animal must be submitted to the State Public Health Lab to test for rabies. This method is the only approved way to diagnosis rabies. The body cannot be reclaimed. It must be disposed of by Person County Animal Services to protect public health. It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, any animal which has bitten a human, or to remove such animal from the County without written permission from the Person County Animal Services Department and the County Director of Public Health.

**D. Emergency Quarantine and Procedure:**

When reports indicate a positive diagnosis of rabies, the local health director or the appointed acting agent may order an area wide quarantine within Person County for a period as he/she deems necessary. Each member of the Person County Animal Services Department, Police and Sheriff's Department is authorized during such quarantine, to impound or after reasonable effort has been made to apprehend the animals to destroy the uncontrolled dogs and cats and properly dispose of their bodies. During the quarantine period, the Person County Animal Services Department or the local health authorities shall be empowered to provide a program of mass immunization by the establishment of

temporary emergency rabies vaccination clinics strategically located throughout the County. When a township is under rabies quarantine, animals are not allowed to be adopted from Person County Animal Services during the period of rabies quarantine for six months if the animals have been impounded by reason of being a stray, unclaimed by the owner or surrendered without a current rabies vaccination. In the event there are additional positive cases of rabies occurring, the period of quarantine may be extended at the discretion of the local health director or an agent acting on his or her behalf. (NCGS130A-195)

*Comment: In the event of activities requiring rabies Quarantine of all or a portion of the County, the County Health Director may require greater enforcement activities to protect the public and to control an outbreak.*

**E. Current Rabies Vaccination:**

Animals that are brought into this State unvaccinated shall immediately be securely confined and shall be vaccinated within one week. The animal then shall remain confined for two weeks after vaccination. An animal brought into this State accompanied by a certificate issued by a licensed veterinarian showing that the animal is currently vaccinated against rabies is not required to get a booster. See NC G.S.130a-193.

*Comment: North Carolina State rabies vaccination requirements are for cats, dogs and ferrets to have a one year rabies vaccine at four months of age. A booster vaccine is given one year later. Later booster vaccines are administered every three years thereafter if given by a licensed veterinarian. Vaccines given by a certified rabies vaccinator are only good for one year. The animal must be revaccinated at intervals as required by law throughout their lifetime.*

**F. Exposed animals**

If an animal is bitten or exposed to a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis, it shall be destroyed immediately by its owner, the County Person County Animal Services Officer, a law officer or licensed veterinarian unless the animal has been vaccinated against rabies in accordance with this Ordinance, the rules and regulations of the Person County Health Department and NC State Law more than 28 days prior to being bitten or exposed, and is given a booster of rabies vaccine within three days of the bite or exposure. It shall be unlawful for any person to fail to surrender said unvaccinated animal to the Person County Animal Services Department on demand for compliance with any protocol established by the Person County Health Director for handling of rabies exposure incidents.

The carcass of any dead animal suspected of dying with rabies shall be reported to the Person County Health Department. If the Health Department deems it necessary, the animal's carcass shall be surrendered to the Person County Animal Services Department. The head of such animal shall be submitted to the Person County Health Department for shipment to the State Public Health Lab for testing.

**SECTION 7: POTENTIALLY DANGEROUS OR DANGEROUS ANIMALS**

The behaviors that can result in a dog being considered potentially dangerous or dangerous are listed in the definitions.

- A. The provisions of this Section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. A working dog will be handled in accordance with state law. A dog shall not be considered a dangerous dog under this Article if the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
- B. The Director of Person County Animal Services must notify the owner of a potentially dangerous dog in writing giving the reasons for his determination that the animal is dangerous under this Section. The owner may appeal the determination of the Person County Animal Services Director by giving written notice of the appeal within 5 days of receiving this notification. Written notice of appeal should be sent to the Director of Person County Animal Services. The dog will be considered potentially dangerous pending the appeal. The appeal will be reviewed by the Person County Animal Services Advisory Committee within 2 weeks. The owner will be notified of the Committee's decision within 10 days. The committee's decision can be appealed to Superior Court within 10 days pursuant to NC G.S. 67-4.1 Chapter 10.
- C. It is unlawful for an owner to:
  - 1. Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog.
  - 2. Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
- D. If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to the Director of Person County Animal Services, stating the name and address of the new owner of the dog and to the person taking possession of the dog; specifying the dog's dangerous behavior and the Director of Person County Animal Services' determination.
- E. A dog that has been determined to be dangerous or potentially dangerous may be humanely destroyed in the following instances:
  - 1. If the Director of Person County Animal Services determines that a dog that was previously determined to be dangerous or potentially dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Director of Person County Animal Services may seek a court order that the dog be humanely destroyed.

2. If the Director of Person County Animal Services in determining that a dog is dangerous or potentially dangerous also determines that the dog, without provocation, has killed or inflicted severe injury on a person, the Director of Person County Animal Services may seek a Court Order that the dog be humanely destroyed.
- F. A dog that has been determined to be dangerous or potentially dangerous may not be released from the animal shelter except to original owner.
  - G. The owner or custodian of any dog that has been determined to be dangerous or potentially dangerous, shall report immediately to the Person County Animal Services Officer if the dog gets loose or is otherwise unconfined or it attacks a person or another animal.
  - H. An Person County Animal Services Officer shall inspect the premises where a dog determined to be dangerous is kept to insure it conforms to the requirements of this ordinance.
  - I. If an animal is observed engaged in any of the acts identified as a public nuisance as defined in the definition section of this ordinance, and an official complaint is filed and the owner, if known, is notified the owner is required to keep said animal contained. Each day said animal is not contained, constitutes a separate violation of this ordinance and the owner shall be so charged with violation of this ordinance.

**SECTION 8: NOISY DOGS**

It shall be unlawful for the owner or custodian of any dog to allow it to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

**SECTION 9: PUBLIC NUISANCE**

It shall be unlawful for the owner or custodian of any domestic animal to repeatedly chase, snap at, or attack pedestrians or vehicles or to turn over garbage pails, damage garden flowers or vegetables. It shall also be unlawful for the owner or custodian to permit a female animal to run at large during the estrous stage of reproduction.

**SECTION 10: INJURING ANIMALS, NOTICE REQUIRED**

It shall be unlawful for any person to injure a domestic animal by running over, into, or coming into contact with animal, by automobile, motorcycle, bicycle, or other vehicle and fail to notify immediately, the owner of the animal or Emergency Communications for the appropriate response.

**SECTION 11: CRUEL TREATMENT**

It shall be unlawful for any person to tease, bait, molest, torture, deprive of necessary sustenance, or cruelly beat, mutilate or kill, wound, injury, poison, abandon or subject to conditions detrimental to its

health or general welfare any animal or to cause or procure such action. The words “torture, or cruelly” 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 shooting of birds, deer and other game for human food nor to prohibit the lawful trapping of game pursuant to the provisions of the NC General Statutes and the regulations of the Wildlife Resources Commission; nor to prohibit the Person County Animal Services Department or their agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.

#### **SECTION 12: MANNER OF KEEPING AND TREATING ANIMALS GENERALLY**

In accordance with State Laws any person must provide domesticated animals with adequate shelter, proper food, adequate water and space in accordance with the standards set out in subsections A-C below. In addition, the provisions of subsections D and E shall apply to dogs and cats and sick or injured animals.

- A. Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.
- B. Provide proper food and adequate water means provision of and access to clean, fresh potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.
- C. Adequate space means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other animal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead

line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

D. Dogs and cats must not be in extended contact with wet surroundings.

E. Sick or injured animals:

1. Where an illness has affected the quality of life or is life threatening shall be taken to a licensed veterinarian and treatment administered or humanely euthanized within a 24 hour period.
2. Diseased animals that are contagious to other animals or humans should be quarantined in an area that can be properly disinfected. They shall be treated until determined to no longer be contagious or humanely euthanized.
3. Diseased animals that are contagious to humans shall be reported to the state veterinarian and treated as directed by the state and local veterinarians.
4. Animals infested with parasites shall be treated along with the environment as to avoid re-infestation.
5. Injured animal with an open wound that exposes deeper tissue, fractured bones, or persistent pain caused by soft tissue damage, should be treated by a veterinarian, or humanely euthanized.

The provisions above are in accordance with State Laws for each type of animal under the jurisdiction of Person County Animal Services. It is recommended that animals have adequate vaccination against disease, according to the species of the animal. See Appendix A. Animals are required to be on the owner's property and under control at all times. The City of Roxboro requires animals to be on a leash or physically restrained.

### **SECTION 13: IMPOUNDING ANIMALS**

Any animal which appears to be lost, stray or unwanted, or which is found not wearing a current valid rabies vaccination tag as required by State law, shall be confined in the Animal Shelter in a humane manner for a minimum of (3) business days, for redemption by the owner and a maximum of 15 business days for adoption. Animals may be redeemed once it is established to the satisfaction of the Person County Animal Services Director that it has been vaccinated against rabies. If the animal has not been vaccinated against rabies, the animal will be vaccinated before release at the owner's expense. The owner will be given a date by which the vaccine must be given to any animal under 4 months. (Refer to section on Rabies control)

- A. **Sale or Destruction:** If an impounded animal is not redeemed by the owner within three (3) business days, it becomes the property of the county. As such it may be offered for adoption, placed with a rescue group or humanely euthanized by the Person County Animal Services Department. Animals that are sick injured, from a quarantine area, being held for legal reasons or a danger to the public will not be available unless provided for elsewhere in this ordinance. Animals may be humanely euthanized in order to comply with regulations governing space requirements when there is insufficient space and that situation will be noted on the records.

- B. **Adoption:** The animal can be adopted by any responsible adult who is willing to comply with the Person County Animal Services ordinances and the conditions of the adoption contract. Identification will be required. The adoption fees and spay/neuter deposit must be paid at the time of adoption. (See Appendix A)
- C. **Notifying Owner:** Immediately upon impounding an animal, the Person County Animal Services Department will make reasonable efforts to notify the owner, and inform such owner of the conditions under which the animal may be reclaimed.
- D. **Animal Rescue Organizations:** It is the county's policy to make animals available to organizations in order to attempt to find homes for as many animals as possible, reduce euthanasia rates and for all organizations that care for homeless animals to work together to provide the greatest opportunity for adoption without prejudice towards organizations that are forced to euthanize animals. It is further the County's policy to foster a community cooperative approach to reducing pet overpopulation with all shelters and rescue groups working together to place all healthy, adoptable animals with families in their community. Animal protection and rescue organizations that possess an IRS Code section 501 designation and meet the requirements of Appendix B shall have the right to obtain possession of any animal in the possession of the County set out in this ordinance except for animals which are rabid or suspected to be so, necessary for criminal or civil judicial purposes, necessary for the disposition of law enforcement investigations, required to be held or disposed of to protect the public health or safety of the citizens of the county or ordered to be held or disposed of by a court of competent jurisdiction. In making animals available to organization as provided for in this subsection, the County does not warrant the physical condition or disposition of any animal. The organization obtaining animals hereunder shall be responsible for any and all damages and injuries sustained by any person or animal on account of such animals and shall hold the County harmless for any claims of damages and injuries sustained by any person or animal on account of such animals.
- (Refer to Appendix B for guidelines and information for animal rescue organizations who want to take possession of an animal at the shelter.)
- E. **Intact Dogs and Cats:** The Person County Animal Services Department shall require that at the appropriate age all dogs and cats adopted from the Animal Shelter be spayed or neutered. The owner must provide proof from the veterinarian that surgery has been completed.
- F. **Suspected Rabies:** Animals impounded which have been bitten by a rabid animal or which the Person County Animal Services Officer has reasonable grounds to suspect has been exposed to a suspect rabid animal, or appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with as provided in Section 6 entitled "Rabies Vaccination and Control" of these Ordinances. Unvaccinated animals from a rabies quarantine area cannot be released.

*Comments: When quarantine for County has been activated, no animals will be released from the shelter, unless it has a current rabies vaccination.*

- G. **Unwanted Animals:** If an animal is officially surrendered by the owner to the Person County Animal Services Department, it may be offered for adoption, placed with a rescue or humanely euthanized without waiting three (3) days if the owner provides proof of ownership. If animal is sick or injured, the animal will be euthanized humanely without a waiting period.

- H. **Diseased or Injured Animals:** Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be humanely euthanized immediately. If the animal has identification, the Person County Animal Services Department will attempt to notify the owner before the animal is euthanized, but if the owner cannot be reached, and the animal is suffering, the Person County Animal Services Department may euthanize the animal at its discretion, in a humane manner.
- I. **Feral Animals:** The Person County Animal Services Director is primarily responsible for public health including the employees of the Person County Animal Services Department. If it is determined that there is a danger to people to hold an animal for three days, the animal may be humanely euthanized without a waiting period.

#### **SECTION 14: RECLAIM AND ADOPTION PROCEDURE FOR IMPOUNDED ANIMALS**

Every person must provide proof of rabies vaccination at the time of reclaim or the animal will be vaccinated by a certified rabies vaccinator at the owner's expense. If not four months of age at the time of reclaim, owner must provide proof of rabies vaccination when animal reaches four months of age.

##### **A. Reclaim Procedure**

1. The owner shall be entitled to reclaim his animal, except as provided for in this ordinance, upon compliance with the provisions of this ordinance and the payment of shelter fees incurred. In addition to the reclaim fee, a holding fee per day must be paid before animals may be reclaimed. A rabies vaccine shall be administered at the shelter before the animal can be reclaimed unless the owner provides proof of a current rabies vaccine. Owner will be charged for this rabies vaccine. A list of fees is found in Appendix A.
2. If the dog or cat is under four months, the owner will be given a proof of rabies vaccination card at the time of the reclaim. This will include the date stating the time limit allowed to have the dog or cat vaccinated for rabies. The owner must provide proof of the rabies vaccine and submit a copy to Person County Animal Services. If this is not returned to Person County Animal Services within the time limit, a Person County Animal Services' officer will be dispatched to retrieve the dog or cat and the owner can be cited for violation of state law.

##### **B. Adoption Procedure**

1. All animals will be vaccinated against rabies before leaving the shelter unless they are under four months of age. Rabies vaccines that are given by a certified rabies vaccinator are for one year only.
2. Adoption fee covers age appropriate vaccinations and will be paid at the time of adoption.



3. There will be a spay/neuter deposit for all animals adopted from the shelter unless already spayed/neutered. This deposit will be returned once the proof of sterilization has been returned unless have opted for voucher. The sterilization must be completed within 30 days if the animal is 6 months of age or older. If the animal is under six months, a date will be set and listed on the adoption papers. In order to receive a refund of the deposit, surgery must be done by the date set unless there is a documented medical reason to delay surgery. (See Appendix C)
4. Documentation from a veterinarian will be required for any spay/neuter deposits to be returned.

*Comments: For a list of these fees, see Appendix A.*

#### **SECTION 15: EXEMPTIONS**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance except for the sections on cruel treatment and the manner of keeping animals as per state law.

#### **SECTION 16: INTERFERENCE**

It shall be unlawful for any person to interfere with a member of the Person County Animal Services Department or Person County Animal Services Officers or Veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of said agents.

#### **SECTION 17: RECORDS**

It shall be the duty of the Person County Animal Services Department to keep accurate and detailed records of:

- A. Impoundment and disposition of all animals coming into the Person County Animal Services;
- B. Bite cases, violations, and complaint investigations;
- C. All monies belonging to County which were derived from impoundment fees, penalties and adoption of animals;
- D. All other records deemed necessary by the County Manager and/or State law.

#### **SECTION 18: FEES**

Fees shall be charged in accordance with schedule of fees adopted from time to time by the Person County Board of Commissioners. (See Appendix A).

**SECTION 19: PENALTIES**

- A. Under authority of NC G.S. 153A. 123 (b) violation of this ordinance is a misdemeanor punishable by a fine and/or imprisonment for not more than thirty days.
- B. The Person County Animal Services Officer may institute an action for injunctive relief and an order of abatement as provided for in NC G.S. 153 A-123 (e) for any condition found unlawful in this ordinance.
- C. The Person County Animal Services Officer may also enforce this Ordinance by issuing a Notice of Civil Penalty.
- D. Each day of continued violation of this ordinance is a separate and distinct offense as provided for in NC G.S.153A-123(g).

**SECTION 20: PERSON COUNTY ANIMAL SERVICES DEPARTMENT**

The Person County Animal Services Department of Person County, as created the 21<sup>st</sup> day of April, 1981, shall be composed of such positions as shall be determined by the Board of County Commissioners. The said employees shall be hired and compensated in accordance with the Person County Personnel Policy.

**SECTION 21: ADVISORY COMMITTEE**

An Advisory Committee shall advise the Board of County Commissioners and the County Manager with respect to Person County Animal Services matters. The Advisory Committee is composed of members appointed by the Board of County Commissioners to serve at the pleasure of said Board.

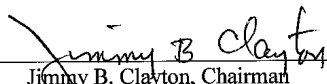
**SECTION 22: SEVERABILITY**

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

**SECTION 23: EFFECTIVE DATE**

This ordinance shall become effective upon adoption and supersedes any previous versions of the ordinance.

Adopted, this, the 6<sup>th</sup> day of May, 2013.

  
\_\_\_\_\_  
Jimmy B. Clayton, Chairman  
Person County Board of Commissioners

5-8-13  
\_\_\_\_\_  
Date

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF ROXBORO AND PERSON COUNTY FOR PLANNING ADMINISTRATION:**

County Manager, Heidi York reminded the Board that at their previous meetings in March and April, the Board has reviewed the draft Interlocal Agreement with the City of Roxboro for joint planning administration as well as combining the appointed boards noting the Board of Commissioners was not in favor of combining the planning boards or the boards of adjustment. Ms. York stated Roxboro City Council also received the Agreement and shared the consensus of the Board to not combine the planning boards and boards of adjustment at this time. Ms. York noted Roxboro City Council directed the City Manager to move forward on combining the planning department staffs and to begin working towards the development of an Unified Development Ordinance (UDO) for the City and County. Ms. York presented a revised Interlocal Agreement reflecting such changes for consideration and discussion. Ms. York reminded the Board that the joint planning department would consist of a shared director, Aaron Holland, who would report to both the City and County Managers and a county planner and a currently vacant technician position, both of which would be supervised by the director. Ms. York confirmed the joint planning department would be cost neutral to both the City and County.

Ms. York told the group the estimated cost of creating an UDO is approximately \$60,000. Ms. York stated the UDO process is estimated to take two years with the costs spread over two fiscal years. Ms. York stated she would propose in the two upcoming budgets Person County's share of \$15,000 in each year noting the City of Roxboro would do the same. Once the UDO process is complete, both governing bodies would have the opportunity to consider merging the planning boards and boards of adjustment.

Ms. York introduced Michael Ciriello, Planning Director for the Kerr-Tar Regional Council of Governments, to answer any questions from the Board related to the UDO process for the City and the County. Mr. Ciriello stated the UDO would combine all independent ordinances and guidelines for the city and county into a single, simplified document which would streamline the approval and review process, be more cost effective for citizens, and more efficient for planning staff. Mr. Ciriello noted that the UDO process would be an opportunity for both the city and county to identify and repair inconsistencies, redundancies or confusion within the ordinances making sure the UDO is consistent with long-term plans. Mr. Ciriello stated the need to establish a steering committee to oversee the process and to assist in soliciting input from residents. Mr. Ciriello estimated the costs of contracting with a private consultant to facilitate the creation of the UDO process at \$100,000 but the costs may be decreased to \$60,000 by using city and county staffs and the regional resources at the COG.

Ms. York told the Board that approval of the Interlocal Agreement would not be appropriating the funding for the UDO process noting a Request for Proposals would be released and the responding proposals would be evaluated and presented to the Board for approval. Ms. York anticipates the UDO process to begin in January 2014.

Commissioner Puryear expressed concerns with the director position being supervised by both city and county managers and that there is no cost savings noting the UDO would cost the county noting Roxboro City Council has more reasons to proceed with the UDO due to their ordinance being much older than the county's current ordinance. Commissioner Puryear stated he would vote in support of the presented Interlocal Agreement but wanted to go on record for the county to have the option to terminate and revert back to the current procedure if the process did not proceed smoothly.

Commissioner Blalock asked Ms. York if the City shares cost for the county owned building space. Ms. York stated the city and county have a cost share agreement to which that is a part.

A **motion** was made by Commissioner Blalock, and **carried 3-1** to adopt the Interlocal Agreement between the City of Roxboro and Person County for Planning Administration. Commissioner Newell cast the lone dissenting vote noting he was not convinced the joint planning department would improve services.



**Interlocal Cooperation Agreement  
Between Person County and the City of Roxboro  
for Planning Administration**

This is an Interlocal Cooperation Agreement between the CITY OF ROXBORO (hereinafter called "the CITY"), a North Carolina municipal corporation, and the COUNTY OF PERSON (hereinafter called "the COUNTY"), a political subdivision of the State of North Carolina. This agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

The City and County agree as follows:

**SECTION I. POLICY**

- A. The Governing Bodies hereby find and declare that interlocal cooperation for comprehensive planning and plan implementation is a necessity: Such planning allows for more orderly and coordinated growth, provides a mechanism for consistent analysis of planning issues across political boundaries and therefore gives a more sound basis for policy decisions which affect both political entities. The Governing Bodies recognize that comprehensive planning and its implementation are vital to the public interest. Therefore, it is found that such activities as planning investigations and surveys, formulation of development goals and objectives, and development or means to carry out plans in a cooperative, coordinated and efficient manner are necessary in order that the two governments may more competently perform their duties, and in order that the citizens of the respective jurisdictions may have a better understanding of planning issues and be better able to participate in decision-making.
- B. The purpose of this Agreement is to establish a joint planning endeavor and to provide for the organization and administration necessary to effectuate that endeavor. The joint endeavor shall consist of a joint Planning Department and Unified Development Ordinance. The organizations of City and County Planning Commissions and Board of Adjustments shall not be affected by this agreement.

**SECTION II. ADMINISTRATION**

- A. ***Establishment of Person-Roxboro Planning Department.*** There is hereby established the Person-Roxboro Planning Department, which shall consist of joint Director and such subordinate employees as may be funded in the Annual Budget. The Planning Department is designated as the administrative body for performing the professional planning functions and providing information, reports, and recommendations to the City and County Planning Commissions, City and County Managers and governing bodies.
- B. ***Responsibility of Department/Selection of Director/Responsibilities.*** The Planning Department shall provide such management, regulatory, administrative, and support services as are required or provided for under an approved work program and Annual Budget.

1. **Director.** The administrative head of the Planning Department shall be the Planning Director. The process for the appointment, evaluation and termination of the Planning Director shall be as follows:
  - a. Appointment of the Planning Director. The City Manager and the County Manager, acting in concert, shall appoint the Planning Director.
  - b. Evaluation and Supervision of Director. The City and County Managers shall meet at least annually with the Director to evaluate the performance of the Director.
  - c. Termination of Director. The Planning Director may be terminated by the City Manager and County Manager, acting in concert.
  
2. **Duties of Director.** Pursuant to and consistent with City and County Planning Documents, City evaluation system, annual budgets, the Planning Director shall perform the following duties:
  - a. Appoint, reappoint, assign and reassign all subordinate employees of the Agency and prescribe their duties;
  - b. Coordinate the activities of the Agency in its functions with other local, State and Federal agencies;
  - c. Represent the Planning Department, City and County Planning Commissions, City or County Manager, or governing bodies, before any agency or local government, the State, any other State or the United States with respect to:
    - i. Functions, analysis or recommendations of the Planning Department;
    - ii. Adopted policies of either Planning Commission or Governing Bodies;
    - iii. Other matters as may be directed to the Planning Director from time to time by the City or County Managers, or the Governing Bodies.
  - d. Prepare and submit to the City and County Managers the Department's Annual Budget for each governmental entity. The Planning Director will prepare revisions to the annual Budget, as needed for subsequent action by the City and/or County Manager(s) or the Council or Board, as may be required.
  - e. Perform professional planning duties as administrative head of the Planning Department, including but not limited to the following:
    - i. Meet with City and County officials and discuss planning issues, including the development of capital improvement and infrastructure plans, and the development of policy options in response to those issues;
    - ii. Meet and discuss with City and County departments and other public agencies or private groups planning programs in process, under consideration, or established as community objectives.

- iii. Meet and consult with individuals and groups affected by planning issues, programs, and activities, in order to encourage citizen participation in the planning process;
  - iv. Advise the City and County Managers concerning planning issues and activities of City or County government, which have planning implications;
  - v. Provide management, leadership, and oversight for all planning and implementation activities of the Planning Department;
  - vi. Facilitate the understanding of planning issues and processes by the City and County Planning Commissions, City and County governmental agencies, and general public.
  - vii. Perform such other duties as may be prescribed by the governing bodies or City or County Managers, or which may be required to carry out the terms of this Agreement
- f. Regularly advise the City and County Planning Commissions, City and County Managers and governing bodies concerning the activities and program progress of the Person-Roxboro Planning Department.

C. ***Applicable Policies and Procedures for Employees***

- 1. Joint Employees. The Planning Department staff shall be considered joint City/County employees.
- 2. Policies. In order to facilitate administration of the department, the Planning Director shall follow the personnel procedures of the City. The personnel procedures of the County shall be followed by the Planner and Planning Technician positions.

D. The budget and financial procedures of the County shall be followed by the Planning Department.

E. The County shall continue to own and operate the real property where the joint Planning Department is located. If additional property is purchased and subsequently disposed of, the proceeds of the sale of any jointly purchased property shall revert to the City and County in the same proportion as each contributed to the initial purchase of the property.

G. ***Budget.*** Beginning with the FY13-14 budget, the Planning Director shall prepare and submit the proposed Annual Budget to the City and County Managers. The total budget for the department will consist of the cumulative total of the City and County budget allocation. The Planning Director will prepare a budget request for the City and County's budget process to address the specific funding priorities for each entity. Expenditures will be credited to the proper Finance Department for payment processing. The Planning Director will also be responsible for coordinating the City and County Managers on any budgetary concerns that may arise. The City and County Managers will meet to discuss the department's budget as needed to address any concerns or future goals.

H. ***Method of Funding; Reimbursement of Budget Expenses***

1. The expenses of the departmental salaries shall be apportioned as follows:
  - Planning Director – 70% from City funds/30% from County funds
  - County Planner – 100% from County funds
  - Planning Technician – 50% from City funds/50% from County funds
2. The Planning Director's salary shall be paid by the City. The County Planner and Planning Technician's salaries shall be paid by the County. These expenses shall be apportioned as stated in item 1 of this section. It is the understanding of all parties that the apportioned salaries for the department as outlined in item 1 of this section are cost neutral to both parties. The Finance Directors for the City and County will review the salaries and allocation percentages in Item 1 annually to verify this continuing neutrality of cost. Should a discrepancy greater than \$1,000 annually occur through raises, promotions, reclassification or any other means, the Managers shall review and adjust the budgets or contract accordingly. The only exceptions to this will be through lapsed salaries that occur during the filling of a vacant position.

I. ***Legal Representation and Liability***

The City Attorney's Office and County Attorney's Office, respectively, shall provide legal support and representation for the Planning Department and its employees on issues arising from actions taken within and on behalf of their respective jurisdictions and for issues that arise before the various commissions, agencies, and programs that are staffed and directly supported by the Planning Department. Legal support and compensation for claims against Planning Department employees shall be in accordance with the adopted policies and procedures of the respective jurisdiction regarding defense of employees and payment of claims. The City shall be liable for judgments rendered against the City and the County shall be liable for judgments against the County. When both the City and the County are named in any action against the Planning Department and/or an employee or neither jurisdiction is named but the Planning Department itself is named, the jurisdiction on whose behalf the contested action was taken shall be responsible for defense of the claim, consistent with the policies identified above, and, where necessary, shall cooperate in allowing dismissal of the other jurisdiction. In any action, the offices of the City and County Attorney shall only be responsible for representing their respective jurisdictions, and for Department employees acting on behalf of their jurisdictions, as detailed above, and shall not be responsible for representation of the other jurisdiction.

**SECTION III. JOINT UNIFIED DEVELOPMENT ORDINANCE**

- A. The City and County agree to the creation and establishment of a Joint Unified Development Ordinance (UDO) to update existing ordinances, and oversee and coordinate development throughout the County and City. Beginning with the FY13-14 budget cycle, the City and County agree to each fund half of the costs associated with the new Joint UDO. The Planning Director will oversee the UDO process, and provide updates to and seek input from both Boards as necessary. Once the new UDO is completed it will replace the existing Zoning document for each entity.

**SECTION IV. GENERAL TERMS OF AGREEMENT**

- A. This Agreement may be amended from time to time upon mutual consent of the Governing Bodies expressed in writing. The Governing Bodies shall review this Agreement at least once every three (3) years.



- B. It is the intent of the City and County under this Agreement for the City to exercise no planning or zoning authority within an Extraterritorial Area (ETA).
- C. Either the City or County may terminate this Agreement for any reason as follows:
  - 1. Termination: This Agreement can only be terminated as of the beginning of any fiscal year, except as provided under paragraph 2, below. Notice to terminate must be given in writing to the other party on or before January 1 immediately preceding the proposed July 1 termination date.
  - 2. This Agreement may also be terminated by either party upon thirty (30) days prior written notice to the other party in the event the City and County are unable to agree upon an Annual Budget.
  - 3. The agreement shall have an effective date of July 1, 2013.

IN WITNESS WHEREOF, the parties have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date written above.

**CITY OF ROXBORO**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
DATE

**COUNTY OF PERSON**

*Jimmy B. Clayton*  
\_\_\_\_\_  
BOARD CHAIRMAN

*5-8-2013*  
\_\_\_\_\_  
DATE

ATTEST:

*Brenda B. Reaves*  
\_\_\_\_\_  
County Clerk

*5/8/2013*  
\_\_\_\_\_  
DATE

This instrument has been pre-audited in the manner required by the local government budget and fiscal control act.

\_\_\_\_\_  
Person County Finance Director

\_\_\_\_\_  
DATE

\_\_\_\_\_  
City of Roxboro Finance Officer

\_\_\_\_\_  
DATE

## **NEW BUSINESS:**

### **REQUEST FOR ADDITIONAL FUNDING FOR THE SHERIFF'S OFFICE AND DETENTION CENTER:**

Person County Sheriff Dewey Jones and Chief Deputy Al Rhew presented the Board with a request for additional funding for the Sheriff's Office and Detention Center budgets for the current fiscal year.

Chief Deputy Rhew requested additional funding for the Vehicle Maintenance and Repairs line in the amount of \$20,000. The Sheriff's Office budget for FY12-13 appropriated \$50,000 for Vehicle Maintenance and Chief Deputy Rhew estimated an additional \$20,000 needed to complete the current year budget. Chief Deputy Rhew stated factors affecting the needed increase are 1) higher than normal projected maintenance costs, and 2) operating seven vehicles with over 100,000 miles and eight vehicles with over 90,000 miles which is higher than Person County maximum Vehicle Replacement Policy. These two factors are the main influence of high cost, because as vehicles get older, high mileage maintenance costs are more expensive such as drive train problems, things other than general maintenance. Chief Deputy Rhew confirmed the Sheriff's Office has a total of 56 vehicles. County Manager, Heidi York stated the Sheriff's Office has requested six new vehicles in the upcoming budget, however she will be proposing eight new vehicles.

Chief Deputy Rhew requested an increase in the Detention Center's contracted food service/supplies budget line of \$144,000. Sheriff Jones noted the price per meal for incarcerated people had not gone up however arrests associated with recent drug operations have contributed to an increase in the inmate population. In preparing the 2012-2013 Sheriff's budget, Sheriff Jones and Chief Deputy Rhew estimated the cost of housing an inmate for one year at \$4,938 and the request was based on an average number of 88 inmates by averaging the inmate population in years 2009-2011 however in 2012 there was a spike in population because of a successful drug operation which raised the average to 105. In 2013 another spike in population resulted for several months housing the maximum population of 136. Sheriff Jones noted adjustments for the upcoming budget request for 2013-2014 will increase to \$550,171. Sheriff Jones expressed his pleasure with his proactive drug unit with the recent drug operations warning that 95% of crimes are drug associated.

A **motion** was made by Commissioner Puryear, and **carried 4-0** to approve additional funding to cover the costs on a monthly basis as presented to the County Manager through the end of the current fiscal year for the Sheriff's Office and Detention Center budgets.

**REVIEW OF THE BOARD OF COMMISSIONERS' RULES OF PROCEDURES:**

County Manager, Heidi York reminded the Board at its January 7, 2013 meeting, the Board voted 3-2 to no longer require a second to a motion. Staff was directed to bring this item back for evaluation at the first meeting in May. Ms. York requested the Board to evaluate the Board’s decision to not require a second to a motion.

A **motion** was made by Commissioner Blalock, and **carried 4-0** to extend the trial basis for not requiring a second to a motion until the first meeting in September 2013 at which time, the process will be reevaluated.

**CDBG MONTHLY REPORTING:**

County Manager, Heidi York presented to the Board the CDBG monthly activities report for April 2013 and a Monthly Performance Status Report for April 2013 that is due to be submitted to the Division of Community Assistance.

A **motion** was made by Chairman Clayton, and **carried 4-0** to accept the monthly report as presented.

**BUDGET AMENDMENT:**

Finance Director, Amy Wehrenberg presented and explained the following Budget Amendment.

Upon a motion by Commissioner Newell, and majority vote (4-0), the Board of Commissioners of Person County does hereby amend the Budget of the Fund(s) listed below on this, the 6th day of May 2013, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	21,300
	Contingency	(21,000)
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenues	300
<u>EXPENDITURES</u>	<u>Economic Catalyst Special Revenue Fund</u>	500,000
<u>REVENUES</u>	<u>Economic Catalyst Special Revenue Fund</u>	
	Intergovernmental Revenues	480,000
	Fund Balance Appropriation	20,000

<u>EXPENDITURES</u>	<u><i>Airport Construction Capital Project Fund</i></u>	
	2009 Vision 100 Projects	(4,508)
	2010 Vision 100 Projects	151,462
	Taxiway Lighting Repair Project	19,713
<u>REVENUES</u>	<u><i>Airport Construction Capital Project Fund</i></u>	
	Federal Grant-2010 Vision 100	136,315
	Federal Grant-2009 Vision 100	(4,055)
	Federal Grant-Taxiway Lighting Repair Project	17,742
	Local Match-2010 Vision 100	15,147
	Local Match-2009 Vision 100	(453)
	Local Match-Taxiway Lighting Repair Project	1,971

**Explanation:**

Received a donation for EMS (\$300); requesting to utilize contingency funding (-\$21,000) to cover service transitional costs and fuel shortages in Animal Services (\$21,000); received a notification from the NC Rural Center that a drawdown of grant funds (\$480,000) is due for a project approved by the Board of Commissioners in 2010 for Eaton Corporation that was completed in November 2012 and required a local match (\$20,000) to be allocated from available funds in the Economic Catalyst Special Revenue Fund; appropriating DOT's newly allotted 2010 Vision 100 grant funds for future Airport Projects (\$150,000) that requires a local match (\$16,667) to be allocated from available funds in the Airport Construction Capital Project Fund; and utilizing remaining portion of 2009 Vision 100 funds (-\$4,508) and partial 2010 Vision 100 funds (-\$15,205) for new Taxiway Lighting Repair Project at the Airport (\$19,713).

**PUBLIC SERVICE RECOGNITION WEEK PROCLAMATION:**

Chairman Clayton read the Public Service Recognition Week Proclamation designating the week of May 5-11, 2013 for all citizens to recognize the accomplishments and contributions of government employees at the federal, state, county and city levels.

A **motion** was made by Commissioner Newell, and **carried 4-0** to adopt the Public Service Recognition Week Proclamation.

***PUBLIC SERVICE RECOGNITION WEEK PROCLAMATION***

*In honor of the millions of public employees at the federal, state, county, and city levels:*

**WHEREAS**, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working; and,

**WHEREAS**, public employees take not only jobs, but oaths; and

**WHEREAS**, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

**WHEREAS**, public servants include teachers, doctors and scientists . . . train conductors and astronauts . . . nurses and safety inspectors . . . laborers, computer technicians and social workers . . . and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

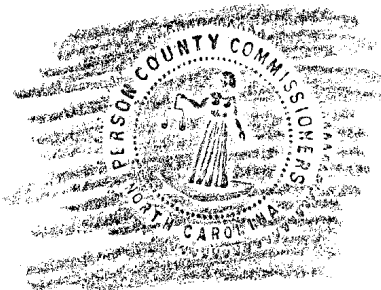
**WHEREAS**, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

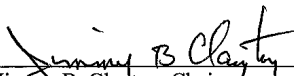
**NOW THEREFORE**, I, Jimmy B. Clayton, Chairman of the Person County Board of Commissioners by virtue of the authority vested in me by the laws of Person County and Roxboro, North Carolina, do hereby proclaim to the week of May 5-11, 2013 as

***PUBLIC SERVICE RECOGNITION WEEK***


and urge all citizens to recognize the accomplishments and contributions of government employees at the federal, state, county and city levels.

Adopted, this, the 6<sup>th</sup> day of May, 2013.



  
Jimmy B. Clayton, Chairman  
Person County Board of Commissioners

Attest:

  
Brenda B. Reaves, NCCCC, CMC  
Clerk to the Board

**May 6, 2013**

**CHAIRMAN'S REPORT:**

Chairman Clayton reported the next NC Association of County Commissioners' Environmental Committee meeting will be held on May 10, 2013 at 10 00 am.

**MANAGER'S REPORT:**

County Manager, Heidi York relayed an invitation from the Roxboro Area Chamber of Commerce for an AT&T meeting to announce expansion from 3G to 4G services on May 13, 2013 at 11:00 am.

**COMMISSIONER REPORT/COMMENTS:**

Commissioner Puryear had no comments.

Commissioner Blalock asked the County Manager to forward to all commissioners the fact sheet related to Senate Bill 612.

Commissioner Newell had no comments.

**CLOSED SESSION #1 RECONVENES:**

A **motion** was made by Commissioner Puryear, and **carried 4-0** to enter Closed Session per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development) at 8:14 pm with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, and Economic Development Director, Stuart Gilbert.

A **motion** was made by Commissioner Newell, and **carried 4-0** to return to open session at 8:40 pm.

A **motion** was made by Commissioner Blalock, and **carried 4-0** to schedule a public hearing at the Board's next meeting, May 20, 2013 related to Project Line5 financial incentives.

**CLOSED SESSION #2:**

A **motion** was made by Commissioner Blalock, and **carried 4-0** to enter Closed Session per General Statute 143-318.11(a)(5) to consider the acquisition or lease of real property at 8:42 pm and to permit the following individuals to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, General Services Director, Ray Foushee, Person Industries Director, Wanda Rogers and Person Industries Assistant Director, Becky Clayton.

A **motion** was made by Commissioner Blalock, and **carried 4-0** to return to open session at 9:15 pm.

**CLOSED SESSION #3:**

A **motion** was made by Commissioner Blalock, and **carried 4-0** to enter Closed Session per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development) at 9:15 pm and to permit the following individuals to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, Economic Development Director, Stuart Gilbert and IT Director, Gary Latta.

A **motion** was made by Commissioner Puryear, and **carried 4-0** to return to open session at 9:28 pm.

**CLOSED SESSION #4:**

A **motion** was made by Commissioner Newell, and **carried 4-0** to enter Closed Session per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development) at 9:29 pm and to permit the following individuals to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Ron Aycock, and Economic Development Director, Stuart Gilbert.

A **motion** was made by Commissioner Blalock, and **carried 4-0** to return to open session at 9:49 pm.

A **motion** was made by Commissioner Puryear, and **carried 4-0** to schedule a public hearing at the Board's next meeting, May 20, 2013 related to Project P90X financial incentives.

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear, and **carried 4-0** to adjourn the meeting at 9:52 pm.

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Brenda B. Reaves  
Clerk to the Board

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Jimmy B. Clayton  
Chairman