

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 13, 2021 – 1:00 PM
117 DICK STREET, 5TH FLOOR, ROOM 564
AGENDA SESSION REGULAR MEETING MINUTES

PRESENT: Commissioner Charles Evans, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Michael Boose (departed the meeting at 3:05 p.m.)
Commissioner Jeannette Council (arrived at 1:05 p.m.)
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Commissioner Toni Stewart (arrived at 1:25 p.m.)
Amy Cannon, County Manager
Duane Holder, Deputy County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Angel Wright-Lanier, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Brenda Jackson, Social Services Director
Ron Hamm, President, Hamm Consulting Group (attended remotely)
Gene Booth, Emergence Services Director
AECOM Consultants
Chris Cauley, City of Fayetteville, Interim Community Development Director
Keith Todd, IS Director
Ennis Wright, Cumberland County Sheriff
Kevin Quinn, USI (attended remotely)
Steve McGugan, Assistant Director Emergency Management at North Carolina Department of Public Safety (attended remotely)
Jermaine Walker, Engineering and Infrastructure Director
Dee Taylor, Community Development Director
Candice H. White, Clerk to the Board

Chairman Evans called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Keefe provided the invocation followed by the Pledge of Allegiance to the American flag.

Amy Cannon, County Manager, asked to move Items 4.L., 4.M. and 4.N. ahead of Item 4.A. so Rick Moorefield, County Attorney, could present them before he had to leave the meeting to participate in a conference call.

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda to include moving Items 4.L., 4.M. and 4.N. ahead of Item 4.A.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

2. APPROVAL OF MINUTES

A. April 8, 2021 Agenda Session Regular Meeting Minutes

MOTION: Commissioner Lancaster moved to approve the April 8, 2021 Agenda Session Regular Meeting minutes.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (5-0)

3. PRESENTATIONS

A. Introduction of Federal Legislative Consulting Team

BACKGROUND

The Board of Commissioners has hired the Hamm Consulting Group to provide federal legislative consulting services. Lobbyists Ron Hamm, Leslie Mozingo and Debra Bryant will be introduced and provide a brief update on the American Rescue Plan and other funding opportunities. The team will be meeting with the commissioners and Leadership Team later in May to develop the County's Federal Legislative Action Plan

RECOMMENDATION / PROPOSED ACTION

For information purposes only.

Ron Hamm, President, Hamm Consulting Group (HCG), introduced himself, the HCG firm and consultants Leslie Mozingo and Debra Bryant. Ms. Mozingo and Ms. Bryant presented information about their backgrounds and experience, areas of expertise and services they provide as part of the federal advocacy team. Mr. Hamm responded to questions that followed.

B. Cumberland-Hoke Regional Hazard Mitigation Plan

BACKGROUND

Many natural disasters are predictable, and much of the damage caused by these events can be reduced or eliminated. In an effort to reduce the mounting disaster losses, the U.S Congress passed the Disaster Mitigation Act of 2000. This act emphasized the need for State and Local Government to closely coordinate on mitigation planning activities and made the development of a hazard mitigation plan a specific eligibility requirement for any local government applying for federal mitigation grant funds. These funds include the Hazard Mitigation Grant Program, Pre-disaster Mitigation Program, and Flood Mitigation Assistance Program, all of which are administered by the Federal Emergency Management Agency (FEMA). The hazard mitigation plan must be updated every 5 years, and in many cases, plans are done on a regional basis to be more cost effective.

Cumberland and Hoke Counties in conjunction with AECOM, FEMA Region IV, North Carolina Emergency Management, and community representatives worked together to update the existing plan. This process was inclusive of a Hazard Mitigation Planning Committee that included all the jurisdictions of both Cumberland and Hoke counties, private business, and volunteer organizations. A public meeting was also held on February 27th, 2020 to get input from the public. The updated plan has been reviewed by the State and is currently awaiting FEMA review.

Staff will introduce representatives from AECOM who will provide a brief overview of the plan and updates that have been made to it. Staff is also seeking any comments or feedback the Board may have regarding the plan.

The full plan can be accessed at the following link:

https://www.co.cumberland.nc.us/docs/default-source/emergency-services-documents/hazard-mitigation-plan-final-draft.pdf?sfvrsn=3064fdb5_0

RECOMMENDATION / PROPOSED ACTION

Cumberland County Emergency Services is recommending that the Cumberland County Board of Commissioners adopt a resolution supporting the changes and updates reflected in the Cumberland-Hoke Regional Hazard Mitigation Plan as an item of business at its May 17, 2021 Regular Meeting.

Gene Booth, Emergency Services Director, presented the background information recorded above and introduced Kelly Keefe, Senior Planner with AECOM, and John Mello and Chris Crew with the N.C. Division of Emergency Management. As the mitigation plans manager, Mr. Crew spoke to the importance of adopting the Cumberland-Hole Regional Hazard Mitigation Plan following

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which Mr. Mello provided the following PowerPoint presentation. Questions and comments followed.

What is Hazard Mitigation?

- Any sustained actions taken to reduce or eliminate the long-term risk to human life and property from hazards.
- Continuous, on-going process
- Pre- and post-disaster
- A few examples
 - Elevating homes in floodplains
 - Levees and floodwalls
 - Stronger building codes
 - Land use planning
 - Safe rooms

Why are we doing this?

- Long Term Goal
- Reduce disaster losses
- Loss of Life
- Damage to Property
- Economic impacts
- Social impacts

Why are we doing this? Hazard Mitigation Benefits

- Mitigation saves money
- Every 1 invested will save 6
- Mitigation creates safer, more resilient communities
- Break the cycle of disaster damage
- Mitigation speeds disaster recovery

Why are we doing this?

- Required for Federal Grant Eligibility Annually
- Pre-Disaster Mitigation Competitive (PDM-C)
- Flood Mitigation Assistance (FMA)
- Hazard Mitigation Grant Program (HMGP)
- Building Resilient Infrastructure and Communities (BRIC)
- Disaster Mitigation Act of 2000 (DMA2K) requires a local plan to be in place for the above programs
- Emphasizes a proactive approach to emergency management prevent damages before the disaster

NC Senate Bill 300

- Passed in June of 2001, amends the North Carolina Emergency Management Act (166A)
- Requires local hazard mitigation plans in order to maintain eligibility for Public Assistance (PA) for state-declared disasters

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-214
SENATE BILL 300

AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT
AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND
RECOVERY COMMISSION.

Cumberland Hoke Regional Hazard Mitigation Plan

- Funded with a Federal HMGP Grant (Hurricane Matthew)
- NCEM is managing the grant & providing contractor support
- No local match requirement (State is covering)

Cumberland Hoke Participating Jurisdictions

Cumberland County

- Eastover
- Falcon
- Fayetteville
- Godwin

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- Hope Mills
- Linden
- Spring Lake
- Stedman
- Wade
- Hoke County
- Raeford

Mitigation Planning Cycle



Local Plan - Minimum Criteria Description of the planning process

- Risk assessment
- Mitigation strategy
- Plan maintenance process
- Adopted by local governing body
- Reviewed by state and federal government

Hazard Identification: State of North Carolina Hazard Mitigation Plan Hazards

Natural Hazards	Technological Hazards
Flooding	Hazardous Substances
Hurricanes and Coastal Hazards	– Hazardous Materials
Severe Winter Weather	– Hazardous Chemicals
Excessive Heat	– Oil Spill
Earthquakes	Radiological Emergency – Fixed Nuclear Facilities
Wildfires	Terrorism
Dam Failures	– Chemical
Drought	– Biological
Tornadoes/Thunderstorms	– Radiological
Geological	– Nuclear
– Landslides/Rock Fall	– Explosive
– Sinkholes	Cyber
Infectious Disease	Electromagnetic Pulse

Hazards Addressed in Cumberland Hoke

- Dam Failure
- Drought
- Extreme Heat
- Earthquake
- Flood
- Hurricane Tropical Storm
- Severe Weather
- Tornado
- Wildfire
- Winter Storm

Maintenance, Adoption Approval

- Update plans every 5 years.
- Adopted plan required for eligibility for future mitigation funding.
- Each jurisdiction must adopt.
- Local plans submitted to State Hazard Mitigation Officer (SHMO) for initial review.
- SHMO forwards local plans to FEMA region for final review and approval.

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- The Planning Process is as important, if not more important, then the document itself

RESOLUTION
ADOPTING CUMBERLAND-HOKE REGIONAL
HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within Cumberland County are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to drought, extreme heat, hailstorm, hurricane and tropical storm, lightning, thunderstorm wind/high wind, tornado, winter storm and freeze, flood, hazardous material incident, and wildfire; and

WHEREAS, the County desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and.

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the County of Cumberland has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Board of Commissioners of Cumberland County to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, THEREFORE, be it resolved that the Board of Commissioners of Cumberland County hereby:

1. Adopts the Cumberland-Hoke Regional Hazard Mitigation Plan.
2. Vests Cumberland County Emergency Services with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints Cumberland County Emergency Services to assure that the Hazard Mitigation Plan is reviewed annually, and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Davidson County Board of Commissioners for consideration.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this the ____ day of May 2021.

Mr. Booth stated the recommendation is to adopt the resolution supporting the changes and updates reflected in the Cumberland-Hoke Regional Hazard Mitigation Plan and forward to the May 17, 2021 Board of Commissioners meeting.

MOTION: Commissioner Boose moved to forward the Cumberland-Hoke Regional Hazard Mitigation Plan to the May 17, 2021 Board of Commissioners' meeting as a consent agenda item with a recommendation to adopt the resolution.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (6-0)

C. Homeless Day Center by Chris Cauley, City of Fayetteville Community Development Director

BACKGROUND

Chris Cauley, City of Fayetteville, Interim Community Development Director, will share a power point presentation and update regarding the Homeless Day Center. This presentation is being provided based upon discussion at the City/County Liaison Meeting on April 16, 2021.

RECOMMENDATION / PROPOSED ACTION

For discussion purposes only. No action needed.

Chris Cauley, City of Fayetteville Community Development Director, provided the following PowerPoint presentation regarding the Homeless Day Center, grant background and uses, project timeline and next steps to including operation of the center.

What is a Day Resource Center

- Multipurpose facility designed to serve the needs of persons experiencing homelessness (not a shelter)
- Convergence of service providers to assist people who are typically transportation challenged

Where is the Money From?



Who is NCORR?

NORTH CAROLINA OFFICE OF RECOVERY AND RESILIENCY

- A New Office with a dedicated focus
- Certified on July 1, 2019 as the grantee for Hurricane Matthew and Hurricane Florence assistance
- Centralized structure for processing and issuing CDBG-DR awards
- Institutionalizing processes for handling federal grants, resulting in quicker, more efficient assistance

Grant Uses

- PRIMARY USE – Increase capacity of emergency shelters in Fayetteville and Cumberland County as a whole

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- Since we're going to build it for that reason – use it as a Day Resource Center when not engaged in primary use
- Build resiliency in at risk population so less are impacted to need emergency shelter
- Funds can be used to:
 - Buy the land
 - Design the facility
 - Construction
 - Equipment that is essential to the operation of the facility

Project Timeline

- Summer of 2019 NCORR officially became the Grantee for the CDBG-DR Program and began to standardize our agreements with Subrecipients.
- Fall –Winter 2019 Subrecipients received and executed new agreements.
- December 17, 2019 City of Fayetteville executed agreement with NCORR
- March of 2020 Architect selected (IBI)
- April of 2020 Fountainworks engaged for community focus groups
- May of 2020 conducted focus groups and community survey
- June of 2020 Architect space projection and site analysis
- August of 2020 Sought Council consensus of potential sites
- September of 2020 Closed session with Council on potential site

Next Steps and Operating

- Finalize Environmental Review
- Award full design
- Bid construction

Meanwhile....

- Develop an operator
- Figure out operating budget and funding sources
- Partnerships, Partnerships, Partnerships

Commissioner Keefe asked whether the city had received the \$3.99M. Mr. Cauley responded in the negative and stated the city will drawdown money as reimbursement for what it spends. Chairman Evans asked what the city expected from the county as it relates to this project. Mr. Cauley stated conversations have been held with Social Services Director Brenda Jackson about sending staff/case managers to the center to handle service demands and also with Public Health Director Dr. Jennifer Green. Mr. Cauley stated partnerships/support of this type will be the biggest piece of making the center work. Mr. Cauley stated, at a later time, a monetary number will be presented to the City Council and the Board of Commissioners and he does not think the number will be astronomical. Commissioner Stewart asked how many beds would be available when the center is used as an emergency shelter. Mr. Cauley stated once the contract for the center is awarded, the first step will be the design process which will include the conversion into an emergency shelter. Commissioner Stewart stated it sounds like the only thing missing is beds for the homeless. Commissioner Boose concurred the gap for beds for the homeless needs to be filled and stated he thinks the resource center and housing, beds, showers should be separate.

D. Redesigned Website Demonstration

BACKGROUND

Staff from the Information Services Technology and Public Information Department are nearing completion of an in-house redesign of the Cumberland County website. The website demonstration will highlight new navigation tiles, the incorporation of the Public Library's website under the County's umbrella and the integration of GIS applications on departmental pages, among other features.

To coincide with the launch of the redesigned website, the County wishes to change the domain name from co.cumberland.nc.us to cumberlandnc.gov. The DotGov Program, part of the Cybersecurity and Infrastructure Security Agency, operates the .gov top-level domain (TLD) and makes it available to U.S.- based government organizations, from federal agencies to local municipalities. The .gov domain easily identifies government services on the internet and ensures additional levels of security of government entities.

In addition to feedback from the board on the redesign, we are seeking the board's consensus on changing the domain name from co.cumberland.nc.us to cumberlandnc.gov and having the chairman submit a .gov domain registration request letter to the .gov program.

RECOMMENDATION / PROPOSED ACTION

Provide feedback on the redesigned website and agree by consensus to change the domain name to cumberlandnc.gov and to have the Chairman submit a request letter to the .gov program.

Sally Shutt, Assistant County Manager, presented the background information recorded above and introduced members of the website team. Keith Todd, Information Services Director, conducted the website demonstration to include how the redesigned website will appear on mobile devices. Commissioner Keefe asked whether appointments could be scheduled and payments made through the redesigned website. Mr. Todd stated those are part of an inner gov project that will soon be presented to the Board. Additional questions and positive feedback followed. There was consensus for the Chairman to submit a request letter to the .gov program to change the domain name.

4. CONSIDERATION OF AGENDA ITEMS

L. Policy Prohibiting Sales of Surplus Property to Bidders with Delinquent Property Taxes

BACKGROUND

Commissioner Keefe has proposed the Board not to sell surplus real property to bidders who have delinquent property taxes. If the Board wishes to make that a policy, it can do so with the statutory authority to reject bids for surplus property sold subject to the upset bid process. Sometimes bidders make a bid on behalf of another party or assign their bid. For that reason, it will be necessary to require the bid to be made by the party to whom the deed will be made and prohibit the assignment of bids. Attached is a proposed amendment for this purpose to the Policy Establishing the Minimum Bid to Be Considered for the Purchase of Surplus Real Property adopted by the Board February 18, 2019.

RECOMMENDATION / PROPOSED ACTION

If the Board wishes to amend its policy for this purpose, the county attorney recommends the proposed amendment be adopted.

Cumberland County Board of Commissioners Policy Establishing the Minimum Bid to Be Considered for the Purchase of Surplus Real Property

Whereas, the Board of Commissioners has established a procedure through the Office of the County Attorney for the sale of the County's surplus real property for the purpose of getting the property back on the tax roll as taxable property; and

Whereas, the Board of Commissioners finds it is contrary to the Board's purpose of getting this property back on the tax rolls to sell it to bidders who owe delinquent property taxes.

Therefore, the Board of Commissioners amends its Policy Establishing the Minimum Bid to be Considered for the Purchase of Surplus Real Property as follows:

1. The Board of Commissioners requests the tax office to review all surplus real property annually and adjust the tax value through the informal appeal process as determined by the review.

2. For foreclosures commenced after the February 18, 2019, in which the county becomes the purchaser, the Board of Commissioners elects, pursuant to N.C.G.S. § 105-376(b), to pay only that part of the purchase price that would not be distributed to it and other taxing units on account of taxes, penalties, interest, and such costs as accrued prior to the initiation of the foreclosure action; and the county shall hold the property for the benefit of all taxing units that have an interest in it.

3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c).

4. For the first five years after a property acquired by the county through a tax foreclosure is designated as surplus property, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the amount of the foreclosure judgment or the tax value, whichever is less.

5. After five years on the surplus list, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the estimated cost of advertising for the upset bid process, but not less than \$300.

6. All bids shall be made in the name of the person or entity intended to be the grantee in the deed for the property and bids shall not be assigned except with the consent of the Board of Commissioners.

7. No bid shall be accepted from any bidder who owes delinquent property taxes to the Cumberland County Tax Collector.

8. No sale shall be approved for any bidder who shall become delinquent in property taxes due to the Cumberland County Tax Collector after the bidder's bid has been accepted by the Board of Commissioners.

9. The County Attorney shall implement a procedure to determine whether any bidder has delinquent property taxes.

Adopted February 18, 2019, and May _____, 2021.

Mr. Moorefield presented the background information recorded above and reviewed the proposed amendment to the Board's Policy Establishing the Minimum Offer to be Accepted for the Sale of Surplus Real Property. Mr. Moorefield stated sections 1 through 5 of the amended policy are in the original policy and 6 through 9 will restrict or prohibit bids from being accepted for bidders who owe delinquent property taxes to the county. Mr. Moorefield stated the effectiveness of the amendment will depend on the entity submitting the bid.

Mr. Moorefield apprised the Board of the number of parcels on the county's surplus list and stated properties that have been on the list for a long time are still not being bid on even with the minimum offer of not less than \$300.

MOTION: Commissioner Keefe moved to accept the recommendation of the county attorney.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (6-0)

M. Grant of Utility Easement to the City of Fayetteville

BACKGROUND

The County and the City acquired the property with PIN 9487-561-4777 at a tax foreclosure in 2008 by a deed recorded in Book 8018 at page 3. The County paid the City \$499.85 for its taxes in the foreclosure. The City requests a utility easement on this lot as shown on the plat and proposed easement document attached. This is a land-locked parcel for which the County paid the full amount of the foreclosure costs in the amount of \$2,257.53 in addition to the City's taxes. This parcel was never declared surplus or put on the surplus list. With it being landlocked, it is unlikely to sell except to an adjoining property owner.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends:

- (1) offering this parcel to the City for \$500 to recover the amount paid to the City, which will relieve the County of responsibility for it; or

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- (2) approving the easement and declaring the property surplus.

Mr. Moorefield presented the background information recorded above and the recommendations/proposed actions.

MOTION: Commissioner Boose moved to first offer the parcel to the City for \$500 and if the City did not want the parcel to grant the utility easement to the City of Fayetteville.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

N. NCDOT Notice of Necessity to Relocate a Grave at 7945 Camden Road, Fayetteville

BACKGROUND

NCDOT has requested the Board of Commissioners to direct the disinterment of a grave within the right of way of the Fayetteville Outer Loop and relocation of the grave to a different location on the same parcel. The Notice from NCDOT is attached. The property on which the grave is to be relocated has the address of 7945 Camden Road, Fayetteville. The map of the location of the grave on the parcel prepared by NCDOT is attached. N.C.G.S. § 65-106 requires that all grave removals be made under the supervision and direction of the county board of commissioners. The attached Resolution states the Board of Commissioners directs the relocation of the grave in accordance with the statutory requirements. One of the requirements is that a certificate of the facts of the removal of the grave be recorded in the Register of Deeds. The Resolution directs the NCDOT to provide a copy of the recorded certificate to the county attorney.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends the Board approve the Resolution to relocate this grave.

Cumberland County Board of Commissioners
Resolution Directing the Removal of a Grave Located on the Parcel with the Address of
7945 Camden Road, Fayetteville, by the North Carolina Department of Transportation
in Accordance with N.C.G.S. § 65-106

Whereas, the North Carolina Department of Transportation (NCDOT) is an agency of the State of North Carolina with the authority to effect the disinterment, removal, and reinterment of graves pursuant to N.C.G.S. § 65-106(a)(1); and

Whereas, NCDOT has advised the Board of Commissioners of the necessity for NCDOT to disinter one grave lying within the proposed right of way of State Project U- 2519BA (Fayetteville Outer Loop) on the parcel with the address of 7945 Camden Road, Fayetteville, and relocate the grave on the remnant of the same parcel, as shown in the Notice and Map attached hereto.

Be it resolved that the Board of Commissioners finds it is necessary for the NCDOT to disinter, remove, and reinter this grave as described in the Notice and Map referenced above.

Be it further resolved that the Board of Commissioners directs that the disinterment, removal, and reinterment of this grave shall be done in accordance with all the requirements of N.C.G.S. § 65-106 with a copy of the recorded certificate of the removal facts to be provided to the Cumberland County Attorney.

Adopted May ____, 2021.

Mr. Moorefield presented the background information recorded above and the resolution recommended for approval. Mr. Moorefield stated the grave will be relocated to a different location on the same parcel, but the exact location is not known.

MOTION: Commissioner Boose moved to accept the NCDOT notice of necessity to relocate a grave at 7945 Camden Road and adopt the resolution.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (6-0)

Chairman Evans excused Mr. Moorefield from the meeting.

A. Request to Establish Sheriff's Office I.T. Positions Based Upon Contractual Agreements with Hope Mills and Spring Lake and Associated Budget Ordinance Amendment # B211224

BACKGROUND

Attached you will find a memorandum from Sheriff Ennis Wright requesting two Department IT Support Specialist I positions for the Sheriff's Office Information Technology section. The annualized cost of both positions is \$128,884 and the cost for this fiscal year is \$21,481. Personnel costs will be reimbursed by the Town of Hope Mills and Town of Spring Lake per contractual agreements. No additional County funding is required for this action.

RECOMMENDATION / PROPOSED ACTION

Sheriff Wright request the following action be placed on the May 17, 2021 Board of Commissioners' meeting: Approve the establishment of two new positions in the Sheriff's Office Information Technology section and approve the associated Budget Ordinance Amendment B211224.

Ms. Cannon acknowledged the attendance of Sheriff Ennis Wright and introduced the item by presenting the background information recorded above. Ms. Cannon stated because the Town of Hope Mills and the Town of Spring Lake are part of the CAD system and Sheriff Wright reached out to them to be a part of the Sheriff Office's records management system. Ms. Cannon stated from a security standpoint, it makes more sense for them to attach to the county's network and the CAD system. Ms. Cannon stated the Sheriff's Office will purchase new hardware and software and both towns have agreed to pay for the equipment costs over a four-year period and pay 100% of the salaries and fringe benefits for the two IT positions. Ms. Cannon stated this creates enhanced communication for law enforcement.

MOTION: Commissioner Boose moved to honor the request for the establishment of two new positions in the Sheriff's Office Information Technology section based on contractual agreements with the towns of Hope Mills and Spring Lake and associated Budget Ordinance Amendment B211224.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (6-0)

Chairman Evans called for a five-minute recess following which he reconvened the meeting.

Commissioner Boose departed at 3:05 p.m. without having been excused.

B. Health Insurance Plan Changes Related to Pharmacy Rebates

BACKGROUND

The County's benefits brokerage and consulting firm, USI, has been in discussions with BCBS about additional savings that could be realized if the County were to make a negotiated change in the BCBS contract. If changed, the County would receive significant quarterly pharmacy rebates in exchange for paying BCBS a higher monthly administrative fee. The County currently receives no BCBS pharmacy rebates and the current monthly per employee per month administrative fee is \$19. Negotiations with BCBS are currently underway but are expected to be thoroughly vetted by Monday, May 10th.

During the meeting, Kevin Quinn will provide the projected amount of annual net savings, as well as additional background information to support the recommended change to be implemented July 1, 2021.

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RECOMMENDATION / PROPOSED ACTION

Staff and County Management recommends forwarding the following action to the full Board of Commissioners for approval as a Consent Agenda item at the May 17, 2021 regular meeting:

Approval of the BCBS negotiated change for the County to receive quarterly pharmacy rebates in exchange for paying a higher monthly administrative fee, as negotiated and presented by USI.

Vicki Evans, Finance Director, introduced Kevin Quinn with the County's benefits brokerage and consulting firm, USI, who provided an update to pharmacy/prescription contract revisions that will save the county additional money through rebates. Mr. Quinn stated over the last two years, pharmaceutical costs have exploded due to pharmacy manufacturers, pharmacy benefit managers and insurance companies. Mr. Quinn stated there is a nontransparent functionality with regards to pharmacy claims that pharmacy benefits managers are not sharing with their clients, which are rebates from manufacturers. Mr. Quinn stated this is not unique to BCBS of NC and appears to be prevalent throughout the U.S. Mr. Quinn provided the following high-level PowerPoint presentation relative to the contract with BCBS of NC that was negotiated the County's favor so the County would receive a check in rebate returns projected to be \$1.8 million for FY22. Mr. Quinn stated rebates are paid retrospectively and after the 6 months lag for the first payment, the County will receive a rebate every quarter resulting in \$5M to \$6M over the three-year period.

BCBS Update

- Current BCBS administrative fee \$19 PEPM (\$442,776 annually)
- Proposed admin fee \$33 PEPM (\$769,032 annually)
- 3 Year Administrative Rate Guarantee at \$33 PEPM
- Recommendation for County to receive 100% of the Rx Rebates
- Rebate returns projected at \$1.8 million for FY2022
- 6 months lag for 1st payment

Consensus

- Recommendation to accept RX rebates and change administrative rate to \$33 PEPM
- 3 Year Guarantee

Commissioner Keefe asked now this arrangement would be affected if rebates came down. Mr. Quinn stated although there is no guarantee, it would take quite a while for the industry to reduce these rebates, or it would take an act of Congress on a federal level to reduce the size of rebates. Mr. Quinn stated there is nothing preventing USI from marketing to be sure contracts are as tight as possible and rebates would almost have to go away for the County to loose.

MOTION: Commissioner Lancaster moved to accept the RX rebates and change the administrative rate to \$33 PEPM.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

C. Extension of the Health and Benefits Brokerage and Consulting Agreement with USI

BACKGROUND

In the fall of 2017, Chernoff Diamond who later merged into USI, began providing employee benefits and brokerage services to Cumberland County after assisting with correcting compliance issues that occurred during that year. In August 2018, the Board of Commissioners agreed to a two-year agreement that is set to expire on December 31, 2021.

Throughout the almost four years of this engagement, USI has been able to assist the County in stabilizing the health insurance fund by making recommendations that have resulted in significant savings for the County without causing employees to pay higher out-of-pocket costs. Examples include adding a carved out, fully insured plan specific to Medicare-aged retirees, and more recently recommending a change to how BCBS pharmaceutical rebates will be distributed.

Therefore, management proposes an additional two-year agreement with USI to allow further stability in the current health and ancillary plans. As with the current agreement, the County is not

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required to make direct payments to USI. Instead, USI receives commissions remitted by the carriers directly upon payment of premium by the County. USI reported \$263,000 in commissions from all carriers combined, over the past year.

RECOMMENDATION / PROPOSED ACTION

Staff and County Management recommends forwarding the following action to the full Board of Commissioners for approval as a Consent Agenda item at the May 17, 2021 regular meeting:

Approval of a two-year agreement extension (July 1, 2021 - June 30, 2023) with USI to provide employee health and benefits brokerage and consulting services.

Ms. Evans presented the background information recorded above and cited examples of savings provided to the county without employees having to pay more out of pocket costs.

MOTION: Commissioner Keefe moved to approve two-year agreement extension (July 1, 2021 - June 30, 2023) with USI to provide employee health and benefits brokerage and consulting services.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

D. Selection of State Centric Hazard Mitigation Program Option

BACKGROUND

The North Carolina Department of Public Safety (DPS) - Division of Emergency Management has been approved by FEMA to deliver State Centric administration and technical support for the following programs:

- Hazard Mitigation Grant Program (HMGP)
- Building Resilient Infrastructure in Communities (BRIC)
- Flood Mitigation Assistance (FMA)
- Mitigation Grants appropriated by the North Carolina General Assembly

The State's role as administer will be to:

- Obtain contractors to execute specified work
- Oversee all project work
- Pay all invoiced work
- Close out projects on the sub-applicants behalf

The State is asking potential sub-applicants to opt-in or opt-out of State administration of these programs. Sub-applicants that choose to opt out must prepare and submit a business plan to the Secretary of DPS showing how the sub-applicant will:

- Manage the potential scope of work associated with any of the aforementioned grants
- Identify a point-of-contact for State staff to complete grant-related work
- Explain the sub-applicant's financial and staff capability to complete awarded grant work within the 3-4 year period of performance

Please see section 4 of the attached Plan document for all of the responsibilities of grant management.

Staff does not recommend trying to administer these grants in-house due to the level of complexity, knowledge, experience, and staff time required to adequately deliver the aforementioned programs and close them out.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board opt-in to the State Centric Hazard Mitigation Implementation Plan allowing NCDPS to administer hazard mitigation-related grants and requests this item be moved forward to the May 17, 2021 regular meeting of the Board of Commissioners as a Consent Agenda Item.

Tracy Jackson, Assistant County Manager, presented the background information recorded above and introduced Steve McGugan, Assistant Director Emergency Management at North Carolina Department of Public Safety. Mr. McGugan introduced the State Centric Hazard Mitigation Implementation Plan and stated the purpose of the plan is to focus the capabilities and capacity of the State's Hazard Mitigation Office in order to professionally execute Disaster Hazard Mitigation grants in a timely manner. Mr. McGugan covered high points of the State Centric Plan and stated the county will need to identify a point-of-contact for State staff to work with to complete grant-related activities and to serve as the liaison between the state and citizens.

Commissioner Keefe stated with this new concept, he is concerned that the state will become the gatekeeper for the funding that comes down. Commissioner Keefe asked who will have the authority to approve or disapprove an initiative by the county for FEMA funding. Mr. McGugan stated the plan will not change the funding stream or the approval process. Mr. McGugan stated the only way he can disapprove a project is if once on the ground, it is discovered the applicant was not honest with the application.

MOTION: Commissioner Lancaster moved to approve the recommendation that the Board opt-in to the State Centric Hazard Mitigation Implementation Plan and move the item forward as a consent agenda item for the May 17, 2021 meeting.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

E. Revisions to the Animal Control Ordinance

BACKGROUND

Chapter 3 of the Cumberland County Code of Ordinances has not undergone significant revisions since 2013. During that time, many policies, procedures, and practices at Animal Control have changed. We are proposing several significant changes to the ordinance to promote more responsible pet ownership, increase adoptions, and decrease euthanasia rates. We are requesting several revisions to the Department Fee Schedule that are intended to address specific issues encountered by the shelter and our officers. Staff will also ask that pet licensing be abolished as it is ineffective as a means to decrease the excess pet population and is not cost effective to administer.

Included with this memorandum is a summary of the proposed changes to the ordinance and a mark-up version of the ordinance. Staff has consulted with Fayetteville Police Department (FPD), the City Manager and City Attorney of the City of Fayetteville, and representatives from the Town of Hope Mills. All municipalities were provided the attached information for review and comment. As of the date of this memorandum, there has been no opposition expressed by any of the municipalities or FPD. County Legal has also been intricately involved in the update and provided counsel and guidance along the way.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board rescind the Chapter 3 - Animal Control Ordinance from the Cumberland County Code of Ordinances, replace it with the proposed Animal Services Ordinance, and requests this be moved forward as an Item of Business at the May 17, 2021 Regular Meeting.

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Section	Page	Subject	Change	Reason for change
3-4 and 3-5	1-2	Animal Services Board	Some previously approved changes were not put in the ordinance regarding terms of Board members. Update info on veterinarian who is on the Board	update needed to match current policy
3-10	3-4	Definitions	Add definitions of Breeding, Show and Hunting dogs Add conviction for cruelty to NRO definition	Terms need to be defined as they are frequently disputed by dog owners with regards to Section 3-22. Adding to NRO definition ensures convicted animal abusers cannot own animals for a period of 3 years minimum
3-13	5	Diseased, <u>injured</u> or sick animals	Add option of surrendering animal to CCAS	Current ordinance only allows for owner to pay for treatment or have animal euthanized. CCAS may be able to treat and adopt.
3-14	6	Property owner may impound animal	Update found animal requirements	Current ordinance is outdated and needs to be simplified for someone who has found an animal. FO free ads are only 2 days.
3-15	6,7	Nuisance animals	Nuisance process (c) and (d) covered by policies and SOP. (f) and (g) are already covered in other parts of ordinance	Actions or steps to be taken by CCAS are more appropriately outlined under SOP vs. ordinances. Having procedures listed creates expectations that may not be feasible without involving law enforcement.
3-18	8	Inhumane or cruel treatment	move to section 3-23	Combine all "cruelty" ordinances into one section for simplicity
3-19	8,9	Control of animals	clarify what is considered running at large	Currently, an animal would be considered "running at large" if it is on the owner's property but not on a leash. Frequently this is used in neighbor disputes.
3-20	9	Records, disposition of animals	Allow Director to reduce or waive fees with approval of County Manager when needed. Remove limit on adoptions by employees and remove return of animals in poor health.	Most NC counties reduce or waive fees to prevent euthanasia and overcrowding during summer months. Special events such as Clear the Shelter could be done without taking up BOC time. Eliminate (d) and (e) as they are more appropriately handled in department SOPs
3-21	10	Redemption of animals	Remove licensing requirement, add microchip	See section on licensing below. Add microchip as requirement to reclaim <u>in order to</u> be able to accurately track repeat offenders.

3-22	10	Spaying or neutering as condition	Clarify requirements, add provision of exception for medical reasons	Clean up this section to make it <u>more clear</u> . Add requirement of current rabies for exception and allow exception for medical reasons.
Section	Page	Subject	Change	Reason for change
3-23	11	Keeping of animals	Add what was previously 3-18. Give authority to ASOs to determine what meets minimum standards. Add spay/neuter to list of requirements for legal <u>tethering</u> Add sanitation and safety requirements to <u>enclosures</u> Require security bond or cash from owners of impounded animals	Currently if the minimum standards are met, ACOs have no authority to impound. However, minimum standards do not always meet the needs of the animal. Spaying prevents tethered female dogs from producing litters, and neutering reduces aggression in male dogs that is exacerbated by tethering. Bond or cash will enable CCAS to recover costs for animals that are legally impounded.
3-25	13	Wild dogs	Remove this section	Capture and destruction of wild dogs is covered under dangerous <u>dogs</u> section
3-26	14	Dog Limit	Remove this section	Owners of dogs that are causing legitimate problems for neighbors will be dealt with under nuisance, sanitation, etc. The limit by itself is not enforceable by CCAS without involving law enforcement (seizing personal property).
3-28	15	Breeding permit	Change to Litter permit	The current ordinance is difficult to enforce. Much easier to prove that a litter has been produced vs. that a dog has been bred.
3-34 (d)	19	Temporary permits for dangerous dogs	Remove this section	We do not offer "temporary" permits for dangerous dogs. Either the dog is removed from the county, or the owner purchases a full permit.
3-40 m and o	23 and 24	Rabies	Update ordinance to match state requirements and change section on carcass handling	state law specifies that the most current edition of <u>Compendium</u> of Animal Rabies Prevention and Control shall be followed. The Compendium changed in 2016 and our ordinances should also be updated. Animal carcasses are surrendered to Animal Services, not the health department. Also add that decisions on testing are as advised by NCDHHS

3-50-3-52-3-54	25,26	Pet licensing	Remove licensing requirement	Licensing is a labor-intensive process that is generating a shrinking return and has a negative connotation for citizens.
Section	Page	Subject	Change	Reason for change
3-60	27,28	Injured animal fund	Rename fund "animal medical" and simplify what fund will cover.	Current wording requires an ASO to determine whether injury is "potentially mortal". Also excludes animals that <u>don't</u> have an ID tag or microchip, which creates potential liability if microchip is missed or if tags have been lost. Already have a budget line for "Animal Medical" donations, so merging these 2 lines will provide better oversight for donations overall.
3-74	29	Selling live animals	Clarify what is considered permission for 501(c)(3) to have animals in public areas	We have no defined permit for 501(c)(3) organizations to display animals for adoption in public areas. We do have a process for approving these organizations to take animals from our shelter.
3-75	29	Provisions within corporate limits of municipality	Add ban of roosters to section (c)	Roosters are unnecessary for egg production of home flocks. Roosters are frequently a source of nuisance complaints within the city limits.
3-80	30	Enforcement	Remove c and d	These portions of the ordinance are covered in other sections.
3-81	31	Penalties for violations	remove e	This fine is unnecessary (either the dog is unsafe and <u>euthanized</u> or the dog is a PDD and other fines apply).

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Elaine Smith, Animal Services Director, presented the background information recorded above and provided a summary of the proposed changes to the ordinance also recorded above. Ms. Smith referenced the mark-up version of the ordinance recorded below. Commissioner Keefe asked whether the goal was to have all municipalities endorse the proposed changes. Ms. Smith stated the proposed changes were presented to the Mayors' Coalition and there was no opposition. Ms. Smith responded to additional questions that followed.

MOTION: Commissioner Council moved to rescind the Chapter 3 - Animal Control Ordinance from the Cumberland County Code of Ordinances and replace it with the proposed Animal Services Ordinance.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

Chapter 3 - ANIMALS^[1]

Footnotes:

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Editor's note— An ordinance adopted June 17, 2013, amended ch. 3 in its entirety to read as herein set out, removing in their entirety articles pertaining to kennel licensing/permits and public hazard dogs. Former ch. 3, §§ 3-1—3-23, 3-25—3-47, 3-58—3-65, 3-70—3-75, 3-78, 3-83—3-88, and 3-97—3-99, pertained to animals, and derived from § 1 of an ordinance adopted Aug. 21, 2000; § 1 of a resolution adopted Oct. 16, 2000; § 1 of a resolution adopted Apr. 22, 2003; and § 1 of an ordinance adopted Nov. 21, 2005.

ARTICLE I. - ADMINISTRATION

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Sec. 3-1. - ~~Animal control~~Animal Services department established.

There is hereby established in the government of the county an ~~animal control~~Animal Services department.

(Ord. of 6-17-2013(1))

Sec. 3-2. - ~~Animal control~~Animal Services director.

The ~~animal control~~Animal Services department shall be supervised by the ~~animal control~~Animal Services director, who shall be the director of that department, appointed by the county manager.

(Ord. of 6-17-2013(1))

Sec. 3-3. - Functions of ~~animal control~~Animal Services department.

The ~~animal control~~Animal Services department shall have and perform the duties and responsibilities set forth herein, shall enforce the provisions of this chapter and of state law relating to ~~animal control~~Animal Services and animal welfare, shall administer and enforce an ~~animal control~~Animal Services program within such municipalities within the county as by interlocal agreement may contract with the county for such services and apply this chapter in their municipal jurisdictions, and shall maintain and operate the county animal shelter.

(Ord. of 6-17-2013(1))

Sec. 3-4. - ~~Animal control~~Animal Services board established.

- (a) There is established the Cumberland County ~~Animal Control~~Animal Services Board.
- (b) The ~~animal control~~Animal Services board shall be composed of seven members to be appointed by the board of commissioners. Of the seven members, two shall be residents of the City of Fayetteville appointed by the board of commissioners from among the names of four persons nominated by the Fayetteville City Council, that is, two nominations for each seat. At least one member shall be a person with knowledge and experience in dog behavior and/or handling, one member shall be ex officio the veterinarian ~~on contract to employed by~~ the ~~animal control~~Animal Services department, one member shall have an interest in promoting the goals of the Animal Protection Society or the Humane Society or another such broadly-based and representative organization interested in the care and protection of animals, and the other members shall represent the public at large. The members shall serve ~~staggered three two-year terms; four members shall have terms that all terms~~ expire on June 30 in ~~the year of the term expiration even-numbered years following the year of their initial appointment and three members shall have terms that expire on June 30 of odd-numbered years.~~
- (c) The powers and duties of the ~~animal control~~Animal Services board shall include:
 - (1) Appointing three of its members to sit on the dangerous dog appeal board;
 - (2) Hearing any appeals provided for in this chapter other than appeals of the director's determinations of potentially dangerous dogs;
 - (3) Providing advice and information to the ~~animal control~~Animal Services department;
 - (4) Upon coordination with the ~~animal control~~Animal Services director, making recommendations to the board of commissioners or the Fayetteville City Council, as appropriate, for the betterment of the county's ~~animal control~~Animal Services program;
 - (5) In conjunction with the ~~animal control~~Animal Services department and the county's public information director, providing for a program of public education, information and outreach concerning responsible pet ownership, animal cruelty, and the county's ~~animal control~~Animal Services program; and
 - (6) Selecting officers of the board, including a chairperson, and adopting rules of procedure.
- (d) A majority of the members shall constitute a quorum for the ~~animal control~~Animal Services board to conduct its meetings. The ~~animal control~~Animal Services board shall adopt a schedule of regular meetings and post and file it with the clerk to the board of commissioners and otherwise as required by the open meetings law. The ~~animal control~~Animal Services board shall schedule at least four regular quarterly meetings, at which meetings the ~~animal control~~Animal Services director or his designee shall appear and participate. In addition, the ~~animal control~~Animal Services board may hold such special or emergency meetings, upon the call of the chairperson or any three members, as may be appropriate in the circumstances, subject to compliance with the open meetings law.

(Ord. of 6-17-2013(1))

Sec. 3-5. - Dangerous dog appeal board established.

- (a) There is established the dangerous dog appeal board.
- (b) The dangerous dog appeal board shall consist of three members to be appointed by the ~~animal control~~Animal Services board from among its members. The members shall serve ~~staggered two-one~~ year terms. Any two members of the dangerous dog appeal board shall constitute a quorum for conducting a meeting.
- (c) The powers and duties of the dangerous dog appeal board shall include:
 - (1) Selecting a chairperson to preside over its appeal hearings;
 - (2) Hearing the appeals of the determinations of potentially dangerous dogs by the ~~animal control~~Animal Services director (or his designee) pursuant to article III of this chapter or Chapter 67 of the General Statutes.
- (d) ~~The administrative assistant to the animal control~~ A staff member of Animal Services will be designated by the Director to serve as the clerk to the ~~animal control~~Animal Services board and the dangerous dog appeal board.

(Ord. of 6-17-2013(1))

Secs. 3-6—3-9. - Reserved.

ARTICLE II. - GENERAL PROVISIONS

Sec. 3-10. - Definitions.

- (a) As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

Abandon means to cease providing for the care, control or maintenance of an animal without the transfer of ownership of such animal.

~~Animal control~~Animal Services *department* means the Cumberland County ~~Animal Control~~Animal Services Department.

~~Animal control~~Animal Services *director* means the director of the ~~animal control~~Animal Services department, or his/her designee.

~~Animal control~~Animal Services *officer* means a person employed by the ~~animal control~~Animal Services department as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.

Animal shelter or *department's shelter* means the premises operated by the ~~animal control~~Animal Services department for the purposes of impounding, sheltering or caring for animals or any other premises operated by another entity with which the county contracts for such purposes.

At large or *running at large* means any animal which is not confined on the property of its owner, the leased premises of the animal's owner, or under the actual physical control of a competent person, other than a licensed, currently privilege tax paid, hunting dog under supervision while engaged in a lawful actual or simulated hunt.

Breeding, ~~show, or hunting~~ dog means any ~~animal dog~~ that the owner has bred or intends to breed that has been examined by a licensed veterinarian within the previous 12 months and for which the owner possesses a registration certificate from the American Kennel club, The Canadian Kennel Club, or the United Kennel Club was used in breeding, showing, or hunting in the last year if over one year old; or any animal younger than one year that is eligible to breed, show or hunt in the coming year.

Chapter means the provisions of this ~~animal control~~Animal Services chapter as may be in effect in Cumberland County or any municipal jurisdiction located therein.

Confinement means to secure an animal in a locked house, run, enclosure or fenced yard within the boundaries of the owner's, leaseholder's, or keeper's property (i.e., house, fenced yard).

County manager means the duly appointed county manager of the county or his/her designee.

Cruelty means to endanger by any act of omission or commission the life, health or safety of an animal.

Director means the director of the ~~animal control~~Animal Services department.

Domestic animals means any animals that depend on humans for food, water and shelter to include but not be limited to: Dogs, cats, horses, cows, pigs, sheep, goats and fowl.

Exposed to rabies means any animal that has been bitten by or exposed in a manner proven to be able to transmit rabies, to any other animal known to have been infected with rabies or any other animal reasonably suspected of being infected with rabies that is not available for laboratory diagnosis.

Fee schedule means any schedule of fees related to the administration of this chapter which may be adopted by the board of commissioners.

Fowl means chickens, guineas, geese, ducks, pigeons, and other avian animals.

Harboring means regularly feeding, sheltering or caring for an animal.

Hunting dog means a dog that is owned by an individual possessing a valid license to hunt animals appropriate to the breed of dog.

Impoundment means placing an animal in an ~~animal-control~~Animal Services vehicle or unit, or holding an animal at the animal shelter, or holding an animal at any other location at the direction of the director of ~~animal-control~~Animal Services.

Keeper means any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

Livestock includes, but is not limited to, equine animals, bovine animals, sheep, goats, llamas and swine.

Memorandum of understanding (MOU) means an agreement by an owner and the ~~animal control~~Animal Services department signed by the owner who agrees to certain limitations and/or conditions contained therein.

Neuter means to render a male dog or cat unable to reproduce.

Nuisance/reckless owner means an owner who has received a violation under this chapter and has outstanding fees owed to Cumberland County ~~Animal Control~~Animal Services for previous violation(s) or who has not complied with the requirements for ownership of a nuisance animal, dangerous or potentially dangerous dog, ~~or anyone who has signed an MOU with the animal-control/Animal Services department and has failed to adhere to the MOU,~~ or anyone convicted of misdemeanor or felony animal cruelty.

Owner means anyone taking care of or having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.

Permit means a permit issued by the ~~animal-control~~Animal Services department or similar agency of any applicable governmental unit having jurisdiction.

Potentially dangerous dog and *dangerous dog* shall have the meanings set forth in section 3-30 hereof.

Restraint means ~~that the physical control of~~ -an animal ~~is actually physically controlled~~ by leash or tether held by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

Run means an area used to confine a dog or dogs of a size that complies with any of the requirements of this chapter.

Sanitary means a condition of good odor and cleanliness, which precludes the probability of disease transmission and insect or vermin breeding and which preserves the health of the public.

Show dog means a dog that the owner has shown or intends to show that has been examined by a licensed veterinarian within the previous 12 months and for which the owner possesses a registration certificate from the American Kennel Club, the Canadian Kennel Club or the United Kennel Club.

Spay means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

State law means the General Statutes of North Carolina.

Stray means any animal reasonably presumed not to have any owner, including but not limited to an animal running at large or not under restraint.

Tethered or *tethering* means attaching an animal to a stationary object by means of a chain, cable, rope or similar device.

Transfer means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

Vaccination means an injection of United States Department of Agriculture-approved rabies vaccine administered by a licensed veterinarian or certified rabies vaccinator as defined in G.S. 130A-186.

(b) All other words or phrases used herein shall be defined and interpreted according to their common usage.

(Ord. of 6-17-2013(1); Ord. of 5-4-2015(1))

Sec. 3-11. - Applicability of state laws to custody of animals.

No person owning or having in his custody any animal shall violate any laws, rules, or regulations of the state applicable thereto. The provisions of this chapter shall govern where the provisions of the laws, rules and regulations of the state are less restrictive than the provisions of this chapter.

(Ord. of 6-17-2013(1))

Sec. 3-12. - Injuring, poisoning or trapping animals prohibited.

- (a) A person who accidentally or otherwise strikes an animal with an automobile and injures it shall promptly notify the ~~animal control~~Animal Services department or any law enforcement agency having jurisdiction.
- (b) No person shall knowingly expose or give to any animal any poisonous substance, whether mixed with food or not. This provision, however, does not apply to the eradication or population control of certain species of rodents.
- (c) No person shall set or expose an open jaw type trap, leg hold trap, or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals, to ~~animal control~~Animal Services officers or to persons using humane live capture traps.

(Ord. of 6-17-2013(1))

Sec. 3-13. - Diseased animals; injured or sick animals.

- (a) Every person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal from other animals, shall obtain or provide appropriate treatment for such animal within two days, surrender the animal to Animal Services within two days, or may have the animal humanely euthanized.
- (b) Any animal which comes into possession of the department's shelter which is seriously injured, sick or exhibiting symptoms of contagious disease ~~shall may~~ be humanely euthanized by the shelter personnel without waiting for the expiration of the period in which such animal may be placed for adoption. Provided, however, that before such sick, diseased or injured animal is euthanized, the shelter personnel shall contact the animal's owner, if known, to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within two days of such notification, or if the owner of such animal is not known, the sick or injured animal may shall be euthanized by the shelter personnel. The shelter ~~manager supervisor~~ shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the shelter, the type of injury, disease or sickness of such animal, the date the animal was euthanized, and any other information relevant to the health, condition and description of such animal.

(Ord. of 6-17-2013(1))

Sec. 3-14. - Property owner may impound animal.

- (a) Any person who finds a domesticated animal or fowl on his property to his injury or annoyance may:
 - (1) Take such animal to the ~~Animal Control~~Animal Services shelter; or
 - (2) Retain possession of such animal or fowl and, within one business day, notify the ~~animal control~~Animal Services department of this custody, giving a description of the animal and any information regarding the owner's name, if known. Any person removing the animal from the impounder's property shall remove the animal in such a manner so as not to cause injury to the animal.
- (b) No person shall knowingly and intentionally harbor, feed or keep in possession by confinement or otherwise any stray animal which does not belong to him, unless he shall have within one business day from the time such animal came into his possession notified the ~~animal control~~Animal Services department ~~of his intention either to: (i) surrender the animal to the animal shelter, or (ii) advertise for five consecutive days such stray animal in the local newspaper with the greatest average daily circulation in the community. If the person possessing such stray animal elects to so advertise and the owner thereof shall not have responded by the tenth day after the date of the first publication, the person so advertising shall be presumed the legal owner of such animal. If the advertisement of a stray animal shall not have been first published within 72 hours after so notifying the animal control department, then the animal shall be surrendered to the animal control department.~~
- (c) Any animal reported as found to Animal Services shall be considered the legal property of the finder if no verified owner has reclaimed the animal within 10 business days of the reporting.

(Ord. of 6-17-2013(1))

Sec. 3-15. - Nuisance animals; animals posing a threat to the public.

- (a) [Definitions.]
 - (1) For the purposes of this section, "nuisance" means, but is not limited to, the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows, growls or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; is unconfined in season; defecates on the property of someone other than the owner; or eats or

otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.

- (2) For the purposes of this section, "nuisance animal" means any animal that commits any of the acts, conduct or behaviors defined as constituting a nuisance in this section.
- (b) *[Keeping of nuisance animal prohibited.]* No person shall keep any animal which is a nuisance animal or which causes a nuisance as defined in this section.
- (c) ~~*Violations — Notice of violation.*~~ When an ~~animal control~~Animal Services officer ~~or Law Enforcement Officer determines that witnesses~~ a violation of this section, ~~they~~Animal Services shall investigate and follow the Department's procedures for mitigation of nuisance issues. ~~has occurred, he may issue a written warning of violation and notice of public nuisance, which shall be served on the owner or keeper of the animal. The owner or keeper shall be responsible for abating the nuisance within 24 hours by making sure his animal does not engage in any further act or acts which may constitute a nuisance under this section.~~
- (d) ~~*Failure to abate the nuisance.*~~ If the animal control officer determines that the animal has engaged in any further act(s) constituting a nuisance, or if the owner or keeper of the animal fails to abate the condition which constitutes the nuisance within 24 hours after issuance of the written warning of violation, the animal control officer may issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. If the owner fails to abate the nuisance after the first civil penalty, the animal control officer may seize and impound the animal. If the animal is seized, the animal control officer must post a notice of seizure and impoundment with the owner or keeper of the animal. The owner or keeper may reclaim the animal upon payment of any civil penalties and shelter fees or charges for the impoundment. If the animal is not reclaimed within five days, it shall become the property of the animal control department and shall be disposed of according to the department's policies.
- (e) *Owner unknown.* In situations where the owner of a nuisance animal is unknown, the ~~animal control~~Animal Services officer shall impound the animal ~~without and~~ posting notice of the impoundment. If the owner does not redeem the animal within ~~three~~five days, the animal shall become the property of the ~~animal control~~Animal Services department and shall be disposed of according the department's policies.
- (f) ~~*Animal housed or restrained less than 15 feet from public way.*~~ When an animal control officer has determined that an animal is being housed or restrained within 15 feet of a public street, road or sidewalk, and the animal poses a threat to the public, but the animal is not in the street, road or on the sidewalk, the animal control officer shall issue a warning to the owner or keeper of the animal directing that the animal be moved to a distance greater than 15 feet from the public street, road or sidewalk. If the owner or keeper refuses to move the animal, the animal control officer shall issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. After the first civil penalty the animal control officer may impound the animal. The animal control officer must leave a notice of impoundment with the owner/keeper or affix the notice to the premises from which the animal has been seized. The owner shall have five days to redeem the animal. If the animal is redeemed, the owner must pay all civil penalties and shelter fees for the impoundment. If the owner fails to redeem the animal within five days, the animal shall become the property of the animal control department and shall be disposed of according to the department's policies.
- (g) ~~*Animal found in the public way.*~~ If an animal is housed or restrained within 15 feet of a public street, road or sidewalk and the animal poses a threat to the public, and the animal control officer finds it to be in the public street, road or on the sidewalk and the owner or keeper is not at home or refuses to remove the animal from the public street, road or sidewalk, the animal control officer may impound the animal. The animal control officer must leave a notice of impoundment with the owner or keeper or affix the notice to the premises from which the animal was housed or restrained. The animal services officer may issue a notice of violation and civil penalty for a first offense and additional penalties for each subsequent offense. The owner shall have five days to redeem the animal. If the animal is redeemed, the owner or keeper must pay all civil penalties and shelter fees for the impoundment. If the owner or keeper fails to redeem the animal within five days, the animal shall become the property of the animal control department and shall be disposed of according to the department's policies.
- (h) *Private remedies.* This section shall not be construed to prevent a private citizen from pursuing a private cause of action for damages against the owner or keeper of any animal that has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance as defined by this section or otherwise.

(Ord. of 6-17-2013(1); Ord. of 5-4-2015(1))

Sec. 3-16. - Animal fighting and animal fighting paraphernalia prohibited.

- (a) No person shall permit or conduct any dog fights, cock fights, or other combat between animals, or between animal and human.
- (b) It shall be unlawful for any owner or person to keep, own, possess, maintain, control, or use materials used or intended to be used in dog fighting or cock fighting. Such items shall include but are not limited to treadmills; fighting or fight training pit; wooden sticks or handles used or capable of being used to pry open jaws; magazines, photographs, film, or videotapes depicting animal fighting or animal fight training; breeding stands; jaw strengthening devices; spurs; gaffs or slasher cases; gaff or knife

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gauges; mounting blocks; leather wraps; scabbards and leg or wing bands; training, conditioning, or fight contracts or records; veterinary drugs; suture kits, needles; and syringes and other veterinary supplies used for the administration of veterinary treatment for wounds or injuries from animal fighting or animal fight training.

- (c) Upon criminal charges being brought for violations of this section, the ~~animal control~~Animal Services director may petition the court for the confiscation of any animals kept or involved, or materials used or intended to be used in such fighting.

(Ord. of 6-17-2013(1))

Sec. 3-17. - Keeping of wild or exotic animals.

- (a) For the purpose of this section, a "wild or exotic animal" means an animal which is usually not a domestic animal and which can normally be found in the wild state, including, but not limited to, alligators, apes, bats, bears, crocodiles, deer, elephants, foxes, leopards, lions, lynxes, monkeys, panthers, raccoons, rhinoceroses, wolves, poisonous snakes, skunks, tigers, and like animals. Hybrids or cross-breeds of any wild or exotic animals shall also be considered as wild or exotic animals.
- (b) It is unlawful to keep, harbor, breed, sell or trade any wild or exotic animal for any purpose, except as may be licensed by the state wildlife resources commission under its regulations pertaining to wildlife rehabilitators.
- (c) This section shall not apply to zoological parks, zoos, educational or medical institutions, or circuses that perform in Cumberland County for not more than seven days. If a circus is scheduled to be in Cumberland County for more than seven days, then the circus may apply to the ~~animal control~~Animal Services director for an extension permit for a period not to exceed an additional seven days, on such terms as the ~~animal control~~Animal Services director shall determine will protect the public health, safety and welfare.

(Ord. of 6-17-2013(1))

~~Sec. 3-18. - Inhumane or cruel treatment prohibited.~~

~~It is unlawful for any owner or person to:~~

~~(1) — Perform or carry out any inhumane or cruel treatment against any animal; or~~

~~(2) — Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities or which constitute or become a health hazard as determined by the animal control director, the Cumberland County Inspections Director or the Cumberland County Environmental Health Supervisor, as appropriate.~~

(Ord. of 6-17-2013(1))

Sec. 3-19. - Control of animals required; at large; strays; impoundment; confinement in season.

- (a) It is unlawful for any owner or person to permit or negligently allow any domestic animal to run at large, ~~with the exceptions listed below~~. Any ~~dog, cat or~~ domestic animal that is not on the owner or keeper's property ~~not confined as provided in this chapter~~, and not under the actual physical leash control or hand restraint of its owner or keeper, shall be deemed to be running at large. Any such animal found running at large shall be either:
- (1) Impounded by an ~~animal control~~Animal Services officer at the department's shelter subject to being reclaimed by its owner or keeper in accordance with the department's policies; or
- (2) In the discretion of the ~~animal control~~Animal Services officer, a dog or cat found at large which ~~is licensed by the county and is~~ vaccinated for rabies, except a "dangerous dog," as that term is defined in article III of this chapter, may be released to its owner, upon such terms and conditions as the ~~animal control~~Animal Services officer deems appropriate.
- (b) No impounded animal shall be returned to its owner until any applicable impoundment and boarding, vaccination, other fees or costs and any penalties are paid.
- (c) Any impounded animal not claimed by its owner after a three-day holding period, exclusive of Sundays and county-observed holidays, shall become the property of the county and shall be adopted or disposed of in accordance with the department's policies.
- ~~(d) — Every female dog or cat in season (heat) shall be kept confined in such a manner that such female dog or cat cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the animal control department which are in season (heat) shall be kept separate from male animals at all times.~~

(Ord. of 6-17-2013(1); Ord. of 5-4-2015(1))

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Sec. 3-20. - Records; disposition of animals; adoption.

- (a) An ~~animal control~~Animal Services officer, upon receiving any animal for impoundment, shall record the description, breed, color and sex of the animal and whether or not it is licensed and the date and time of impoundment. If the animal is licensed or if the owner is known, the officer shall enter the name and address of the owner or the county license on the impoundment records. If the owner is known, the ~~animal control~~Animal Services department shall telephone the owner or, if unsuccessful in attempting to telephone such owner, shall mail notice at the address shown on the department's records to notify the owner, that unless reclaimed within 72 hours after mailing of notice, Sundays and county-observed holidays excluded, the animal may be adopted or humanely disposed of by the department's shelter. Attempts to contact the owner will be recorded on the impoundment record.
- (b) After the 72 hours of impoundment as prescribed above, animals that have not been reclaimed by the owner thereof shall be adopted or otherwise disposed of in a humane manner and as required by law. Provided, however, in the discretion of the ~~animal control~~Animal Services director, a healthy animal may be retained for an additional period for the purpose of adoption or transferred to an approved local animal adoption or rescue agency.
- (c) Before any dog or cat is released for adoption from the department's shelter, the adopter shall pay such fee(s) as may be prescribed therefore in any fee schedule adopted ~~from time to time~~ by the board of commissioners. The Animal Services Director may reduce or waive adoption fees with prior approval from the County Manager when needed to reduce overcrowding and euthanasia at the shelter. ~~Adopted animals~~Such dog or cat also shall be issued any required rabies vaccination and county license.
- ~~(d) Any employee of the animal control department may adopt one cat and one dog in any calendar year and such number of other animals as the animal control director may by written policy prescribe.~~
- ~~(e) There is hereby established a grace period of five days, beginning on the day of adoption and ending at the close of business of the fifth day thereafter (or the first business day which falls after the fifth day if such fifth day is a Sunday or legal holiday), during which period an animal adopted from the animal shelter may be returned to the animal shelter without refund for a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.~~

(Ord. of 6-17-2013(1))

Sec. 3-21. - Redemption of impounded animals; impoundment where no one is present to care for an animal.

- (a) An owner shall be entitled to resume possession of his impounded ~~dog or cat or other small animal kept as a house pet domestic animal~~, upon compliance with the ~~vaccination~~ provisions of this chapter and payment of any applicable impoundment, boarding, vaccination or other fees. ~~Such dog or cat also shall be issued any required county license, as provided for in this chapter, if such dog or cat has not previously been licensed.~~ Animals four months old and older will be vaccinated for rabies and microchipped by shelter rabies vaccinators. New owners of adopted animals less than four months old shall have three business days from the time that the animal reaches the age of four months, in which to have the animal vaccinated against rabies and return the proof to the department's shelter. Failure to obtain the required rabies vaccination shall constitute a violation of this section.
- (b) When a law enforcement officer takes a person into custody who is in possession of an animal, and no other competent person is immediately present at the scene to take care of the animal, the animal will be impounded for its welfare. The animal will be impounded at the department's shelter until contact can be made with the animal's owner and an appropriate disposition of the animal determined. Once an ~~animal control~~Animal Services officer makes contact with the owner, the owner will have three business days 72 hours to arrange for the appropriate disposition of the animal. On the fourth business day After the 72-hour period expires, the animal shall become the property of the county and shall be disposed of as provided in this chapter.

(Ord. of 6-17-2013(1))

Sec. 3-22. - Spaying or neutering as condition for adoption or reclaiming by owner of dogs and cats; violations.

- (a) No dog or cat may be adopted from the animal shelter unless the animal has been surgically spayed or neutered, or the adopting owner agrees to do have the animal surgically spayed or neutered in accordance with any time limit imposed by the ~~animal control~~Animal Services director.
- ~~(b) The animal control director shall implement procedures to enforce this section.~~
- ~~(b)~~ The failure of any person adopting an impounded animal to comply with this section shall constitute a violation of this section and shall constitute the forfeiture of the animal to the ~~animal control~~Animal Services department.

- (~~ce~~) Any animal ~~picked up by animal control for found~~ running at large as defined in Sec 3-19(a) or designated potentially dangerous or dangerous dog shall be spayed or neutered prior to being returned to its owner.
- (~~de~~) The ~~animal control~~Animal Services director when dealing with dogs picked up for running at large may at his or her discretion make a one-time exception for breeding, show, or hunting dogs that meet the definitions of those categories within this chapter and are currently vaccinated for rabies with proof of same
- (f) An owner of an animal found running at large who can provide a written statement from a licensed veterinarian that a spay or neuter procedure would be detrimental to the animal's health or wellbeing may be allowed a one-time exception by the Director.

(Ord. of 6-17-2013(1))

Sec. 3-23. - Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs; security bond/cash for costs of impounded animals.

- (a) All ~~dogs, cats and other small animals kept as house pets companion animals~~ shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.
- (b) It is unlawful for any owner or person to:~~No person shall willfully or negligently:~~
- (1) Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal, whether wild or tame, belonging to himself or to another;
 - (2) Deprive any animal of appropriate food, water ~~drink~~ or shelter; or
 - ~~(3) Cause any other person to do any of the above acts.~~
 - (3) Perform or carry out any inhumane or cruel treatment against any animal; or
 - (4) Keep possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor, or sanitary conditions becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities or which constitute or become a health hazard as determined by the Animal Services Director, the Cumberland County Inspections Department, or the Cumberland County Environmental Health Department as appropriate.
 - (5) Cause any other person to do any of the above acts
- (c) If an animal is found by any ~~animal control~~Animal Services officer to be in one of the above described conditions in subsection 3-23(a) or (b), the officer shall take appropriate measures, including civil or criminal enforcement, to protect the welfare of the animal. If the ~~animal control~~Animal Services officer determines that a confined animal's life is in immediate danger or the animal has been abandoned, the ~~animal control~~Animal Services officer shall seize such animal if such seizure is not prohibited by applicable law and shall report the conditions to an appropriate law enforcement agency if seizure is not permitted. The ~~animal control~~Animal Services officer shall leave a notice for the owner or keeper advising why the animal has been taken.
- (d) No dog, cat or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature or lack of appropriate shade or protection from the elements. ~~adequate food or water.~~
- (e) No person shall abandon or cause to be abandoned any dog, cat or any other type of animal.
- (f) Owners and keepers of dogs, cats and other small animals shall provide food, shelter and medical attention to such animals, including, but not limited to, the following:
- (1) Sufficient wholesome food that is nutritious for the species;
 - (2) Fresh, potable drinking water;
 - (3) Medical attention to relieve such animals from suffering;
 - (4) Shade from the sun; adequate ventilation and
 - (5) Shelter to allow the animal to remain warm, dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed and have a solid floor. ~~The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain.~~ The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.
- (g) Any animals kept in conditions that are determined by an Animal Services Officer to be insufficient to maintain their general health and wellbeing may be impounded for the animal's protection at the owner's expense.
- (~~hg~~) It shall be unlawful to tether a dog except in accordance with this subsection.
- (1) No dog shall be tethered outdoors unless the keeper or owner of the dog is outside and within sight of the animal at all times.~~holding the tether.~~

- (2) It shall be an affirmative defense to a violation of this subsection that the tethering is required to protect the safety or welfare of a person or the dog, provided that the keeper or owner of the dog acquires a permit from the ~~animal control~~Animal Services director.
- (3) The provisions of this subsection (~~hg~~) shall not apply to a temporary tether:
 - a. During a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or
 - b. To a keeper or owner walking a dog with a hand-held leash, or during lawful hunting activities if reasonably necessary for the safety of the dog, or while a dog is actively engaged in shepherding or herding livestock; or
 - c. When meeting the requirements of a camping or recreation facility; or
 - ~~d. When the animal's caretaker is outside and within eyesight of the animal; or~~
 - e. After taking possession of a dog that appears to be a stray dog and after having advised the ~~animal control~~Animal Services department of the stray.
- (4) The provisions of subsections (~~hg~~)(2) and (3) above shall apply only if:
 - a. The tether is not placed directly round the dog's neck and is attached to a properly fitting collar or harness of nylon or leather worn by the dog; and
 - b. The weight of the tether does not exceed more than one-tenth of the dog's body weight; and
 - c. The tether is unlikely to become tangled or twisted and is attached with a swivel that will prevent tangling or twisting.
 - d. The tether is arranged to be free of any obstacles which may limit the movement of the dog and the tether is at least 12 feet long; and
 - e. The dog is tethered in a manner that permits access to necessary shelter and water.
 - f. The dog has been spayed or neutered.
- (5) Any dog that remains tethered in violation of this subsection for more than 14 days after the owner receives a notice of violation may be seized by an ~~animal control~~Animal Services officer or law enforcement officer and impounded at the department's shelter. If the dog's owner does not show that an adequate confinement enclosure complying with the requirements of this chapter has been installed on the owner's property within 3 business days~~72 hours~~ of the impoundment, ~~exclusive of Sundays and county government holidays~~, the dog shall be deemed to have been forfeited to the county and shall be disposed of in accordance with the department's policy.
- (~~ih~~) Any companion animal ~~dog~~ confined within a fenced yard or run must have an adequate space for exercise. Provided, however, that where companion animals ~~dogs~~ are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or run, such enclosure or run shall provide adequate space for exercise. Such an enclosure or run shall be constructed of chain link or similar type of materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the animal ~~dog~~ from escaping from such enclosure. The top of such enclosure shall be sufficiently covered to provide the animal ~~dog~~ with adequate shade and protection from the elements. The enclosure shall be maintained so that it shall remain sanitary and preclude injury to the animal.
- (~~ji~~) Security of costs for impounded animals. Any person claiming an ownership interest in any animal confined pursuant to this chapter may prevent the disposition of the animal after the 3 day hold period set forth in section 3-19(d) by posting a security bond or cash with the Animal Services department prior to the animal being adopted or euthanized in an amount sufficient to guarantee payment of all of the reasonable expenses expected to be incurred in caring and providing for the animal, including the estimated cost of medical care, for at least thirty (30) days; however, such security shall not prevent the Animal Services department from disposing of the animal at the end of the thirty-day period covered by the posted bond/cash, unless the person claiming an ownership interest in the animal posts an additional security bond or cash with the Animal Services department to secure payment of the animal's reasonable expenses for an additional thirty (30) days, and does so prior to the expiration of the first thirty day period. The amount of the bond/cash shall be determined by the Animal Services Director based on the current fee schedule and on the condition of the animal after examination by the shelter veterinarian or shelter manager. Failure to timely post the security shall result in the animal being immediately forfeited to the Animal Services department for disposition. If the fees, costs and penalties owed for the animal are not paid in full by the end of each security period, the security already posted shall be forfeited to the county on said date and used to pay the remaining unpaid fees, costs and penalties owing for the animal. The animal's owner shall remain responsible for all remaining unpaid fees, costs and penalties. Any security bond/cash remaining after the payment of all fees, costs and penalties shall be remitted to the person who posted the bond/cash.

(Ord. of 6-17-2013(1))

Sec. 3-24. - Dead animal pickup; relinquishing animals to the shelter.

- (a) Dead animals may be picked up from residences by waste/sanitation haulers as provided by the Cumberland County Solid Waste Department's policies as in effect from time to time.
- (b) Owners may relinquish their animals to the department's shelter provided the owner signs an impoundment card releasing possession of the animal to the shelter. Once the animal is released to the shelter, the animal shall become the property of the county and may be adopted or humanely disposed of in accordance with the department's policies.

(Ord. of 6-17-2013(1))

~~Sec. 3-25. Apprehension of wild dogs.~~

~~If the animal control director shall determine that:~~

- ~~(1) A dog or dogs are running wild in any area within the jurisdiction of this chapter; such dogs are feral and do not have an owner, keeper or custodian; such dogs appear not to have been vaccinated for rabies because such dogs are not wearing current and valid rabies tags; such dogs are substantially interfering with the use and enjoyment of property or the conduct of business, or are harassing or threatening persons; and that such dogs cannot after extraordinary effort be apprehended; or~~
- ~~(2) An animal or animals are running wild and appear to be rabid or terminally diseased, present an imminent threat to any person or to livestock or domestic pets, or are harassing and threatening persons, and cannot be apprehended without extraordinary effort;~~

~~then the director shall be authorized to cause deadly force to be used to humanely euthanize said dogs or wild animals. Prior to making such a determination, in the case of wild dogs, the director shall have documented that persistent and repeated efforts to apprehend such dogs through use of traps, baited food, and tranquilizer darts have been ineffective. After making such a determination, the animal control director may:~~

- ~~(1) Authorize any animal control officer that has, in the discretion of the animal control director, received appropriate training and certification in firearms to use deadly force; or~~
- ~~(2) Request assistance from the Sheriff or from appropriate municipal police authorities in order that the application of deadly force shall be effected by a sworn law enforcement officer that has a marksman rating and/or qualification; or~~
- ~~(3) Seek the services of any private business, corporation, organization or other governmental organization or agency as may be approved by the county manager for the application of deadly force.~~

~~If such deadly force is proposed to be effected, the animal control director shall take every precaution to assure the safety of persons and property in the area within which the dogs or animals are running wild.~~

(Ord. of 6-17-2013(1))

~~Sec. 3-26. Regulation of the number of dogs which may be kept on certain premises.~~

- ~~(a) No more than three dogs more than five months of age shall be owned, possessed, kept, harbored, or maintained at any premises located in any area with a zoning classification for single-family, residential lots of 20,000 square feet or less (R20 or less).~~
- ~~(b) No more than two dogs more than five months of age shall be owned, possessed, kept, harbored, or maintained at any premises located in any area with a zoning classification for multifamily residential housing.~~
- ~~(c) In any area in which the applicable zoning regulations are more restrictive as to the keeping of dogs than the requirements of this section, the zoning regulations shall control.~~
- ~~(d) This section shall not be construed to limit the right of any landlord to impose more restrictive limits on the number of pets which may be possessed at any leased premises.~~
- ~~(e) All dogs which have been listed with the Cumberland County Tax Administrator for an annual Cumberland County privilege license for the calendar year 2012 by the date this revised chapter becomes effective shall be exempt from this section.~~

(Ord. of 6-17-2013(1))

Sec. 3-27. - Sanitation.

No keeper of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property without permission of the occupant of said property, unless such keeper immediately removes and disposes of all feces deposited by such animal by the following methods:

- (1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other appropriate container; and
- (2) Removal of such bag or container and disposition thereafter in a manner as otherwise permitted by law.

(Ord. of 6-17-2013(1))

Sec. 3-28. - ~~Breeding/advertising/transfer [BAT] Litter~~ permit.

~~Anyone owning or harboring a dog or cat shall not allow their animal(s) to produce a litter of one or more puppies or kittens without purchasing a litter permit from Animal Services prior to the birth of the litter. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than \$300.00 or by imprisonment in the county jail for not more than 30 days.~~

~~Owners who wish to breed their dog or cat and meet the requirements of the breeding/advertising/transfer [BAT] permit as outlined in subsection (2) of this section, may apply for such permit through the animal control division. The holder of the [BAT] permit would be authorized to breed, sell, trade, advertise, receive for any compensation, give away or transfer ownership of no more than one litter per licensed animal, per household, per year.~~

~~(1) Under no circumstances shall a [BAT] permit be issued:~~

- ~~a. For any dog or cat not currently licensed as required in section 3-50 of this Code unless such person lives outside the county limits.~~
- ~~b. To any person who has ever been convicted by any court of a charge relating to animal cruelty or neglect or has such a charge[s] pending until outcome of charges has been determined.~~

~~(2) A [BAT] permit must be obtained by, but not limited to:~~

- ~~a. Any person wishing to breed their dog or cat;~~
- ~~b. Each breeding pair, dog or cat, before breeding shall take place;~~
- ~~c. Any person who intentionally or unintentionally causes or allows the breeding of dogs or cats.~~

~~(3) Any person convicted of violating the provisions of subsection (2) of this section shall be punished by a fine of not less than \$300.00 or by imprisonment in the county jail for not more than 30 days.~~

(Ord. of 6-17-2013(1))

Sec. 3-29. - Nuisance/reckless owner.

A person cited as a nuisance/reckless owner shall be ordered to surrender all of his/her ~~dogs/cats/domestic animals~~ to animal control/Animal Services and shall refrain from owning, keeping, or harboring ~~those dogs/cats/domestic animals, or~~ any ~~dogs/cats/~~domestic animals for a period of three years.

(Ord. of 6-17-2013(1); Ord. of 5-4-2015(1))

ARTICLE III. - DANGEROUS DOGS

Sec. 3-30. - Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

Attack by a dog means any behavior or action by a dog which could reasonably be expected to cause physical injury to a person or domestic animal, to include biting, felling or toppling, tearing of clothing, or provoking flight to escape attack.

Bite by a dog means any seizing, gripping or grasping, no matter how slight or momentary, by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

Dangerous dog means any of the following dogs:

- (1) A dog that without provocation has killed or inflicted severe injury on a person; or
- (2) A dog that has been determined as provided herein to be potentially dangerous; or
- (3) A dog that is owned or harbored primarily, or in part, for the purpose of dog fighting or a dog trained for dog fighting.

Dog means a domesticated animal (*Canis familiaris*) of the Canidae family; provided that no wild specie of the Canidae family, such as a wolf, fox or coyote, shall be considered a domesticated animal, even though raised by humans in domestic surroundings.

Guard dog means a dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

Law enforcement dog means a dog, trained for police work to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to carry out the law enforcement officer's official duties.

Lawful hunt means a hunt for lawful game conducted on private or public property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

Owner of a dog or owning a dog means any person or legal entity that has a possessory property right in a dog, including the harbinger or keeper of a dog with the consent of the owner or of a dog that has been abandoned by or escaped the custody of its owner.

Owner or keeper's real property means any real property owned or leased by the owner or keeper of the dog, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Potentially dangerous dog means a dog that had been determined, as provided herein, to have:

- (1) Inflicted a bite on a person that required medical care more than first aid;
- (2) Killed or inflicted injury upon a domestic animal when not on the real property of the owner of the dog; or
- (3) Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

Territorial jurisdiction of Cumberland County means all territory within the boundaries of the County of Cumberland, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this chapter in its jurisdiction.

(Ord. of 6-17-2013(1))

Sec. 3-31. - Application of article; exceptions.

The provisions of this article do not apply to:

- (1) A law enforcement dog or guard dog being used by a law enforcement officer or a bona fide professional security guard while in the performance of official duties or professional responsibilities;
- (2) A dog being used in a lawful hunt;
- (3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under control of its owner, and the damage or injury was to a species or a type domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who at the time of the injury, was tormenting, abusing, or cruelly treating the dog, or had tormented, abused, or cruelly treated the dog, or was committing or attempting to commit a crime.

(Ord. of 6-17-2013(1))

Sec. 3-32. - Reporting requirements.

- (a) *Reporting required.* An owner of a dog that has attacked or bitten a person or domestic animal, a victim of an attack or biting by a dog, the owner of any domestic animal that has been attacked or bitten by a dog, any person witnessing such an attack or biting, a veterinarian treating a domestic animal for such an attack or biting, or a health care professional treating a person for such an attack or biting, shall report the following events to the ~~animal control~~Animal Services department within three business days after the event has occurred:

- (1) Any attack or biting by a dog upon any person or domestic animal; or
- (2) The transfer, gift, sale or other conveyance of ownership or possession of a dangerous or potentially dangerous dog, its confinement in a veterinary facility, its removal from the territorial jurisdiction of the county, or its death.

- (b) *Report data required.* The data required in the report and the format thereof shall be as set forth in administrative procedures established by the ~~animal control~~Animal Services director.

(Ord. of 6-17-2013(1))

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<http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

Sec. 3-33. - Determination that a dog is potentially dangerous; appeals.

- (a) *Generally.* Upon receipt of a report submitted in accordance with section 3-32, or upon the receipt of any other complaint, or when he has reasonable suspicion that a dog is potentially dangerous, the director or his designee shall make a determination whether or not such dog is a potentially dangerous dog. Any determination that a dog is potentially dangerous shall be made in a writing stating the facts relied upon by the director to make his determination. The written declaration shall be personally delivered to the owner of the subject dog or shall be mailed by certified mail, return receipt requested, to the owner. If the determination is made that the subject dog is potentially dangerous, the written determination shall order compliance with the appropriate provisions of this article and the director may impose reasonable conditions to maintain the public health and safety. The director may pursue such other civil or criminal penalties and remedies as authorized by this chapter or state law.
- (b) [*Determination by director.*] If, at any time after the receipt of any report or complaint made pursuant to section 3-32, the director determines that the conditions under which the subject dog is being kept or confined do not adequately protect the public health or safety, the director shall require that the subject dog be impounded at the department's shelter until completion of the investigation and any appeal of the decision of the director.
- (c) *Appeals from determinations.*
- (1) The owner of any dog determined by the director to be potentially dangerous may appeal the decision of the director to the appeal board within three business days of receiving notice of the determination. Appeal to the appeal board may be taken by filing written objections to the director's determination with the clerk for the appeal board.
- (2) The appeal board shall schedule and hear such appeal within ten days of the filing of the written objections or at such later time as the appellant consents.
- (3) The vote of the appeal board shall be taken, and the announcement of its decision shall be made, in an open public meeting. A written statement of the decision of the appeal board shall be delivered to the director and the appellant. The notice shall be sent by certified mail, return receipt requested, and filed concurrently with the director and the Cumberland County Attorney.
- (d) [*Conduct of appeal.*] An appeal hearing before the appeal board shall be conducted as follows:
- (1) The hearing shall be subject to the open meetings law, and the required notice shall be posted and given as applicable;
- (2) The chairperson of the appeal board shall preside at the hearing;
- (3) The director shall be represented by the county attorney;
- (4) The county attorney shall present the director's case;
- (5) The appellant may be represented by an attorney;
- (6) The director and the appellant may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;
- (7) The chairperson of the appeal board shall rule on the admissibility of any evidence and on any procedural issues that might arise;
- (8) The director and the appellant shall be entitled to cross-examine any witnesses;
- (9) The hearing shall be quasi-judicial in nature and all testimony shall be under oath;
- (10) The appellant shall be entitled to obtain a transcript of the proceeding at his own cost;
- (11) The appeal board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.
- (e) [*Purpose of appeal.*] The purpose of the hearing before the appeal board shall be to determine whether or not the determination of the director is in the best interests of the public health, safety and welfare.
- (f) [*Function of appeal board.*] The function of the appeal board shall be to affirm, reverse, or modify the determination of the director which has been appealed. Any conditions imposed by the appeal board shall be reasonable, relevant to the issues in the matter, and have the effect of promoting the public health, safety and welfare.
- (g) [*Hearing.*] The hearing shall be administrative in nature and the decision of the appeal board shall be final.

(Ord. of 6-17-2013(1))

Sec. 3-34. - Registration required.

- (a) *Generally.* Any person owning a dangerous dog as defined by this chapter or Chapter 67 of the General Statutes shall register such dog with the ~~animal control~~Animal Services department within five days of such event which established the dog to be dangerous or may, in lieu of any hearing, register

such dog voluntarily, which shall constitute an admission and final determination that the dog is dangerous.

- (b) *Permanent identification mark required.* Each dog registered pursuant to this section shall be assigned a registration number by the ~~animal-control~~Animal Services department, which shall be affixed to the dog by permanent chip implant, at the expense of its owner. No person shall remove such identification once it is assigned and affixed.

(Ord. of 6-17-2013(1))

Sec. 3-35. - Permit required.

- (a) *Generally.* After registration of a dangerous dog or after a final determination that such dog is potentially dangerous in accordance with this chapter or Chapter 67 of the General Statutes, no person shall own such dog thereafter within the territorial jurisdiction of this chapter without applying for and obtaining a permit from the ~~animal-control~~Animal Services department.
- (b) *Issuance of permit.* The ~~animal-control~~Animal Services department shall issue a permit for a dangerous dog only upon submission of a complete, verified application, payment of the permit fee and a finding by the director or his designee that:
- (1) The required conditions for keeping and housing the dog and other public health and safety protective measures are in effect; and
 - (2) The dog for which a permit is issued does not pose an unreasonable threat to the public health, safety and general welfare if the owner shall comply with the provisions of this article and the conditions of the permit.
- (c) [*Condition of issuance.*] Issuance of a permit shall be conditioned on continued compliance with the provisions of this article and other provisions of state law, on continued compliance with and maintenance of the conditions for housing the dog and public safety set forth in the permit, and any special conditions the director may deem reasonably necessary to protect the public health, safety and welfare in view of the particular circumstances and history of the dog for which the permit is issued.
- ~~(d) *Temporary permits.* Following the registration of a dangerous dog or the impoundment of a dog declared to be potentially dangerous, upon application therefor and for good cause, the director may issue a temporary permit allowing the owner of a registered dangerous dog or a dog declared to be potentially dangerous to retain possession of such dog or to confine such dog at a veterinary facility or kennel approved by the director. The director may also issue a temporary permit to allow the transport of a dangerous or potentially dangerous dog from the territorial jurisdiction of this chapter. A temporary permit shall be issued subject to the same conditions to which a regular permit is subject and to any other conditions the director may deem necessary to protect the public health, safety and welfare consistent with the provisions of this article. A temporary permit shall be valid only until the earlier of its expiration, revocation or the issuance or denial of a permit under the provisions of this section.~~
- (e) *Term of permits and renewal thereof.* No permit shall be issued under this section for a term of more than three years but may, in the director's discretion, be issued for a shorter period. Permits must be renewed, subject to the same terms and conditions required for initial permits.
- (f) *Revocation of permits.* The director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, revoke any permit or any portion thereof. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this article or with any term, condition or provision of a permit.
- (g) *Inspections.* The director shall cause periodic inspections to be made of the premises of the owner of a permitted dangerous or potentially dangerous dog to assure compliance with the provisions of this article and the applicable permit.
- (h) *Insurance.* Every person owning a dangerous dog, as determined in accordance with this article or Chapter 67 of the General Statutes, shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be \$50,000.00 for personal injury or property damage, per occurrence. Such owner shall cause a certificate or declaration of insurance to be furnished to the director annually. Every day that the required insurance is not in full force and effect shall constitute a violation of this article.

(Ord. of 6-17-2013(1); Ord. of 5-4-2015(1))

Sec. 3-36. - Regulation of dangerous dogs; security and restraint requirements.

No person shall own a dangerous dog except in compliance with all provisions of this article, including the following regulations:

- (1) While on the real property of its owner, such dog shall be kept, secured and restrained as follows:

- a. In a building with doors, windows and other exits securely fastened shut and under the supervision and control of a responsible, capable adult person; or
 - b. Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children; or
 - c. While outside a building or enclosure described above, securely leashed with a leash no longer than four feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (2) Such dog shall only be removed from the real property of its owner as follows:
- a. For transportation to and from a veterinarian or the department's shelter; or
 - b. For its permanent removal from the territorial jurisdiction of this chapter; or
 - c. To provide bona fide exercise necessary for its continued good health.
- (3) While off its owner's real property, such dog shall be securely leashed with a leash no longer than four feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (4) Notwithstanding the foregoing, no person shall own a dangerous dog that has killed a person, except in the care and custody of a veterinarian for the purposes of treatment or quarantine; or in the custody of the department's shelter pending disposition in accordance with the provisions of this chapter, the department's policies, or the order of any court.
- (5) Signage. The owner of a dangerous dog shall erect a sign with dimensions of at least two feet x two feet on the enclosure housing such dog which shall read:

BEWARE OF DOG
THIS DOG IS DANGEROUS
STAY AWAY!

(Ord. of 6-17-2013(1))

Sec. 3-37. - Impoundment of dangerous dogs.

- (a) *Apprehension and surrender.* Upon an initial determination of a dog as potentially dangerous or upon registration of a dog to be dangerous, or if the director has reasonable suspicion to believe that a dangerous, or potentially dangerous dog is being kept or harbored within the territorial jurisdiction of this chapter in violation of it or of a permit issued hereunder, ~~animal control~~Animal Services officers and law enforcement officers of Cumberland County and of any municipality subject to this chapter shall impound such dog. It shall be a violation of this article to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the department's shelter.
- (b) *Surrender.* Hiding, removing or failing to surrender a dangerous or potentially dangerous dog, or impeding any investigation concerning the same, shall be a violation of this article.
- (c) *Confinement.* A dog impounded by or surrendered to an ~~animal control~~Animal Services officer or law enforcement officer as provided herein shall be confined in the department's shelter or, upon request of the owner hereunder, and at such person's expense, at a private veterinary facility or kennel approved by the director, subject to the following conditions:
 - (1) *Costs of impoundment.* Impoundment shall be at the expense of the owner of the dog. Costs of impoundment at the department's shelter shall be paid by the person liable therefore at the daily rate. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall Cumberland County or any municipality subject to this chapter be liable for or pay for impoundment at such private facility or kennel.
 - (2) *Release from impoundment.* No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance of a permit or temporary permit allowing such release. No such dog shall be released from the department's shelter until costs of confinement of such dog, any registration and permit fees for such dog, and any civil penalties assessed in connection with such dog have been paid in full.
 - (3) *Disposition of unclaimed or abandoned dogs.* The following dogs impounded at the department's shelter pursuant to this article shall be deemed abandoned and shall be disposed of in accordance with the provisions of this chapter and the rules and regulations of the department:
 - a. Any dog which remains unclaimed by its owner for a period more than ten days or a period of lawful quarantine, whichever is longer; and
 - b. Any dog claimed by its owner which is confined for a period in excess of ten days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a

permit or temporary permit; provided, however, the director shall extend such time upon a showing of justifiable delay in such action by the owner.

(Ord. of 6-17-2013(1))

Sec. 3-38. - Violations, penalties and other remedies.

- (a) *Violations.* Each act or conduct prohibited by this article and each failure to comply with a mandatory provision hereby and each day's continuing failure to comply shall constitute a separate and distinct offense.
- (b) *State law violations.*
 - (1) Nothing in this chapter shall be constructed to prevent an ~~animal control~~Animal Services officer or any other person from pursuing remedies under Chapter 67, Article 1A, of the North Carolina General Statutes.
 - (2) The director or his designee is designated as the person responsible for making the determination required under G.S. 67-4.1(c). In making such determinations, the director or his designee shall follow the procedure set forth in this article.
 - (3) The dangerous dog appeal board is designated as the appellate board to hear appeals of determinations made pursuant to G.S. 67-4.1(c).

(Ord. of 6-17-2013(1))

Sec. 3-39. - Administrative provisions.

- (a) *Responsibility.* The director shall administer and enforce this article and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- (b) *Authority to enter upon premises.* ~~Animal control~~Animal Services officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings, any part of the curtilage thereof, or any yard or other enclosure to:
 - (1) Conduct any investigation of a dog alleged or suspected of being potentially dangerous or dangerous; or
 - (2) Apprehend a dog determined to be potentially dangerous or dangerous or as to which there is reasonable suspicion to believe is potentially dangerous or dangerous; or
 - (3) Investigate any violation of this article; or
 - (4) Serve a citation upon a person for violation of this article.
- (c) Notwithstanding the foregoing, an ~~animal control~~Animal Services officer shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2, or otherwise as authorized by law.
- (d) *Authority to immobilize or kill a dangerous or potentially dangerous dog.*
 - (1) If in the course of investigating, apprehending or otherwise taking custody of a potentially dangerous or dangerous dog, or a dog as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, such dog is not securely restrained and an ~~animal control~~Animal Services officer or a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.
 - (2) If a potentially dangerous or dangerous dog impounded in the department's shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, the department shall render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the department may humanely dispose of said dog.
 - (3) The ~~animal control~~Animal Services department may humanely dispose of any dog being investigated under the provisions of this article at the request of or with the consent of its owner.

(Ord. of 6-17-2013(1))

ARTICLE IV. - RABIES CONTROL AND ANIMAL BITES

Sec. 3-40. - Rabies control.

- (a) *Enforcement authority.* The ~~animal control~~Animal Services director and the Cumberland County Health Director are authorized to enforce the rabies control provisions in Part 6 of Chapter 130A of the

North Carolina General Statutes and are further authorized to implement any reasonable administrative procedures necessary to enforce this state law locally.

- (b) *Impoundment term.* The impoundment period for animals held pursuant to this section shall be 72 hours, excluding Sundays and legal holidays.
- (c) *Compliance with rabies law.* It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- (d) *Provisions supplementary to state law.* It is the purpose of this section to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by the state law.
- (e) *Vaccination required.* It shall be unlawful for an owner or keeper to fail to provide proof of current vaccination against rabies (~~hydrophobia~~) for any dog, cat or ferret four months of age or older. Should the county health director deem it necessary that other pets be vaccinated in order to prevent a threatened rabies epidemic or control an existing rabies epidemic, it shall be unlawful for an owner or keeper to fail to provide vaccination for that pet.
- (f) *Vaccination schedule.* A rabies vaccination shall be deemed current for a dog, cat or ferret if the first two doses of vaccine are administered 12 months apart and each subsequent booster dose of vaccine is administered according to the manufacturer's recommended schedule.
- (g) *Persons to administer; issuance of a certificate.* All rabies vaccines shall be administered by a licensed veterinarian, a registered veterinary technician under the direct supervision of a licensed veterinarian, or a certified rabies vaccinator. A person who administers a rabies vaccine shall complete a rabies vaccination certificate in such form as is approved by the ~~animal control~~Animal Services director pursuant to the regulations of the Commission for Public Health. An original rabies vaccination certificate shall be given to the owner of the animal that receives the rabies vaccine. A copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. A copy shall also sent to Animal Services. ~~be given to the animal control director.~~
- (h) *Owner or keeper to be issued rabies tag.* Upon vaccination pursuant to this section, the owner or keeper of the dog, cat or ferret that has been vaccinated shall be issued a rabies tag stamped with a number and the yard for which issued and a rabies vaccination certificate.
- (i) *Unlawful for dog, cat or ferret not to wear rabies tag.* It shall be unlawful for any dog, cat or ferret owner or keeper to fail to provide the dog, cat or ferret with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with the attached tag, must be worn at all times the animal is off its owner's property.
- (j) *Untagged dog, cat or ferret subject to impoundment.* In addition to all other penalties prescribed by law, a dog, cat or ferret may immediately be impounded in accordance with the provisions of this section if it is found off its owner's or keeper's property not wearing a currently valid rabies tag.
- (k) *Unlawful to switch rabies tag.* It shall be unlawful for any person to use for any animal a rabies vaccination tag or certificate issued for an animal other than the one assigned the tag or certificate.
- (l) *Dogs, cats or ferrets brought into county.* All dogs, cats or ferrets shipped or otherwise brought into the territorial jurisdiction of this chapter, except for exhibition purposes where the dogs, cats or ferrets are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry, and shall remain confined for two additional weeks after vaccination, unless accompanied by a certificate issued by a licensed veterinarian showing the dog, cat or ferret is apparently free from rabies and has not been exposed to rabies and that the dog or cat has received a proper dose of rabies vaccine not more than six months prior to the date of issuing the certificate.
- (m) *Animals exposed to rabies.*
 - (1) If the ~~animal control~~Animal Services director determines that an animal has not ever been vaccinated against rabies or received its only rabies vaccine less than at least 28 days prior to being exposed to rabies from a suspected rabid animal, the animal shall be immediately euthanized unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of ~~four~~six months at the owner's or keeper's expense.
 - (2) If the ~~animal control~~Animal Services director determines that an animal with a current rabies vaccination or proof of previous rabies vaccination that has since expired has been exposed to rabies from a suspected rabid animal, it shall be revaccinated and returned to the owner or keeper who shall be responsible for the cost of the rabies vaccination. The owner or keeper is required to monitor the health of the animal for 45 days and report any illness to Animal Services.
- (n) *Health director may declare quarantine.* When reports indicate a positive diagnosis of rabies, to the extent that the lives of persons are endangered, the county health director may declare a county-wide quarantine for such period of time as he deems necessary. Once such emergency quarantine is declared, no dog, cat or ferret may be taken or shipped from the county without written permission of the county health director. During such quarantine, the county health director, the ~~animal control~~Animal Services director, law enforcement officers, or other persons duly authorized by the county health director or ~~animal control~~Animal Services director may seize and impound any dog, cat or ferret running at large in the county. During the quarantine period, the county health director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county. If additional

confirmed cases of rabies occur during the quarantine period, the county health director in his discretion may extend the quarantine period.

- (o) *Carcass to be surrendered to ~~health~~Animal Services department.* The carcass of any animal suspected of dying of rabies, or dying while under observation for rabies, shall be submitted to the ~~county health~~Animal Services department for the implementation of appropriate diagnostic procedures as advised by the NC Department of Health and Human Services Public Health Veterinarians.
- (p) *Unlawful to kill or release animal under observation.* It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal under observation for biting a human, or to remove such animal from the county without written permission from the county health director, provided that a licensed veterinarian or the county health director or other person duly authorized by the county health director may authorize any animal to be killed for rabies diagnosis.
- (q) *Unlawful to fail to surrender animal.* It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this article, when demand is made therefore by the county health director, the ~~animal control~~Animal Services director or any law enforcement officer.
- (r) *Unlawful to fail to provide proof of vaccination.* It shall be unlawful for any person to fail or refuse to provide proof of rabies vaccination for any animal that they own or control when request is made therefore by the ~~animal control~~Animal Services director or his designee, the county health director or his designee, or any sworn law enforcement officer.
- (s) *Animals subject to impoundment.* Any animal which appears to be lost, stray, unwanted, ~~not wearing a currently valid tax tag or a currently valid rabies vaccination tag as required by state law or this section~~, or not under restraint in violation of this chapter, may be seized, impounded and confined in a humane manner in the department's shelter. Any dog or cat that has bitten or scratched a human must be quarantined for ten days from the date of the bite or scratch, either at the home of its owner or keeper, if an ~~animal control~~Animal Services officer determines that the public health and safety shall be reasonably maintained by such quarantine, or otherwise in the department's shelter or in a veterinary hospital at such owner's or keeper's expense. If such dog, cat or ferret is quarantined at the home of its owner or keeper and escapes, any ~~animal control~~Animal Services officer shall impound such dog, cat or ferret at the department's shelter for ten days from the date of the bite or scratch.
- (t) *Owner liable.* Impoundment of such animal shall not relieve the owner/keeper thereof from any penalty which may be imposed for violation of this section.
- (u) *[Disposition of infected animals.]* The County Health Director shall direct the disposition of any animal found to be infected with rabies.

(Ord. of 6-17-2013(1))

Sec. 3-41. - Reports of bite cases; report by veterinarian.

- (a) Every physician, veterinarian or health care provider shall report to the ~~animal control~~Animal Services director the names and addresses of persons treated for bites and scratches inflicted by animals that break the skin, together with such other information as will be helpful in rabies control.
- (b) Every licensed veterinarian shall report to the ~~animal control~~Animal Services director his diagnosis of any animal observed by him to be a suspect rabid animal.

(Ord. of 6-17-2013(1))

Sec. 3-42. - Records.

The ~~animal control~~Animal Services director shall keep or cause to be kept:

- (1) An accurate and detailed record of the licensing, impounding and disposition of all live animals, fowl and domestic birds coming into his custody and any dead dogs or cats picked up that possess rabies tags or county license; and
- (2) An accurate and detailed record of all bite cases reported to him, with a complete report of the investigation or disposition of each case.

(Ord. of 6-17-2013(1))

Sec. 3-43. - Interference.

No person shall interfere with, hinder, delay or obstruct any ~~animal control~~Animal Services officer or authorized representative of the county in the performance of any duty under this article or seek to release any animal in the custody of the ~~animal control~~Animal Services department or its shelter impounded pursuant to this article, except as provided by law.

(Ord. of 6-17-2013(1))

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Secs. 3-44—3-49. - Reserved.

~~ARTICLE V. LICENSING OF DOGS AND CATS~~

~~Sec. 3-50. License for dogs and cats.~~

- ~~(a) It shall be unlawful for any person to own, possess or have under his control any dogs or cats, or any combination thereof, over four months of age, without obtaining an annual privilege license for each such animal from the veterinarian administering the rabies vaccination for the animal or the Cumberland County Animal Control Department, as provided in this article.~~
- ~~(b) The annual privilege license shall be assigned the same number as the rabies vaccination certificate for each animal and shall be registered with the animal control department at the time of each annual rabies vaccination for the animal. The annual privilege license fee shall be paid to the animal control department at the time of each rabies vaccination. For rabies vaccinations of three years' duration, the annual privilege license fee shall be due on the annual anniversary date of the vaccination. It shall be the responsibility of the animal control department to notify owners with privilege license fees due in the second and third year of a three-year rabies vaccine.~~
- ~~(c) All veterinarians administering rabies vaccinations shall issue the privilege license and collect the privilege license fee at the time of the vaccination and remit the registration and fee to the Cumberland County Animal Control Department with the rabies vaccination certification in accordance with such procedures and using such forms as established by the animal control director from time to time. A participating veterinarian shall retain an administrative fee as established by the Cumberland County Board of Commissioners from time to time.~~
- ~~(d) The animal control director shall be responsible for the administration of the privilege licensing of dogs and cats and for the collection of all privilege license fees not collected and/or remitted by participating veterinarians.~~

~~(Ord. of 6-17-2013(1))~~

~~Sec. 3-51. Terms of license; exemption.~~

- ~~(a) The license issued under this article shall be renewed every year, upon proof of rabies vaccination.~~
- ~~(b) County residents who are 65 years of age or older may obtain a permanent license for up to three cats or dogs, or any combination thereof, at no cost; provided that this permanent license shall be limited to no more than three animals per household. County residents may obtain a permanent license at no cost for a bona fide seeing-eye or aid dog.~~

~~(Ord. of 6-17-2013(1))~~

~~Sec. 3-52. Issuance of records.~~

- ~~(a) The rabies vaccination tag shall constitute the privilege license tag for all dogs and cats registered for the privilege license and for which the privilege license fee has been paid. The tag shall be of durable material and shall be designed to be easily fastened or riveted to the animal's collar or harness. The tag number shall be registered with the animal control department.~~
- ~~(b) The animal control department shall maintain records of licensed dogs and cats and such records shall be open to public inspection.~~

~~(Ord. of 6-17-2013(1))~~

Sec. 3-53. - Fastening of tags to collar or harness.

Each person who owns or maintains a dog or cat that is primarily kept, kenneled or otherwise located in the county shall affix to such dog or cat the following identification:

- (1) A durable tag securely affixed to a collar or harness which is securely buckled or otherwise securely joined so that it cannot be removed unless unbuckled; the tag shall contain the name and address of the owner of the dog or cat or a number registered with the ~~animal control~~Animal Services department; or
- (2) An implanted ~~computer~~micro-chip capable of being scanned by a universal chip reader.

(Ord. of 6-17-2013(1))

~~Sec. 3-54. License fee in addition to other fees.~~

~~The privilege license fee shall be in an amount established by the Cumberland County Board of Commissioners from time to time and shall be in addition to any fee in the fee schedule adopted pursuant to this chapter.~~

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<http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

~~(Ord. of 6-17-2013(1))~~

~~Sec. 3-55. - Use of revenues collected from license fees.~~

~~The revenues collected for the licensing or adoption of dogs and cats shall be specifically expended for physical improvements to the animal shelter or the equipment of the animal control department, for the cost of administration and enforcement of this chapter, and for costs associated with public education programs and activities.~~

(Ord. of 6-17-2013(1))

Sec. 3-56. - Transfer of cats and dogs.

~~(a) When ownership of a dog or cat is transferred within the county's jurisdiction, the new owner will have 30 days to obtain a new privilege license for the animal.~~

(b) When ownership of a dog which has been declared dangerous or potentially dangerous under article III of this chapter is transferred within the county's jurisdiction, the previous owner shall within three business days notify the ~~animal control~~Animal Services department and provide the name and address of the new owner. The new owner shall:

- (1) Immediately register the dog with the ~~animal control~~Animal Services department; and
- (2) Ensure that the requirements of this chapter for maintaining a dangerous or potentially dangerous dog are complied with prior to the dog being relocated to the new owner's property.

(Ord. of 6-17-2013(1))

Sec. 3-57. - Non-applicability of article.

The provisions of this article shall not apply to cats or dogs in the custody of a veterinarian, or whose owners are nonresidents visiting in the county for a period not exceeding 30 consecutive days.

(Ord. of 6-17-2013(1))

Secs. 3-58, 3-59. - Reserved.

ARTICLE VI. - INJURED ANIMALS; ANIMAL MEDICAL STABILIZATION FUND

Sec. 3-60. - Control of injured animals; Animal Medical Fund stabilization fund.

(a) Any Animal Services ~~animal control~~ officer or law enforcement officer is authorized to take possession of any seriously injured ~~dog, cat, wildlife, livestock, bird or other~~ animal which ~~has suffered a painful and potentially mortal injury and which~~ is found in any location open or accessible to the public, any public or private vehicular right of way, or apparently off the property of its owner. ~~Any such animal which does not have a current rabies tag or identification tag shall be conclusively presumed abandoned for purposes of this article.~~

(b) Any Animal Services ~~animal control~~ officer or law enforcement officer finding any such animal shall make reasonable efforts to locate the owner of any such animal. ~~If the owner is promptly located, the owner shall immediately seek veterinary care of the animal or shall authorize such officer to humanely euthanize such animal.~~ If the owner cannot be promptly located or contacted, the ~~animal services control~~ officer or law enforcement officer is authorized, in his or her discretion, to humanely euthanize such animal in an emergency situation where safe, humane transport of the animal is not possible, or promptly transport such animal to a veterinarian ~~participating in the injured animal stabilization fund~~ for stabilization of such animal's injuries. Every owner of any animal so found shall conclusively be presumed to have irrevocably appointed any such officer, or veterinarian ~~participating in the injured animal stabilization fund~~, his or her authorized agent for any purposes under this article. Every such owner also shall be deemed to have released any officer, or veterinarian ~~participating in the injured animal stabilization fund~~, from any cause of action or claim arising out of or related to any action such officer or veterinarian may take under this article, except for actions which constitute gross negligence.

~~(c) Each animal control officer or law enforcement officer acting under this article shall within a reasonable time report to the animal control director the nature and extent of the injuries of each such animal and the disposition thereof. The animal control department shall maintain a record of the nature and extent of each such animal's injuries and of the disposition thereof.~~

~~(cd)~~ There is hereby established the Cumberland County Animal Medical Fund Injured Animal Stabilization Fund, to which contributions, grants, donations, or restitution may be made for the purpose of providing outside veterinary care for animals in the possession of Animal Services.. ~~reimbursing veterinarians agreeing to participate with the fund in stabilizing the injuries of injured animals transported to them for stabilization under this article.~~ The director may solicit or raise funds

for the fund. The fund shall be administered by a committee which shall include the Cumberland County Finance Officer or his or her designee and a veterinarian designated by the Cumberland County Animal Control Board. Funds shall be disbursed from the fund by the finance officer under guidelines established by the committee.

~~(de) The Animal Services Department shall maintain a record of the nature and extent of each such animal's injuries and of the disposition thereof. —Any animal control officer or law enforcement officer, or any veterinarian to which an injured animal may be transported under this article for stabilization of injuries, shall be deemed to be an authorized agent of and acting on behalf of Cumberland County and its animal control department pursuant to the authority of this article. Any such officer or veterinarian acting pursuant to this article shall be entitled to all the defenses, immunities and rights afforded by law or available to Cumberland County and its officers, employees or agents.~~

~~(f) —If any owner of an animal transported under this section to a veterinarian participating in the injured animal stabilization fund shall subsequently be identified by the animal control department, he or she shall make restitution to the fund of the amount disbursed by it to the participating veterinarian.~~

(Ord. of 6-17-2013(1))

Secs. 3-61—3-69. - Reserved.

ARTICLE VII. - MISCELLANEOUS

Sec. 3-70. - Keeping chickens or rabbits; sanitation requirements.

It shall be unlawful to keep, house or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Cumberland County Board of Health.

(Ord. of 6-17-2013(1))

Sec. 3-71. - Stables to be kept clean.

Every stable or other place where cattle, horses or animals are kept shall be maintained at all times in a clean and healthful condition.

(Ord. of 6-17-2013(1))

Sec. 3-72. - Grazing animals.

It shall be unlawful for any owner or keeper to stake or graze any cow, horse or other animal in any park, cemetery or other public place or near any public sidewalk. This section shall not apply to horses used by any law enforcement agency for mounted patrol.

(Ord. of 6-17-2013(1))

Sec. 3-73. - Disposition of dead animals.

The owner of any animal dying from any cause within the jurisdiction of the county shall cause the same to promptly be buried in a sanitary manner within 24 hours after such owner has knowledge of such death.

(Ord. of 6-17-2013(1))

Sec. 3-74. - Selling live animals in public rights of way and other public property prohibited.

It is unlawful to sell, auction, trade, barter, and display for commercial purposes or give away any live animal within the right of way of any public highway, commercial parking lot, garage sale, flea market, festival, park, community center, public vehicular area, public sidewalk, public property or street within Cumberland County. The ~~animal control~~Animal Services department may immediately take custody of and impound any live animals found ~~being sold~~ in violation of this section. This section shall not apply to any animal welfare organization or humane society qualified under section 501(c)(3) of the Internal Revenue Code and approved to remove animals from the Cumberland County Animal Shelter through their standard approval process.~~acting pursuant to a permit issued by the animal control director, which permit may be conditioned on reasonable conditions to assure the health, welfare and safety of the animals being sold, auctioned, traded, bartered, displayed or given away.~~

(Ord. of 6-17-2013(1))

Sec. 3-75. - Provisions only applicable within the corporate limits of any municipality in which this chapter is applied.

- (a) No hogs, pigs, swine, or animals of the porcine family shall be kept within the corporate limits of any municipality in which this chapter is applied.
- (b) No horse, mule, pony, cow, or goat shall be stabled or housed within 100 feet of any dwelling house, school, church, or eating establishment within the corporate limits of any municipality in which this chapter is applied.
- (c) ~~No roosters, and no~~ more than ten ~~female~~ chickens ~~(hens)~~ or rabbits shall be kept, housed, or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this chapter is applied.
- (e) No cow, horse, or other animal shall be tethered or permitted to graze or stand within 30 feet of any wall, or within 50 feet of the front door, of any residence within the corporate limits of any municipality in which this chapter is applied. This subsection shall not apply to horses used by any law enforcement agency for mounted patrol.
- (f) For the purpose of section 3-15 of this chapter, [the term] "nuisance" also includes the habitual accumulation of animal feces on the owner's property in locations or amounts that produce odors that can be perceived from adjoining properties, within the corporate limits of any municipality in which this chapter is applied.
- (g) For the purpose of section 3-36(5) of this chapter, the owner of a dangerous dog shall erect a sign with the dimensions provided in that section, unless municipal sign regulations provide more stringent requirements for such warning signs in terms of size, height, and placement, within the corporate limits of any municipality in which this chapter is applied.
- (h) For the purpose of section 3-70 of this chapter, it shall be unlawful to keep, house, or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Cumberland County Board of Health or the code enforcement department of any municipality within the corporate limits in which this chapter is applied.

(Ord. of 6-17-2013(1))

Secs. 3-76—3-79. - Reserved.

ARTICLE VIII. - ENFORCEMENT

Sec. 3-80. - Enforcement generally.

- (a) The primary responsibility for the enforcement of this chapter shall be vested in the ~~animal control~~Animal Services department.
- (b) Any person authorized to enforce this chapter may do so by issuing a notice of violation or civil penalty citation, or by applying to the General Court of Justice for a temporary restraining order, a preliminary injunction, a permanent injunction or an order to abate a nuisance, as may be appropriate in the circumstances.
- ~~(c) Upon information made known to or complaint lodged with the animal control department that any owner, possessor, or custodian of any dog or animal is in violation of this chapter, an animal control officer may investigate the complaint to determine whether to issue a notice of violation (civil citation) requiring the owner, possessor or custodian of the dog or animal to pay the stated civil penalty and abate the nuisance specified or whether to take such other enforcement action as may be authorized under this chapter.~~
- ~~(d) If the owner, possessor or custodian of any dog or animal is not known and the dog or animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or another's property without that property owner's permission, in violation of this chapter, the dog or animal shall be impounded in the animal shelter.~~
- ~~(ce)~~ Any decision of the ~~animal control~~Animal Services director or his designee to seize or impound any animal, other than a decision made pursuant to the provisions of article III, may be appealed to the ~~animal control~~Animal Services board for review and final decision upon the owner or keeper of such seized or impounded animal giving written notice of appeal within three business days of receiving notice of the director's decision. The ~~animal control~~Animal Services board shall afford the opportunity for a hearing to any person giving notice of appeal and shall conduct the hearing for the purpose of either affirming, reversing, or modifying the decision of the director.

(Ord. of 6-17-2013(1)) .

Sec. 3-81. - Penalties for violations.

- (a) Any violation of this chapter shall subject the offender to a civil penalty to be recovered by the ~~animal control~~Animal Services department in a civil action in the nature of a debt, to include the cost of abating

a public nuisance. Any costs of abatement and civil penalties shall be paid within seven days of issuance of a notice of violation. Each day's continuing violation shall be a separate and distinct offense.

- (b) A notice of violation shall specify the nature of the violation and the sections of this chapter violated, and further notify the offender that the civil penalty specified therein shall be paid to the ~~animal control~~Animal Services director at the animal shelter within seven days.
- (c) Unless otherwise provided in this chapter, the civil penalty for a violation of this chapter shall be \$100.00 for a first violation or for a violation more than 12 months after a previous violation. For subsequent violations within 12 months of a previous violation, the penalty shall be \$200.00 for a second violation and \$300.00 for a third or subsequent violation within a 12-month period of the first violation.
- (d) In addition to the civil penalties prescribed in this section, any violation of this chapter, also designated as chapter 3 of the Cumberland County Code, shall also constitute a Class 3 misdemeanor punishable by a fine or not more than \$200.00 and imprisonment of not more than 20 days.
- ~~(e) The penalty for a dog biting a human causing injury which requires professional medical or hospital treatment shall be \$500.00 for the first offense.~~

(Ord. of 6-17-2013(1); Ord. of 5-4-2015(1))

F. Text Amendment to Chapter 4, Article IV - Minimum Housing Code

BACKGROUND

The Planning and Inspections Department has received an application for appeal of a minimum housing order from our Code Enforcement staff. Per Chapter 4, Article IV of the County's Code of Ordinances, a citizen has the right to appeal the decision to the Housing Appeals Board of the County.

Upon review, the Housing Appeals Board is currently unfilled and non-operational. In an effort to streamline workflow, reduce administrative burden, and better focus energies of the appointed boards, staff is recommending a text amendment to the County Code of Ordinances to move the duties of the Housing Appeals Board to the County's Board of Adjustment.

Moving housing appeals to the Board of Adjustment has a number of benefits. The department receives these appeals very sporadically. Staff believes there is not enough workload to justify a separate board. Additionally, these appeal hearings are quasi-judicial in nature and based on findings. As the land use, quasi-judicial appeal body for the County, these housing appeal cases can very easily be assimilated into the Board of Adjustment's work plan.

Planning staff has reviewed the proposed action and text amendment with the County Attorney's office. The duties of the Board of Adjustment were modified as part of the recent 160D Zoning Ordinance adoption to begin accommodating this shift. However, in order to finalize the shift in duties, Section 4-70 of the County Code of Ordinances needs to be amended.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of Commissioners move this item forward to the May 17, 2021 Regular Meeting and approve the proposed text amendment after holding a public hearing on the item.

Text Amendment:

Chapter 4 – Buildings and Building Regulations

Article IV – Minimum Housing Code

Division 1. – Generally

Sec. 4-70. – Board of Adjustment to serve as Housing appeals board.

- ~~(a) There is hereby created a housing appeals board. The Cumberland County Board of Adjustment shall serve as the body to which appeals may be taken from decisions or orders of the public officer inspectors as provided in section 4-84. The board shall consist of five members to serve for three-year staggered terms. The board shall have power to elect its own officers; to fix the times and places of its meetings; to adopt necessary rules of procedure; and any other rules and regulations which may be necessary for the proper~~

~~discharge of its duties.~~ The board shall perform the duties prescribed by this division and shall keep an accurate record of all its proceedings.

~~(b) — The board of county commissioners shall appoint the five regular members of the housing appeals board for the terms specified above. The board of county commissioners shall also appoint five alternate members at large to serve on the housing appeals board in the absence of any regular member. Alternate members shall be appointed to serve three-year staggered terms. Each alternate member, while attending any regular or special meeting of the housing appeals board and serving in the absence of any regular member, as provided in the rules of procedure of such board, shall have and exercise all the powers and duties of any regular member absent from the meeting.~~

Rawls Howard, Planning and Inspections Director, presented the background information recorded above and stated the essence of the text amendment is that it will allow the Board of Adjustment to serve as the Housing Appeals Board for the county. Mr. Howard stated it is fairly common across the state to have the Board of Adjustment serve as the referee to work out differences. In response to a question from Commissioner Keefe, Mr. Howard explained the appeal process/timeline and stated the Board of Commissioners will still be the final step.

MOTION: Commissioner Lancaster moved to forward the text amendment to the May 17, 2021 regular meeting as a public hearing item.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

G. Commissioners' Meeting Room Update

BACKGROUND

At the April 8, 2021 Board of Commissioners' Agenda Session, a representative from the Wooten Company presented two meeting room concepts to the Board. After the presentation, the Board instructed staff to arrange visits with the architect to the Historic Courthouse for the Commissioners and to bring the item back for further discussion at the next Agenda Session. Wooten reached out to the Board and arranged a visit to the Historic Courthouse Courtroom on April 16, 2021 at which time the proposed meeting room concept was explained in greater detail. Two commissioners attended that meeting (Commissioners Keefe and Lancaster).

To recap, the Wooten Company has identified the following costs associated with the proposed renovation:

- Historic Courthouse Courtroom: \$2,573,000
- Cumberland County Courthouse - Rooms 118 & 119: \$2,235,500

The above cost estimate for the Historic Courthouse does not include:

- Elevator Modernization Costs (proposed in FY22 CIP at \$250,000)
- 2nd floor bathroom renovations and ADA up-fit
- Addition of an Executive Meeting Room
- Technology Infrastructure Improvements

If renovated, this will lead to significant plumbing upgrades and a major difference in the appearance of the Historic Courthouse from one floor to the next due to a major renovation of most of the second floor.

Attached to this memo is a proposal from the Wooten Company to complete an additional scope of work, determining the above costs associated with renovations at the Historic Courthouse, in the amount of \$4,775.00 and to be completed in 28 days after approval of the proposal.

The Engineering and Infrastructure Department is also in the process of distributing a Request for Qualifications (RFQ) for a General Government Services Building Space Utilization and Site Analysis Study focusing on the departments located in the Judge E. Maurice Braswell Courthouse, the old Highsmith-Rainey Hospital, and the Historic Courthouse. Funding for this study is included

in the FY21 Budget, but likely would not start until August or September if approved by the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

Staff is seeking guidance from the Board of Commissioners. Does the Board wish to move forward with the expanded scope of work for the Wooten Company regarding the Historic Courthouse as we begin the General Government Services Building Space Utilization and Site Analysis Study?

Jermaine Walker, Planning and Infrastructure Director, presented the background information recorded above that included a recap of the estimated costs identified by the Wooten Company. Mr. Walker referenced the proposal from the Wooten Company to provide professional services that expand the scope of their conceptual design associated with the meeting room at the Historic Courthouse. Items added to the Wooten Company's previous concept include: restoration of the balcony and the seating area under the balcony; accessible male and female restrooms at the new Commissioners' Room level; an Executive Session Room; and a complete modernization of the larger of the two elevators. Mr. Walker state technology and power systems infrastructure upgrades will also be needed to support the use of the courtroom at the Historic Courthouse. Mr. Walker stated staff are seeking guidance from the Board as to whether to move forward with the expanded scope of work for the Wooten Company.

Commissioner Keefe asked whether the elevators were already in the budget as part of the Capital Improvement Plan. Mr. Walker responded in the affirmative. Commissioner Keefe asked whether the Wooten Company was asking for \$4,775 to complete an additional scope of work. Mr. Walker responded in the affirmative and stated in addition to coming up with an adjusted cost and preliminary design.

In response to a request from Chairman Evans about the history of the Historic Courthouse. Sally Shutt, Assistant County Manager, stated State Archives and History scanned/put together a rather large digital file that spans back to when the building was created.

Commissioner Stewart asked whether the Historic Courthouse would be temporary move. Commissioner Keefe stated he thought the Historic Courthouse would be permanent. Ms. Cannon stated the options presented were to renovate either room 118 or the hearing room at the Historic Courthouse as a permanent meeting room. Chairman Evans asked what would be included in the General Government Services or administrative building. Ms. Cannon stated it expands beyond an administrative building and the goal would be to be more citizen friendly and have a General Government Services building that would bring services together to make more of a one-stop-shop.

Commissioner Keefe stated he sees a lot of advantages to being at the Historic Courthouse with one of the best being that the cost differential is minimal when broken down. Commissioner Keefe stated if a General Government Services Building is built and room 118 is renovated, the county may well be putting money into a building the county may not be using in the next couple of years. Commissioner Keefe stated putting money into the Historic Courthouse allows the Board of Commissioners to continue to have meetings in the room 118 while the renovations are underway at the Historic Courthouse and then the Board can seamlessly move over to the Historic Courthouse when the renovations are completed. Commissioner Keefe stated if the Board decides to renovate room 118, the Board will be displaced for nine to twelve months while it is being renovated. Commissioner Keefe stated the Historic Courthouse is a shining star that should be more accessible to the public.

Commissioner Keefe stated he would like to place on an agenda for discussion that the Board consider the Historic Courthouse as the Board of Commissioners new meeting room. Ms. Cannon asked Commissioner Keefe to clarify if he meant to have the matter placed on the May 17, 2021 agenda for the Board to declare the Historic Courthouse as the official meeting room and then move forward with the additional study by the Wooten Company. Commissioner Keefe stated his motion would be to authorize the \$4,775 for the additional scope but with Commissioners Adams and Boose not being present, it would be appropriate for them to have the opportunity to provide feedback. Commissioner Keefe asked Ms. Cannon whether she was looking for a decision soon.

Ms. Cannon stated staff were asked to bring this back and followed through with that. Ms. Cannon stated the timeline is up to the Board.

MOTION: Commissioner Keefe moved to approve the \$4,775 for the next step with the Wooten Company.
SECOND: Commissioner Lancaster
VOTE: PASSED (5-1) (Commissioners Lancaster, Keefe, Evans, and Stewart voted in favor; Commissioner Council voted in opposition.) (Commissioner Boose was not present.)

Commissioner Council stated her opposition is due to the fact that renovation of the Historic Courthouse will be an expensive undertaking, there needs to be more planning for the future and the Historic Courthouse is not it because the entire building is decrepit.

H. Renewal of a Lease Agreement with Easter Seals UCP of North Carolina and Virginia, Inc.

BACKGROUND

Easter Seals UCP of North Carolina and Virginia, Inc. provides support and services for children with intellectual developmental disabilities at the Dorothy Spainhour Center where specially trained teachers and therapists work with local clients and families. The lease agreement (copy attached with this memo) for this 12,310 square foot facility will expire June 30, 2021, and Easter Seals wishes to renew the lease for the same terms which primarily are as follows:

- 3-year term
- \$1 rent/year
- No security deposit required
- Lessee solely responsible for all utility costs
- Lessee solely responsible for all maintenance

RECOMMENDATION / PROPOSED ACTION

Staff requests this item be placed on the Consent Agenda for the May 17, 2021 Regular Meeting and recommends approval of 1) the initial resolution of intent to lease certain real property and 2) the required 30-day advertising as per N.C.G.S. 160A-272.

Tracy Jackson, Assistant County Manager, introduced Amanda Hurlburt, Easter Seals Dorothy Spainhour Center Director, and Cheryl Tuning, Easter Seals Chief Marketing Officer, who were in attendance. Mr. Jackson presented the background information recorded above and noted all damages from the January fire have been addressed and improvements have been made to the building.

Commissioner Keefe stated Easter Seals is a multi-million-dollar corporation and because it is Easter Seals, the county leases the property for \$1 a year while the county is paying rent in other places at standards of \$4 to \$9 a square foot; the Spainhour Center facility is a 13,000 square foot building contiguous to Fayetteville Technical Community College. Commissioner Keefe stated this particular Easter Seals group brought in \$85 million last year and spent \$3.5 million on facilities according to their Form 990. Commissioner Keefe stated it is within their budget to be reasonable and he would like to hear justification for leasing this valuable piece of property for \$1 a year.

Ms. Tuning stated although it does appear to make sense with \$83 million being brought in last year, 2020 was a tough year for fund raising, the Hull Road facility operates at a deficit, Easter Seals had taken great care of the building and has made improvements to the building and prior to COVID the facility was servicing 90 families. Ms. Tuning stated this is the only facility in the area that will take care of children and their families if they have a disability or are developmentally challenged without breaking up families. Ms. Tuning spoke to other advantages of services provided at the facility. Ms. Tuning and Ms. Hurlburt responded to questions that followed.

Commissioner Council asked whether FTCC had been contacted to see if they need the space. Ms. Cannon responded in the negative. Commissioner Council stated she also had concerns

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because county government, the school system and FTCC are hurting for space. Commissioner Council asked whether there might be a compromise to lease for one-year while the matter is further explored. Ms. Hulburt invited Commissioners to visit the facility, see first-hand the services that will go away and speak with families while this is being considered. Ms. Hurlburt stated if Easter Seals is told that the lease will be for only one year, she really has no choice other than to accept. Additional questions and discussion followed.

MOTION: Commissioner Council moved to approve a one-year lease for \$1.

The motion died due to the lack of a second.

MOTION: Commissioner Evans moved to continue leasing to Easter Seals for \$1 per year under the current lease terms for three-years.

SECOND: Commissioner Lancaster

VOTE: PASSED (4-2) (Commissioners Lancaster, Evans and Stewart voted in favor; Commissioners Council and Keefe voted in opposition) (Commissioner Boose was not present.)

I. Renewal of a Lease Agreement with Cumberland County Communicare, Inc.

BACKGROUND

Cumberland County Communicare, Inc., a local not-for-profit agency that assists people in overcoming mental health problems, substance abuse/chemical dependency, and the trauma of sexual victimization and abuse, wishes to enter into a lease agreement with Cumberland County for 13,994 square feet of office space located at 109 Bradford Avenue in Fayetteville. This agreement contains terms that mirror the prior agreement (attached) between Communicare and Cumberland County and will take the place of that agreement which will expire June 30, 2021. The agreement also continues to recognize the in-kind services that Communicare provides to the County. The rent is proposed at an annual rate of \$41,308 and will be for a three-year term.

RECOMMENDATION / PROPOSED ACTION

Staff requests this item be placed on the Consent Agenda for the May 17, 2021 Regular Meeting and recommends approval of 1) the initial resolution of intent to lease certain real property and 2) the required 30- day advertising as per N.C.G.S. 160A-272.

Mr. Jackson presented the background information and recommendation/proposed action recorded above. Commissioner Keefe stated he would support this lease renewal but wanted to point out the inconsistencies in the county's leases. Chairman Evans stated inconsistencies in the leases may be a future agenda item.

MOTION: Commissioner Keefe move to approve the lease renewal with Cumberland County Communicare, Inc.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

J. Professional Services Agreement with Innovative Emergency Management to Administer the Emergency Rental Assistance Program

BACKGROUND

Cumberland County and the City of Fayetteville issued a joint Request for Proposal (RFP) to seek a qualified firm to administer the Emergency Rental Assistance Program (ERAP) in accordance with the scope of services outlined in Exhibit I and Exhibit II of the agreement attached.

With the County and City using the same firm to administer the program, this will allow residents to apply for assistance through a single application system. Using the same firm will ensure the County achieves the following goals:

- Residents will have a less complex and stressful application process;

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- Residents will not have to determine the jurisdiction they live in prior to applying for assistance; Assistance is provided to the residents in a timely manner;
- The program is managed by a firm that has the capacity and experience; and
- Funds are obligated by the deadline established by the U.S. Department of Treasury.

Five proposals were received in response to the RFP. The selection committee, which consisted of three City employees and three County employees, reviewed all proposals and selected the most responsible bidder. Innovative Emergency Management (IEM) Inc. has agreed to administer the program for the County for 8% of the total amount of program funds. The estimated total amount of program funds is \$3,735,545.

The City has proceeded to contract with IEM. Cumberland County Community Development Department desires to enter into an agreement with IEM with the term beginning May 18, 2021 ending December 31, 2021.

RECOMMENDATION / PROPOSED ACTION

Cumberland County Community Development Department recommends and requests that the Board of Commissioners approve the professional agreement with IEM as per the attached Professional Services Agreement.

Dee Taylor, Community Development Director, stated Cumberland County was awarded \$3.7M from the U. S. Department of Treasury to administer the Emergency Rental Assistance Program with the purpose being to provide financial assistance in the form of rent, utilities, etc. to eligible households that have suffered some type of financial hardship and housing instability. Mr. Taylor presented the background information recorded above and stated Innovative Emergency Management (IEM) Inc. has agreed to administer the program for the County for 8% of the total amount of program funds. Ms. Taylor stated the purpose of having an administrator for the program is to ensure a smooth application process and timely obligation of the funds. Ms. Taylor stated staff recommendation is to approve the professional services agreement with IEM for the terms outlined in the agreement.

MOTION: Commissioner Lancaster moved to forward this item to the May 17, 2021 meeting.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

K. Funding Agreement with Kingdom Community Development Corporation

BACKGROUND

At the Board of Commissioners meeting held on February 15, 2021, the Board approved a funding agreement with Kingdom Community Development Corporation for the organization to use Community Development funds for land acquisition, site clearance, and infrastructure and improvements on eight lots as part of a multi- phased affordable housing development project. The site is located on Elizabeth Street and Lee Street in Spring Lake. Kingdom Community Development Corporation is expected to complete this phase of the development and is preparing for Phase II which will involve construction of four single-family units.

As required by the U.S. Department of Housing and Urban Development (HUD), Cumberland County Community Development has set aside at least 15 percent of its HOME Investment Partnerships Program (HOME) allocation for specific projects to be undertaken by a private nonprofit, community-based organization called a Community Housing Development Organization (CHDO). The CHDO must meet certain requirements such as: maintaining a certain legal status, organizational structure, and capacity and experience. Kingdom Community Development Corporation has served as the CHDO for Cumberland County for many years and has been involved in expanding new affordable housing for both homebuyers and renters.

Community Development desires to enter into an agreement with Kingdom Community Development Corporation to construct the affordable housing units. Community Development funds in the amount up to \$500,000 are available for construction (Phase II) of this project. Once

completed, the project will serve households with an income at or below 80% of the area median income.

RECOMMENDATION / PROPOSED ACTION

Community Development Staff recommends and requests that the following item be placed on the May 17th Board of Commissioners agenda as a consent item:

Approve the funding agreement with Kingdom Community Development Corporation in the amount not to exceed \$500,000.

Ms. Taylor presented the background information and recommendation/proposed action recorded above. Ms. Taylor stated Kingdom Community Development Corporation is ready to move forward with the development of five single family homes; HOME Investment Partnerships Program (HOME) funds will be used for construction of four of the units and Kingdom will use their resources to leverage the cost for the remaining unit. Ms. Taylor stated the project is funded because it meets the goal outlined in the Five-Year Strategic Plan to expand affordable housing opportunities for potential low-income homebuyers.

MOTION: Commissioner Council moved to approve staff's recommendation.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

5. OTHER ITEMS

A. City/County Liaison Committee Update

BACKGROUND

The Fayetteville-Cumberland County Liaison Committee met April 16, 2021. The City is represented by Mayor Mitch Colvin, Mayor Pro-Tem Kathy Jensen and Councilmember Tisha Waddell. Cumberland County is represented by Chairman Charles Evans, Vice Chairman Glenn Adams and Commissioner Toni Stewart. Vice Chairman Adams serves as the liaison committee chair.

The following topics and actions were discussed:

- Homeless Day Center. The City's Interim Community Development Director, Chris Cauley, will provide the Board of Commissioners a presentation on the proposed day center at the May 13 Agenda Session. At a later date, a visit to Oak City Cares in Raleigh will be scheduled for County officials.
- The liaison committee will begin meeting monthly to address mutual issues such as COVID relief federal funding (American Rescue Plan and Emergency Rental Assistance).
- Deputy Health Director Ashley Curtice provided a COVID-19 update and discussed the low number of young people being vaccinated. City officials suggested contacting the Millennial Council and the Fayetteville Cumberland Youth Council as part of marketing efforts.
- Justin Hembree, Executive Director of Mid Carolina Council of Governments, presented information about the upcoming transfer of Workforce Development to the COG.
- Installation of Sidewalk at the North Regional Branch Library
- Lowering the speed on Country Club Drive and increased traffic on Andrews Road due to new construction.
- Drainage issue at Headquarters Library.
- Consideration of a joint city/county resolution to Cumberland County's N.C. General Assembly delegation seeking funding for a city and countywide water and sewer study.
- Joint City/County anti-litter campaign.

RECOMMENDATION / PROPOSED ACTION

For information purposes only.

Ms. Cannon stated Vice Chairman Adams, who chairs the Fayetteville-Cumberland Liaison Committee, asked her to provide the update in his absence. Ms. Cannon presented the background information recorded above.

B. Headquarters Library Storm Drainage and Parking Lot Repairs Update

BACKGROUND

The Cumberland County Headquarters Library parking lot on Maiden Lane has been experiencing damage due to slope failures adjacent to Cross Creek. An area of significant failure has occurred around an 18" storm drainage pipe that effluents on to the bank next to Cross Creek. A wash out of this area occurred during Hurricane Matthew, was repaired, and experienced failure again during Hurricane Florence resulting in the slope being undermined and leading to a failure of the adjacent parking lot. The banks in the vicinity of the Library are not stable and appear to be eroding at the toe of the slope due to the nature of the creek alignment. A combination of high flow situations associated with hurricane and tropical storm events have resulted in the banks eroding.

The City of Fayetteville intends to cap off the existing storm drainage line running from Maiden Lane under the Library parking lot and reroute the stormwater to another location. This will allow the existing storm line under the Library parking lot to be taken out of service and thus allow for the stabilization and restoration of the slope and repair of the parking lot.

Moorman, Kizer & Reitzel, Incorporated (MKR) will perform the construction management work under the Board approved "On-Call List" for engineering services under the attached proposal for \$37,200. MKR has provided an initial cost estimate of \$168,000 for the actual construction and repair of the slope and parking lot.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

Mr. Walker presented the background information recorded above and reviewed a slide modeling Burgess Street, Maiden Lane and the Headquarters Library. Mr. Walker stated the project should be completed no later than April 2022.

C. Grants Manager Position

BACKGROUND

Based on feedback from the Board during the April agenda session, the Management Team has decided to relocate Grants Manager Chrysoula Bantsolas to the County Manager's office. Starting May 17, 2021 Chrysoula will report directly to Assistant County Manager Wright-Lanier.

It is our belief that moving Ms. Bantsolas under Angel's supervision will allow Angel to work more closely with her. Our hope is that this move will streamline communications and help us lay the groundwork to allow us to successfully seek and win grants.

As was mentioned during the April agenda session, setting up a grants management line of business takes time, but we can assure you that we will move as quickly as possible to implement the infrastructure necessary to allow our efforts to reap rewards.

If there are any questions about this new arrangement, please feel free to email or call me.

RECOMMENDATION / PROPOSED ACTION

For informational purposes only.

In the absence of Assistant County Manager Angel Wright-Lanier, Ms. Cannon presented the background information recorded above and the following PowerPoint presentation for information on the grants manager position and the process towards grants management infrastructure.

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page

<http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

Grants Manager Update

- Starting May 17, Chrysoula Bantsolas will report directly to ACM Wright-Lanier
- The shift will streamline communication between Angel and Soula.
- Setting up the grants line of business takes time, but we are off to a good start.

Next Steps

- Updating the Grant Manager's job description, finalize with the next week.
- Soula will move to the CMO's suite.
- Update grants management policies and procedures.

The Work Begins

- Angel and Soula have already started to work together.
- Souls coordinated a session for staff with our lobbyists; Ron Hamm and Leslie Mozingo provided an overview of their services.
- Angel and Soula worked to bring Diane Leonard, a grant writing consultant, to the Count for grant writing basics training on May.
- The training was well received by staff with 22 staff members attending.

Ready, Set, Go!

- An intermediate grant training course will be presented for staff.
- Schedule a meeting with grant writers throughout the organization to explain Board and management expectations.
- In the meeting, an overview of the grants process will be provided for staff and work will be undertaken with staff to develop a grants calendar.
- Support ARP efforts.
- Work with departments on competitive opportunities.

On the Horizon

- Acquire grants management software: process already moving forward with contract in Legal.
- Start working with departments to screen grant applications by holding informational meetings to evaluate Notice of Funding Availability (NOFA).
- All of this lays the groundwork for success.
- Grant wins.

D. Manager's Update: Board Priorities and the FY2022 Recommended Budget

BACKGROUND

The Board of Commissioners approved Priorities and Objectives for 2021-2022 on April 19, 2021. This is a brief update on action steps taken since the plan was approved.

Performing Arts Center – Working with Spectra in identifying a date for consultant to restart the market analysis and feasibility study which was paused due to COVID-19.

Homelessness – 625 responses were received for the Community Homelessness Survey. The provider survey deadline was extended. Stakeholder interviews are being conducted.

Government Communication –

- Veterans Services and Cooperative Extension have provided departmental updates and separate videos were created for each department for CCNC-TV and social media.
- Redesigned website is being finalized and demonstrated to commissioners. Seeking to change the domain name to cumberlandnc.gov.
- Health Department, Solid Waste Management and Animal Services presented information at the May 7, 2021, Mayors Coalition meeting.

County Facility Assessment and Inventory – The Request for Qualification (RFQ) for General Government Services Building Space Utilization and Site Analysis Study was posted on the County's vendor self-service May 3. It closes on May 28 and bids will be open May 31.

Continued Priority from FY2021:

Discussion about a new high school with Cumberland County Schools and Fort Bragg – This topic has been discussed at two recent meetings. The vice chairman and county manager met with CCS and Fort Bragg officials in April and a virtual meeting was held on May 5 with the vice chairman, county management and Fort Bragg Garrison Commander Col. Scott Pence and his staff.

RECOMMENDATION / PROPOSED ACTION

For information purposes only.

Ms. Cannon presented the update recorded above. Ms. Cannon stated military officials are excited about the possibility of having a replacement high school to serve military children in the Shaw Heights area and are very supportive. Ms. Cannon stated management is in the process of building a greater relationship with the military and have a meeting with General Parrilla in June to talk about the county's initiatives.

Ms. Cannon stated as of this meeting, the recommended FY22 budget has not been finalized and as with last year, it remains a fluid process with some level of uncertainty. Ms. Cannon stated the budget will be balanced without a tax increase and the three major revenue sources in the General Fund are rebounding from projected pandemic losses. Ms. Cannon stated there is still uncertainty going forward as some of the stimulus funding fades away and the impact it will have on the local economy. Ms. Cannon stated as for expenditures, the recommended budget will support the Board's goals, priorities and ongoing initiatives but at this time, she does not plan to budget any of the ARP funding. Ms. Cannon stated staff are reviewing guidelines from the U. S. Treasury and as the ARP Workgroup conducts their work, staff envision asking the Board to approve budget revisions as necessary. Ms. Cannon stated the U. S. Treasury has approved the county's paperwork to begin receiving ARP funds.

6. MONTHLY REPORTS

A. Financial Report

BACKGROUND

The attached financial report shows results of the general fund for fiscal year 2021, March year-to-date. Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date budget expectations.

RECOMMENDATION / PROPOSED ACTION

No action needed - for discussion and information purposes only.

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County of Cumberland General Fund Revenues					
REVENUES	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2021	PERCENT OF BUDGET TO DATE *
Ad Valorem Taxes					
Current Year	\$ 166,739,244	\$ 165,908,675	\$ 165,908,675	\$ 166,547,118	100.4% ⁽¹⁾
Prior Years	817,964	897,000	897,000	1,368,718	152.6%
Motor Vehicles	20,340,183	19,955,512	19,955,512	14,571,104	73.0% ⁽²⁾
Penalties and Interest	773,447	712,000	712,000	490,365	68.9%
Other	835,588	1,025,000	1,025,000	716,637	69.9%
Total Ad Valorem Taxes	189,506,426	188,498,187	188,498,187	183,693,942	97.5%
Other Taxes					
Sales	47,282,838	41,542,711	41,542,711	26,758,183	64.4% ⁽³⁾
Real Estate Transfer	1,689,875	1,450,000	1,450,000	1,517,643	104.7%
Other	909,559	959,000	959,000	360,161	37.6%
Total Other Taxes	49,882,272	43,951,711	43,951,711	28,635,987	65.2%
Unrestricted & Restricted Intergovernmental Revenues	61,437,895	68,389,413	76,145,472	40,185,400	52.8% ⁽⁴⁾
Charges for Services	14,524,383	13,072,456	13,072,456	8,153,599	62.4% ⁽⁵⁾
Other Sources (includes Transfers In)	3,048,166	1,710,608	1,820,337	1,158,402	63.6%
Lease Land CFVMC	4,012,056	4,012,056	4,012,056	4,313,522	107.5%
Total Other	7,060,222	5,722,664	5,832,393	5,471,924	93.8%
Total Revenue	\$ 322,411,198	\$ 319,634,431	\$ 327,500,219	\$ 266,140,851	81.3%
Fund Balance Appropriation		8,663,701	18,305,059	-	0.0%
Total Funding Sources	\$ 322,411,198	\$ 328,298,132	\$ 345,805,278	\$ 266,140,851	77.0%

County of Cumberland General Fund Expenditures					
DEPARTMENTS	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2021	PERCENT OF BUDGET TO DATE **
Governing Body	\$ 612,702	\$ 674,975	\$ 693,619	\$ 461,866	66.6%
Administration	1,682,579	1,814,947	1,835,664	1,134,658	61.8%
Public Affairs/Education	661,051	885,902	898,331	517,595	57.6%
Human Resources	1,009,126	1,009,875	1,028,519	708,603	68.9%
Print, Mail, and Design	643,314	756,378	793,664	592,680	74.7%
Court Facilities	114,371	156,220	156,220	40,649	26.0% ⁽¹⁾
Facilities Maintenance	967,335	1,202,491	1,419,688	820,436	57.8%
Landscaping & Grounds	690,227	702,394	727,182	491,647	67.6%
Carpentry	211,909	228,058	234,273	150,952	64.4%
Facilities Management	1,259,321	1,523,436	1,572,880	1,001,775	63.7%
Public Buildings Janitorial	784,441	870,951	1,044,344	660,620	63.3%
Central Maintenance	590,365	672,722	711,468	460,156	64.7%
Information Services	5,552,864	5,323,420	6,073,408	3,587,155	59.1%
Board of Elections	1,400,349	1,673,589	2,083,957	1,606,624	77.1%
Finance	1,299,307	1,418,140	1,449,215	973,947	67.2%
Legal	631,925	807,290	936,155	459,924	49.1% ⁽²⁾
Register of Deeds	2,435,628	2,526,950	3,015,363	1,596,864	53.0%
Tax	5,625,153	6,271,825	6,466,523	4,043,125	62.5%
General Government Other	2,976,609	7,003,558	10,417,019	5,071,649	48.7% ⁽³⁾
Sheriff	48,610,275	53,395,158	54,767,567	32,421,267	59.2%
Emergency Services	3,655,978	4,310,596	4,550,957	2,952,869	64.9%
Criminal Justice Pretrial	563,625	588,662	629,211	391,429	62.2%
Youth Diversion	31,665	35,671	35,671	21,385	60.0%
Animal Services	3,283,993	3,484,642	3,786,204	2,309,365	61.0%
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,062,544	1,213,209	1,213,209	734,075	60.5%
Health	21,068,569	24,301,667	27,738,777	15,713,044	56.6%
Mental Health	5,316,988	5,519,255	5,524,489	3,997,962	72.4%
Social Services	56,772,920	63,278,940	64,636,485	38,551,637	59.6%
Veteran Services	426,127	452,713	465,142	300,306	64.6%

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County of Cumberland General Fund Expenditures					
DEPARTMENTS	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2021	PERCENT OF BUDGET TO DATE **
Child Support	4,929,310	5,595,639	5,593,567	3,559,963	63.6%
Spring Lake Resource Administration	29,503	34,542	34,542	18,128	52.5%
Library	10,168,162	10,036,208	10,499,284	6,667,341	63.5%
Culture Recreation Other (Some of the Community Funding)	260,568	260,569	260,569	244,782	93.9% (4)
Planning	2,711,212	3,271,297	3,335,814	2,082,078	62.4%
Engineering	978,925	585,162	592,711	245,304	41.4% (5)
Cooperative Extension	558,569	799,384	809,742	450,890	55.7%
Location Services	192,231	257,796	269,929	146,671	54.3%
Soil Conservation	183,211	151,537	2,707,668	105,496	3.9% (6)
Public Utilities	85,108	87,602	94,554	65,462	69.2%
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%
Industrial Park	2,220	2,212	20,087	2,197	10.9% (7)
Economic Incentive	402,406	461,947	709,947	384,910	54.2%
Water and Sewer	20,287	250,000	400,189	122,465	30.6% (8)
Education	94,408,174	94,411,029	94,411,029	69,929,107	74.1%
Other Uses:					
Transfers Out	30,131,528	19,969,574	21,140,442	558,330	2.6% (9)
TOTAL	\$ 315,022,674	\$ 328,298,132	\$ 345,805,278	\$ 206,377,386	59.7%
Expenditures by Category	FY19-20 UNAUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2021	PERCENT OF BUDGET TO DATE
Personnel Expenditures	\$ 131,852,636	\$ 149,112,328	\$ 149,190,997	\$ 93,552,280	62.7%
Operating Expenditures	151,277,149	158,589,325	173,492,902	110,738,236	63.8%
Capital Outlay	1,761,361	626,905	1,980,937	1,528,539	77.2% (10)
Transfers To Other Funds	30,131,528	19,969,574	21,140,442	558,330	2.6% (9)
TOTAL	\$ 315,022,674	\$ 328,298,132	\$ 345,805,278	\$ 206,377,386	59.7%

COUNTY OF CUMBERLAND

Fiscal Year 2021 - March Year-to-Date Actuals (Report Run Date: April 23, 2021)

Additional Detail
General Fund Revenues

- *
- (1) **Current Year Ad Valorem 100.4%** - The bulk of revenues are typically recorded between November - January.
 - (2) **Motor Vehicles 73.0%** - YTD Actual reflects 8 months of collections.
 - (3) **Sales Tax 64.4%** - There is a three-month lag. YTD Actual reflects 6 months of collections.
 - (4) **Unrestricted/Restricted Intergovernmental 52.8%** - There is typically a one-to-two-month lag in receipt of this funding.
 - (5) **Charges for Services 62.4%** - The largest component of charges for services is revenue from the Board of Ed for security at 19% of budget. 57% of that revenue has been billed/collected to date. Many revenues for charges are underbudget ~~due to the effects~~ of COVID and some departments being closed to the public or not working at 100% capacity.

General Fund Expenditures

- **
- (1) **Court Facilities 26.0%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
 - (2) **Legal 49.1%** - Personnel costs are low ~~as a result of~~ multiple vacancies in the department earlier in the fiscal year.
 - (3) **General Government Other 48.7%** - The revised budget includes expenditures allocating an additional \$4.7M of CARES Act funding to be utilized in this fiscal year.
 - (4) **Culture Recreation Other 93.9%** - Payment to Airborne & Special Operations Museum is usually in 2 installments but was paid as one in March.
 - (5) **Engineering 41.4%** - Personnel costs are low ~~as a result of~~ vacancies in the department.
 - (6) **Soil Conservation 3.9%** - Approximately \$2.1M in USDA Grant funds were budgeted recently and are unexpended. Over \$400k in remaining grant funds from the NC Division of Soil & Water Conservation were re-appropriated recently and are unexpended.
 - (7) **Industrial Park 10.9%** - Approximately \$16.5k in funds were recently moved to this organization to repair a lighted sign and to cover an increase in PWC bills due to a leak with the irrigation system. These funds are unexpended.
 - (8) **Water and Sewer 30.6%** - A re-appropriation was approved by the BOCC earlier in the fiscal year but is not yet utilized.
 - (9) **Transfers Out 2.6%** - Transfers are often prepared toward the end of the fiscal year.
 - (10) **Capital Outlay 77.2%** - Most of these capital items are typically purchased in the second and third quarters of the fiscal year.

B. Health Insurance Update

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County’s self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

Total health insurance claims plus the fully insured premium amount for FY21 are up 23.19% for the month of March as compared to the same month in FY20. To provide some perspective, below is the nine-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 2020 and 2021. Additionally, graphs are provided in the attachment to aid in the analysis.

Year to date claims and premium payment through March	\$14,702,411
Less year to date stop loss credits	(\$436,260)
Net year to date claims and premium payment through March	\$14,266,151

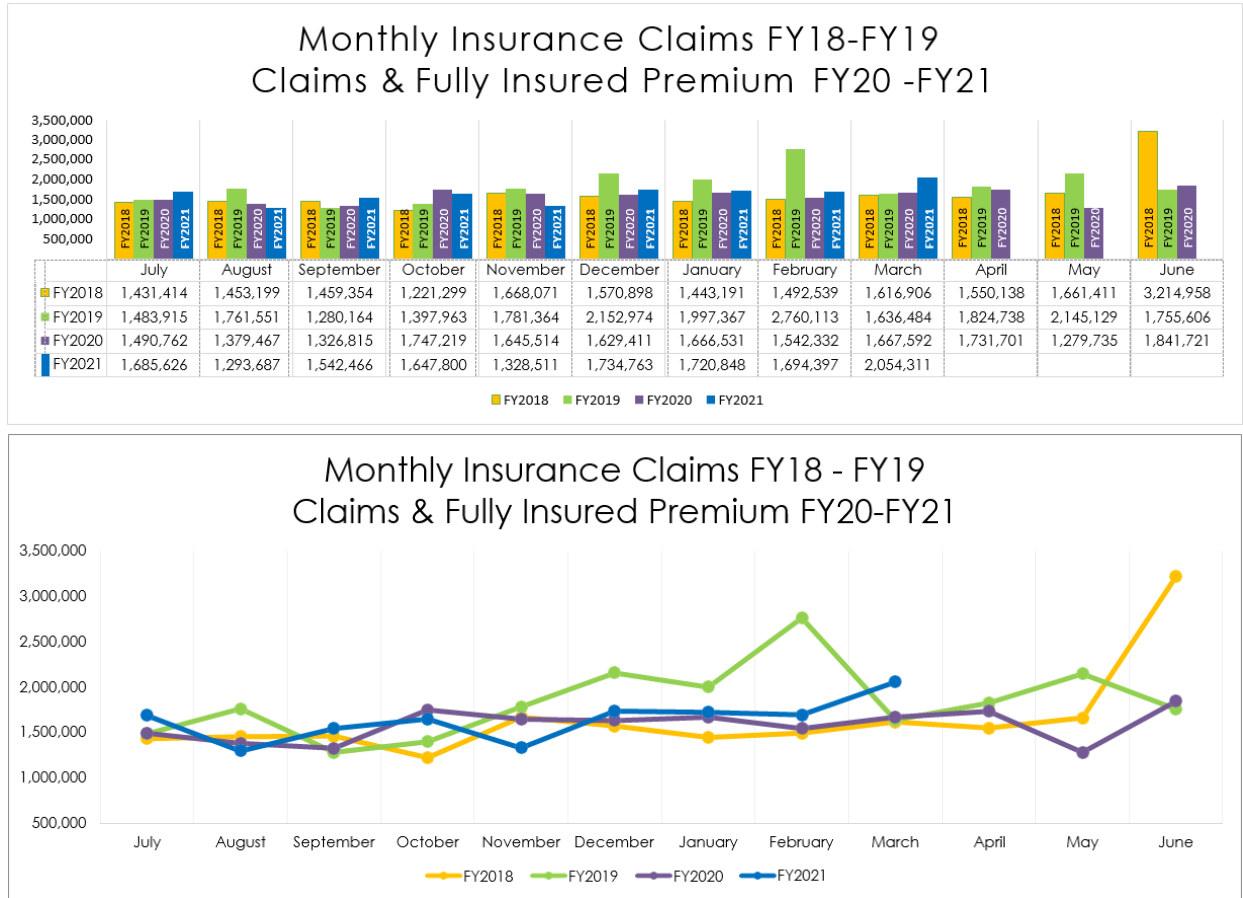
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Average monthly claims and fully insured premium (before stop loss) per fiscal year March:

- FY17 \$1,502,409
- FY18 \$1,484,097
- FY19 \$1,805,766
- FY20 \$1,566,183
- FY21 \$1,633,601

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed.



C. Coronavirus Relief Funds (CRF) Plan Update

BACKGROUND

During the initial round of CARES Act funding, Cumberland County Government was the recipient of \$12,220,383 of Coronavirus Relief Funds (CRF). Per State of North Carolina mandate, the County was required to make \$3,055,096 of the total funds available for appropriation for any municipalities in the County requesting funding for eligible expenses. The County was able to pull down the balance of available funds through reimbursement of eligible expenses and activities.

At the September 8, 2020 regular meeting, the Board approved the County's Modified CRF Plan and also approved the expenditure of \$5,631,641 funding made available as the result of federal funds. Staff will provide a monthly update of expenditures for the approved projects.

RECOMMENDATION / PROPOSED ACTION

For information only - no action needed

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CORONAVIRUS RELIEF FUND (CRF)
AUTHORIZED PROJECT STATUS
AS OF March 31, 2021

Approved Project	Original Budget	YTD Actual + Encumbrance	Alternate Expenditures	Total	Remaining
Protective Barriers	\$ 32,030	\$ 26,221	\$ -	\$ 26,221	\$ 5,809
Office/Workspace Modifications	693,929	473,366	19,233	492,598	201,331
Other Expenses	296,835	83,951	131,623	215,574	81,261
Public Health COVID Response	1,300,000	-	531,615	531,615	768,385
Technology	2,538,847	2,532,750	-	2,532,750	6,097
Virtual Learning Centers	270,000	219,937	-	219,937	50,063
Volunteer Fire Departments	500,000	500,000	-	500,000	-
APPROVED PLAN TOTAL	\$ 5,631,641	\$ 3,836,225	\$ 682,471	\$ 4,518,696	\$ 1,112,945

D. Southern Health Partners, Inc. Quarterly Statistical Report on Inmate Health Care

BACKGROUND

Through a contract with the Board of County Commissioners, Southern Health Partners, Inc. has been providing services to the inmates at the Cumberland County Detention Center since July, 2017.

The most recently updated quarterly statistical report of inmate healthcare as reported by Southern Health Partners, Inc. is provided in the attachment.

RECOMMENDATION / PROPOSED ACTION

For information purposes only. No action needed.

Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care July 1, 2017 - March 31, 2021 Provided for the Cumberland County Board of Commissioners																		
Data Set	Description	Fiscal Year 2018				Fiscal Year 2019				Fiscal Year 2020				Fiscal Year 2021				Average over all Quarters
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
1	# of Hospital Admissions	7	5	6	9	6	4	4	3	3	4	2	3	2	5	8		6
2	# Sent to Emergency Room	20	16	20	29	18	16	11	8	10	16	6	9	6	15	29		16
3	# Outside Medical Visits (includes any specialty)	27	32	42	27	44	27	28	40	41	19	24	12	15	26	31		29
4	# of In-House X-Ray Services	38	50	82	88	78	54	69	95	75	78	105	45	195	88	51		79
5	# Seen On-Site By Mental Health	792	1188	461	461	1220	1403	1324	963	1043	859	1034	691	528	938	733		909
6	# Seen by Physician and/or Physician Providers	132	154	222	291	354	288	299	319	256	300	267	196	251	321	227		268
7	# Seen by Dentist (includes on-site & off-site)	56	77	66	63	53	42	56	69	63	51	48	54	54	52	20		56
8	# of Receiving Screens done by Medical Staff	340	0	0	0	0	2021	3500	2946	2924	2923	2836	1479	1959	1970	1895		1663
9	# Seen by Medical Staff for Sick Call	2029	2986	3612	3298	3512	3672	3739	3598	3507	4304	3513	3045	3553	2834	3350		3370
10	# of History and Physicals Performed	377	858	1163	1487	1365	1353	1296	1243	1721	1476	1418	925	1011	1064	933		1179
11	# of Rapid Plasma Reagin ^a performed (STD testing/syphilis)	331	399	549	513	538	489	486	440	342	415	312	0	0	0	0		321
12	# of Other Sexually Transmitted Diseases	6	13	13	16	12	6	18	14	7	13	6	8	5	8	22		11
13	# of Medical Refusals by Inmate	77	345	803	451	504	358	409	502	602	774	603	385	564	352	367		473
14	# of Inmate Blood Sugar Checks	2239	2145	1728	1554	2508	2100	4265	3455	3362	3993	4105	2651	1818	1633	1647		2614
15	# of Inmate Blood Pressure Checks	625	763	741	962	1193	1508	1705	2105	2510	2006	1776	1012	1036	1184	2112		1416
16	# of TB Screens and/or PPD Tests	274	858	1163	1487	1365	1353	1296	1250	1305	1476	1418	925	1011	1068	933		1145
17	# of Staph/MRSA Patients In-house	48	14	7	0	0	1	0	15	7	1	2	1	0	2	3		7
18	# of Pregnant Females	9	11	16	18	22	19	18	12	9	14	15	5	9	9	4		13
19	# of HIV Patients In-House	19	38	33	20	16	11	25	26	25	14	17	12	17	15	20		21
20	# of Inmates Placed on Suicide Watch	95	113	115	109	94	141	133	305	861	169	260	504	765	530	529		315
21	# of Inmate Deaths	1	0	0	3	0	0	0	0	2	1	0	0	1	0	0		1
22	# of Inmates on Detox Protocols	94	81	65	145	80	200	175	208	214	177	159	49	111	88	110		130
23	# of Diabetic Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	41	19	30	31	30		30
24	# of Asthma Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	33	12	21	15	23		21
25	# of Meds Administered	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	1858			1858
26	# of Medication Assisted Treatment	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	9	0	0	0	0		2
27	# of patients tested for COVID19	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	0	121	423	886	1194		626
28	# of patients testing positive for COVID19	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	0	20	9	16	98		29
	Average Daily Population per Quarter:	776	740	763	746	751	726	697	649	680	714	674	637	601	472	482		668

ADDITIONAL INFORMATION ON OUTLIERS AS COMPARED TO AVERAGES:
Gray highlighted cells show outliers as compared to quarterly averages. Per contact at SHP, those quarters' data were inaccurately counted and reported.
Please note: HIPAA laws do not allow cause of death information to be released within the quarterly reports.
Line 22 Per Dr. Jennifer Green, Cumberland County Public Health Director: All new inmates are being tested upon intake (~day 5 or 6 after arrival) and quarantined.
Line 28 Per Dr. Jennifer Green, Cumberland County Public Health Director: Some of the positive tests were among those that were tested upon intake and already in quarantine. There was one outbreak which was concluded in June 2020. No new outbreaks have been identified since then.

E. Community Development Block Grant - Disaster Recovery (CDBG-DR) Update

BACKGROUND

Cumberland County, in partnership with the North Carolina Office of Recovery & Resiliency (NCORR), is implementing a project funded through the Community Development Block Grant Disaster Recovery Program. The attached report is an update on the status of the project (Robin's Meadow Permanent Supportive Housing) undertaken by Cumberland County.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for informational purposes only.

CUMBERLAND COUNTY DISASTER RECOVERY PROGRAMS UPDATE
FOR THE MAY 13, 2021

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

BOARD OF COMMISSIONERS' AGENDA SESSION

Status as of April 30, 2021:

Milestones/Activities (beginning with the most recent activity):

- The City of Fayetteville completed the final commercial review of the project. Within the next week, Cumberland County Community Development (CCCD) will post the invitation for bids for the construction of the project;
- On April 15, 2021, a virtual meeting was held between Tracey Colores (NCORR), Dee Taylor (CCCD), and Devon Newton (CCCD). Tracey provided an update on the status of the request for additional funds to support the project. NCORR is planning to provide additional funding. The additional funds requested by CCCD will only be eligible for construction activities. There were challenges with obtaining additional funding to assist with supportive services. The official letter and amended sub recipient agreement from NCORR is forthcoming. An updated Project Information Form will also need to be submitted;
- The Wooten Company submitted an updated project schedule. It is anticipated that construction will be completed June 2022;
- NCORR completed its review of the construction project manual;
- The construction project manual prepared by The Wooten Company was sent to NCORR for review. Invitation to Bid for the construction of the project are expected to be posted within the next month pending the City of Fayetteville's final commercial review and NCORR's final review of the construction project manual;
- NCORR held a technical assistance session with Community Development Staff (Sylvia McLean and Dee Taylor) on December 16, 2020 to ensure Community Development is carrying out the requirements of the agreement and the CDBG-DR program. NCORR staff included Dan Blaisdell, Bill Blankenship, Joe Brook, Mary Glasscock, Tracey Colores, and Kristina Cruz;
- A letter (dated July 28, 2020) was sent to NCORR requesting additional CDBG-DR funds in the amount of \$1,000,000 to cover construction and supportive services. A follow-up was made with NCORR regarding the status of the request and Community Development had to submit a revised letter (dated October 21, 2020) to clarify the amount requested. Community Development is still waiting to receive a response from NCORR regarding the status of the request;
- The Wooten Company submitted a revised project schedule. Community Development submitted a request to NCORR to extend the deadline to obligate funds to March 9, 2021;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure - A/E Services – The Wooten Company is providing construction administration services and completing the construction document phase. The firm had submitted documents to City of Fayetteville Technical Review Committee and Engineering Review Committee to complete the final review process;
- DRA-17 & HMGP Projects – County completed acquisition and demolition of 10 properties;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure – received project specific award letter January 23, 2020; and
- NCORR executed SRA with County December 17, 2019.

Current Staffing:

- State POC: John Ebbighausen – Director of Disaster Recovery Programs, NC Office of Recovery & Resiliency (NCORR); Mary Glasscock; Infrastructure Manager (NCORR)
- Cumberland County:
 - Sylvia McLean, P.T. Community Development (CD) Consultant

F. Project Updates

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
Spring Lake Library Pneumatic Controls	\$60,000.00	JCI is 90% complete with replacing the pneumatic controls with direct digital controls (DDC). Estimated completion date is May 28, 2021.	N/A	N/A
Spring Lake Family Resource Center, Pneumatic Controls	\$60,000.00	PO has been issued. JCI is scheduled to begin and complete the replacement of pneumatic controls with DDC controls after Spring Lake Library has been completed. Estimated completion date is mid-June, 2021.	N/A	N/A
Spring Lake Family Resource Center, Chiller Replacement	\$197,000.00	Project awarded to Bollermasters for \$197,000. Legal approved contract on April 23, 2021. Awaiting PO for construction to begin.	N/A	90 days
LEC Elevator Modernization Project	\$1,362,557.00	Work on all 3 elevators is complete. Additional DOL-identified deficiencies have been corrected. Waterproofing is the only work remaining. Estimated completion date is June 4, 2021.	4/6/2020	179 days
BMF, Bordeaux Library, West Regional Library	\$143,284.00	Project awarded for various improvements to all 3 buildings (BMF - recoat metal roof, Bordeaux - close gap in wood trim, seal windows, replace 1 window, West Regional - water repellant on glulam beams, decking repairs). Estimated completion date is May 28, 2021.	N/A	N/A
Crown Coliseum Cooling Tower Replacement	\$649,000.00	Conducted final load test on April 29, 2021. Awaiting final as-builts for drain line, warranty items and training. Estimated completion date is May 20, 2021.	5/18/2020	93 days
Crown Coliseum Parking Lot Improvement Project (Areas 1, 2, & 3)	\$714,979.70	Asphalt paving, sidewalk replacement, and handrail painting are all complete. Electrical (lamp) repairs outstanding. Estimated completion date is June 4, 2021.	3/16/2020	120 days
Crown Coliseum ADA Bathroom and Ticket Booth Renovations	\$541,217.00	Overall construction approximately 99% complete. Awaiting application of Zoloturn to interior wall surfaces. Estimated completion date is May 14, 2021.	9/14/2020	180 days

7. CLOSED SESSION

There was no closed session.

MOTION: Commissioner Lancaster moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0) (Commissioner Boose was not present.)

There being no further business, the meeting adjourned at 4:50 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board