

## Regular Meeting January 6, 2020

A regular meeting of the Nash County Board of Commissioners was held at 9:00 AM, January 6, 2020 in the Frederick B. Cooper, Jr. Commissioners' Room at the Claude Mayo, Jr. Administration Building in Nashville, NC.

Present were Chairman Robbie B. Davis and Commissioners Fred Belfield, Jr., Dan Cone, Sue Leggett, J. Wayne Outlaw, Lou M. Richardson, and Mary P. Wells.

Others present were Donna Wood, Stacie Shatzer, Amanda Clark, Ken Ripley, Amelia Harper, Adam Tyson, Sheriff Keith Stone, Chief Deputy Brandon Medina, Jonathan Boone, Janice Evans, Zee B. Lamb, Vince Durham and other staff members and members of the public.

Chairman Davis called the meeting to order and provided a brief explanation regarding prayer and the Pledge of Allegiance in Nash County. He stated it is customary that Nash County starts each meeting with a prayer by a board member and Pledge of Allegiance and that anyone wishing to participate in the prayer, moment of silence, or a prayer of choice was welcomed.

Chairman Davis called on Mr. Fred Belfield, Jr. for the invocation and Mr. J. Wayne Outlaw to lead the Pledge of Allegiance.

Chairman Davis asked the Board to consider approval of the minutes.

On motion of J. Wayne Outlaw seconded by Lou M. Richardson and duly passed that the minutes of the December 2, 2019 regular meeting, December 11, 2019 special called joint meeting with NRMS, December 19, 2019 emergency called meeting and December 23, 2019 special called meeting be approved.

It was the consensus of the Board to move agenda item #8, Employee Service Awards to agenda item #5.

Mr. Anison Kirkland, Human Resources Director, Chairman Davis and Zee B. Lamb, County Manager recognized long-term service employees with 20 years or more of service with Nash County with service award pins and certificates.

Chairman Davis asked the Board if anyone wished to provide comments regarding the long-term service employees and requested a round of applause for the employees recognized today.

Chairman Davis provided a brief explanation of Nash County's Public Comment Policy and asked for any public comments.

Mr. Patrick Forbis of Momeyer, NC spoke on the Detention Facility.

Katheryn Zughbi of Rocky Mount, NC spoke on the Detention Facility.

Ms. Edna Mount of Middlesex, NC spoke on the Jail.

Mr. T.J. Walker of Rocky Mount, NC spoke on the Detention Center officers' safety.

Mr. Daniel Reams of Nashville, NC spoke on the Detention Center.

Mr. Wayne Joyner of Nashville, NC spoke on the Nash County Sheriff's Office.

Mr. Jonathan Boone, Engineer/Director of Public Utilities and Facilities made a presentation to the Board on the Nash County Detention Center – Facilities regarding the content included in the December 18th letter from the State of North Carolina concerning depopulation of the Nash County Jail.

Chairman Davis called for a five (5) minute recess.

Upon reconvening, Chairman Davis called on Captain Allen Wilson, Nash County Sheriff's Office.

Captain Wilson made a presentation to the Board on the Nash County Sheriff's Office, Detention Facility and how Sheriff Stone operates.

Chairman Davis called for a brief recess.

Upon reconvening, Chairman Davis called on Ms. Pat Adams, League of Women Voters of North Carolina.

Ms. Adams made a presentation to the Board and asked the Board's consideration to adopt A Resolution of the Nash County Board of Commissioners to Recognize the 100<sup>th</sup> Anniversary of Women Gaining the Right to Vote and the Founding of the League of Women Voters.

On motion of Mary P. Wells seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners adopt the following resolution:

# Nash County



BOARD OF  
COMMISSIONERS

ROBBIE B. DAVIS  
CHAIRMAN

FRED BELFIELD, JR.  
DAN CONE  
SUE LEGGETT  
J. WAYNE OUTLAW  
LOU M. RICHARDSON  
MARY P. WELLS

ZEE B. LAMB  
COUNTY MANAGER  
zee.lamb@nashcountync.gov

VINCE DURHAM  
ATTORNEY  
vdurham@bws.com

JANICE EVANS  
CLERK TO BOARD  
janice.evans@nashcountync.gov

## A RESOLUTION OF THE NASH COUNTY BOARD OF COMMISSIONERS TO RECOGNIZE THE 100<sup>TH</sup> ANNIVERSARY OF WOMEN GAINING THE RIGHT TO VOTE AND THE FOUNDING OF THE LEAGUE OF WOMEN VOTERS

**WHEREAS**, an organized movement to enfranchise women began in July, 1848, at a convention in Seneca Falls, NY;

**WHEREAS**, through the efforts of brave and courageous women referred to as suffragists who sacrificed family, their personal life and their financial resources for over seventy years to gain equal rights for women, especially the right to vote;

**WHEREAS**, women and men, black and white, supported the woman's suffrage movement for women to gain the constitutional right of having a voice in making the laws that govern them;

**WHEREAS**, the woman's suffrage movement led to the passage of the 19th Amendment to the Constitution of the United States in 1919; with ratification by the states by the summer of 1920;

**WHEREAS**, the National Woman's Suffrage Association dissolved in 1920 to create the League of Women Voters of the US to register voters and educate all voters;

**WHEREAS**, the League of Women Voters of North Carolina was launched on October 7, 1920, on the steps of the Guilford County Courthouse by Gertrude Weil, a politically active and tireless young woman from Goldsboro, NC;

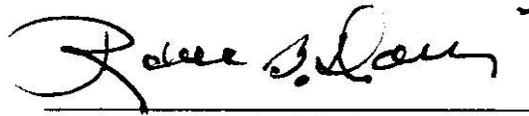
**WHEREAS**, more than 120,000 women were registered to vote in North Carolina by 1920;

**WHEREAS**, women today constitute a majority vote in our state and the US and are running for office in higher numbers and more active in the election process than ever before in history;

**NOW THEREFORE BE IT RESOLVED**, that the Nash County Board of County Commissioners does hereby support and recognize the 100th anniversary of women gaining the right to vote and the founding of the League of Women Voters in the United States and North Carolina is recognized for the impact these historic accomplishments have on citizen engagement and the civic life of the community, the state and the nation.

*The Constitution of the United States of America, Amendment XIX Women's Suffrage. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have the power to enforce this article by appropriate legislation.*

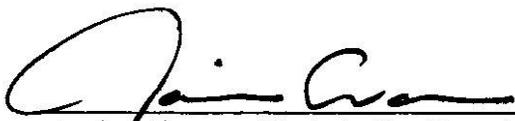
This the 6<sup>th</sup> day of January, 2020.



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Robbie B. Davis, Chairman  
Nash County Board of Commissioners

Attest:



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Janice Evans, Clerk to the Board

Mr. Adam Tyson, Planning Director presented for the Board's consideration General Rezoning Request Z-191201 to rezone the 37.78 acre Free Will Baptist Children's Home campus at 7907 Buck Deans Rd from A-1 (Agricultural) and R-40 (Single-Family Residential) to OI (Office & Institutional) and asked the Board to hold a legislative public hearing, adopt a consistency statement, and approve or deny the zoning map amendment. He advised the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-191201 on November 27, 2019 and recommended **APPROVAL** based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and reasonable "spot zoning." He also advised the Nash County Planning Board considered General Rezoning Request Z-191201 on December 16, 2019. No members of the public, other than representatives for the applicant, attended the meeting or addressed the Board with regard to this request.

The Planning Board voted unanimously to recommend:

- (1) **APPROVAL of Consistency Statement ‘A’ below** – finding the request to be reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and reasonable “spot zoning;” and
- (2) **APPROVAL** of the request to rezone the 37.78 acre subject property to the OI (Office & Institutional) Zoning District.

**Consistency Statement ‘A’ (For APPROVAL):**

General Rezoning Request Z-191201 is reasonable and in the public interest for the following reasons:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
  - (a) The LDP designates the subject property as Suburban Growth Area.
  - (b) The LDP supports the existence of limited nonresidential land uses (including public or institutional uses) within the Suburban Growth Area that meet locational criteria.
  - (c) The subject property has frontage along and direct access to two state-maintained public road rights-of-way, Buck Deans Road (State Road #1128) and Childrens Home Road (State Road #1127.)
  - (d) The subject property is located at the intersection of those two roads.
  - (e) The subject property has significant spatial separation from any surrounding, potentially non-compatible land uses such as existing residential development.
- (2) Approval of the request is reasonable “spot zoning” established in the public interest because:
  - (a) The subject property is the site of an existing institutional land use that has served a public purpose at this location for the benefit of the community for nearly 100 years.
  - (b) Approval of the request benefits the existing Free Will Baptist Children’s Home by recognizing it as a permitted land use, while any potential impacts to the local area will be mitigated by the significant separation distance between the subject property and the nearest surrounding development.
  - (c) The relatively large size of the subject property (37.78 acres) demonstrates that the intention of the request is to establish a new “zoning district,” rather than a small, isolated “spot zone.”
  - (d) The request is consistent with the recommendations of the Nash County Land Development Plan for the reasons established above.

On motion of J. Wayne Outlaw seconded by Sue Leggett and duly passed that the Nash County Board of Commissioners go into a public hearing.

No one spoke during the public hearing.

On motion of Lou M. Richardson seconded by Mary P. Wells and duly passed that the public hearing adjourn.

On motion of Dan Cone seconded by Sue Leggett and duly passed that the Nash County Board of Commissioners adopt **Consistency Statement ‘A’** related to General Rezoning Request Z-191201.

**Consistency Statement 'A' (For APPROVAL):**

General Rezoning Request Z-191201 is reasonable and in the public interest for the following reasons:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
  - (a) The LDP designates the subject property as Suburban Growth Area.
  - (b) The LDP supports the existence of limited nonresidential land uses (including public or institutional uses) within the Suburban Growth Area that meet locational criteria.
  - (c) The subject property has frontage along and direct access to two state-maintained public road rights-of-way, Buck Deans Road (State Road #1128) and Childrens Home Road (State Road #1127.)
  - (d) The subject property is located at the intersection of those two roads.
  - (e) The subject property has significant spatial separation from any surrounding, potentially non-compatible land uses such as existing residential development.
  
- (2) Approval of the request is reasonable "spot zoning" established in the public interest because:
  - (a) The subject property is the site of an existing institutional land use that has served a public purpose at this location for the benefit of the community for nearly 100 years.
  - (b) Approval of the request benefits the existing Free Will Baptist Children's Home by recognizing it as a permitted land use, while any potential impacts to the local area will be mitigated by the significant separation distance between the subject property and the nearest surrounding development.
  - (c) The relatively large size of the subject property (37.78 acres) demonstrates that the intention of the request is to establish a new "zoning district," rather than a small, isolated "spot zone."
  - (d) The request is consistent with the recommendations of the Nash County Land Development Plan for the reasons established above.

On motion of Dan Cone seconded by Lou M. Richardson and duly passed that the Nash County Board of Commissioners **APPROVE** General Rezoning Request Z-191201 to rezone the subject property to the OI (Office & Institutional) Zoning District.

It was the consensus of the Board to move to Agenda Item #14, Sheriff's Office – Donation of Service Revolver to Retiring Deputy, & #15, Sheriff's Office – Presentation of the Order of the Long Leaf Pine to Retiring Assistant Jail Administrator Dorine Deans.

Chief Deputy Brandon Medina, Nash County Sheriff's Office presented for the Board's consideration a request for the donation of a service revolver to retiring Deputy Dorine Deans, Assistant Jail Administrator, Nash County Detention Center.

On motion of Lou M. Richardson seconded by Mary P. Wells and duly passed that the Nash County Board of Commissioners approve the request for donation of service revolver to retiring Deputy Dorine Deans, Assistant Jail Administrator, Nash County Detention Center.

Chief Deputy Medina made a presentation of the Order of the Long Leaf Pine to Retiring Assistant Jail Administrator Dorine Deans.

Mr. Tyson presented for the Board's consideration Conditional Use Rezoning CU-091102 Amendment Request to permit "miscellaneous retail sales (party supplies/rentals and used merchandise store)" at 7442 S NC Highway 58 and asked the Board to hold a quasi-judicial public hearing, adopt conclusions with supporting findings of fact, and approve or deny the conditional use permit amendment. He advised the Nash County Technical Review Committee (TRC) considered the request to amend Conditional Use Permit CU-091102 on November 27, 2019 and recommended **APPROVAL** based on its determination that the operation of the proposed commercial land use - miscellaneous retail sales (party supplies/rentals) – should be no more intensive than the other land uses already approved for operation on the subject property (coin-operated amusement and/or church.)

**NOTE:** At the time of the TRC's consideration, the request did not yet include the proposed sale of used merchandise, which the applicant added later. However, the Planning Board was fully aware of that additional land use prior to its recommendation.

Mr. Tyson also advised the Nash County Planning Board considered the request to amend Conditional Use Permit CU-091102 on December 16, 2019. No members of the public, other than a representative for the applicant, attended the meeting or addressed the Board with regard to this request.

The Planning Board voted unanimously to recommend:

- (1) **APPROVAL of Option 'A' below** – including the adoption of conclusions with supporting findings of fact for approval of the conditional use permit amendment; and
- (2) **APPROVAL** of the request to amend the conditions of Conditional Use Permit CU-091102 to allow "miscellaneous retail sales (party supplies/rentals and used merchandise store)" on the subject property.

**Option 'A': Conclusions with Supporting Findings of Fact for APPROVAL:**

- (1) **The proposed development will not materially endanger the public health or safety because:**
  - (a) None of the land uses specifically approved for operation on the subject property typically pose a known threat to the public health or safety.
  - (b) There are no substantial physical changes proposed either to the subject property or to the existing commercial structure in relation to the proposed development.

**(2) The proposed development will not substantially injure the value of adjoining or abutting property because:**

- (a) Any of the land uses specifically approved for operation on the subject property would be conducted inside the already existing commercial structure.
- (b) The conditional use nature of the development ensures that the permitted use of the subject property will be limited to coin-operated amusement, church, and/or miscellaneous retail sales only and that the property may only be developed in accordance with the approved site plan.

**(3) The proposed development will be in harmony with the area in which it is to be located because:**

- (a) The subject property has historically been used for commercial purposes as a convenience store even prior to the adoption of zoning regulations.
- (b) The conditional use nature of the development ensures that the permitted use of the subject property will be limited to coin-operated amusement, church, and/or miscellaneous retail sales only and that the property may only be developed in accordance with the approved site plan.

**(4) The proposed development will be in general conformity with the Nash County Land Development Plan (LDP) because:**

- (a) The LDP designates the subject property as Suburban Growth Area.
- (b) The LDP recognizes churches as a land use typically allowed within the Suburban Growth Area.
- (c) The LDP also supports the existence of limited commercial land uses within the Suburban Growth Area that meet locational criteria.
- (d) Although the subject property is not located at a major intersection, it does have frontage along and direct access to S NC Highway 58, a major state-maintained highway.
- (e) Although the subject property is not located in proximity to any other existing commercial land uses, it does contain an existing commercial structure that has historically been used for commercial purposes.
- (f) Although the subject property does not have significant spatial separation from the surrounding residential development, the specifically approved commercial land uses - coin-operated amusement and/or miscellaneous retail sales – shall be conducted inside the existing commercial structure with limited impact to the neighboring properties.

On motion of Fred Belfield, Jr. seconded by J. Wayne Outlaw and duly passed that the Nash County Board of Commissioners go into a quasi-judicial public hearing.

Ms. Janice Evans, Clerk to the Board administered the oath for testimony to Mr. Adam Tyson, and Mr. Manuel Rodriguez.

Mr. Manuel Rodriguez of Nashville, NC spoke in support of the rezoning request.

On motion of Fred Belfield, Jr. seconded by Dan Cone and duly passed that the public hearing adjourn.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the Nash County Board of Commissioners adopt **Option 'A'** related to Conditional Use Permit CU-091102.

**Option 'A': Conclusions with Supporting Findings of Fact for APPROVAL:**

**(1) The proposed development will not materially endanger the public health or safety because:**

- (a) None of the land uses specifically approved for operation on the subject property typically pose a known threat to the public health or safety.
- (b) There are no substantial physical changes proposed either to the subject property or to the existing commercial structure in relation to the proposed development.

**(2) The proposed development will not substantially injure the value of adjoining or abutting property because:**

- (a) Any of the land uses specifically approved for operation on the subject property would be conducted inside the already existing commercial structure.
- (b) The conditional use nature of the development ensures that the permitted use of the subject property will be limited to coin-operated amusement, church, and/or miscellaneous retail sales only and that the property may only be developed in accordance with the approved site plan.

**(3) The proposed development will be in harmony with the area in which it is to be located because:**

- (a) The subject property has historically been used for commercial purposes as a convenience store even prior to the adoption of zoning regulations.
- (b) The conditional use nature of the development ensures that the permitted use of the subject property will be limited to coin-operated amusement, church, and/or miscellaneous retail sales only and that the property may only be developed in accordance with the approved site plan.

**(4) The proposed development will be in general conformity with the Nash County Land Development Plan (LDP) because:**

- (a) The LDP designates the subject property as Suburban Growth Area.
- (b) The LDP recognizes churches as a land use typically allowed within the Suburban Growth Area.
- (c) The LDP also supports the existence of limited commercial land uses within the Suburban Growth Area that meet locational criteria.
- (d) Although the subject property is not located at a major intersection, it does have frontage along and direct access to S NC Highway 58, a major state-maintained highway.
- (e) Although the subject property is not located in proximity to any other existing commercial land uses, it does contain an existing commercial structure that has historically been used for commercial purposes.
- (f) Although the subject property does not have significant spatial separation from the surrounding residential development, the specifically approved commercial land uses - coin-operated amusement and/or miscellaneous retail sales – shall be conducted inside the existing commercial structure with limited impact to the neighboring properties.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners **APPROVE** the request to amend the conditions of Conditional Use Permit CU-091102 as follows:

### **Amended Conditions**

- (1) The approved use of the subject property shall be limited to coin-operated amusement, church, and/or miscellaneous retail sales (party supplies/rentals and used merchandise store) only.
- (2) The subject site shall not be used as a pawnshop. Used merchandise may be resold at this location, but collateral-based loans may not be offered on pledges of tangible goods or personal property.
- (3) No outdoor storage of goods or equipment shall be permitted on the subject property.
- (4) No gambling activity of any type shall be allowed on the subject property.
- (5) The hours of operation of any land use on the subject property shall not exceed 10:00 p.m.
- (6) The subject property shall be developed in accordance with the approved site plan and shall meet all the requirements of the Nash County Unified Development Ordinance, the Nash County Environmental Health Division, and the North Carolina Building Code.

It was the consensus of the Board to move to Agenda Item #17, FY2018-2019 Audit Presentation.

Mr. Stuart D. Hill, CPA and Audit Manager with Thompson, Price, Scott, Adams made a presentation to the Board on the Nash County Fiscal Year 2018-2019 Annual Audit.

On motion of Fred Belfield, Jr. seconded by J. Wayne Outlaw and duly passed that the Nash County Board of Commissioners accept the Nash County Fiscal Year 2018-2019 Annual Audit as presented.

Mr. Bill Hill, Health & Human Services Director presented for the Board's consideration a request for a public hearing and approval of a proposed Animal Control Ordinance revision.

On motion of J. Wayne Outlaw seconded by Mary P. Wells and duly passed that the Nash County Board of Commissioners go into a public hearing.

No one spoke during the public hearing.

On motion of Lou M. Richardson seconded by Sue Leggett and duly passed that the public hearing adjourn.

On motion of Dan Cone seconded by Lou M. Richardson and duly passed that the Nash County Board of Commissioners adopt the following Animal Control Ordinance Revision, with an effective date of January 6, 2020.

- Chapter 4 - ANIMALS
- ARTICLE I. - ANIMAL CONTROL
- Sec. 4-1. - Definitions.
- Sec. 4-2. - Establishment and composition of the animal control section.
- Sec. 4-3. - General duties of animal control section.
- Sec. 4-4. - General duties of keepers of animals.
- Sec. 4-5. - Cruelty to animals.
- Sec. 4-6. - Adequate feed, water, shelter, and confinement.
- Sec. 4-7. - Animals at large.
- Sec. 4-8. - Animals creating nuisance.
- Sec. 4-9. - Setting humane animal traps and authority to receive trapped animals.
- Sec. 4-10. - Destruction of animals that cannot be seized by reasonable means.
- Sec. 4-11. - Confinement and control of inherently dangerous animals.
- Sec. 4-12. - Dangerous dogs or potentially dangerous dogs.
- Sec. 4-13. - Requirements for attack training facility.
- Sec. 4-14. - Confiscation of dangerous dogs.
- Sec. 4-15. - Required notification to animal control section by owners of dangerous dogs or potentially dangerous dogs.
- Sec. 4-16. - Dogs or animals used for sentry or guard duty.
- Sec. 4-17. - Teasing and molesting.
- Sec. 4-18. - Law enforcement dogs excluded.
- Sec. 4-19. - Relation to hunting laws.
- Sec. 4-20. - Relation to animal agriculture.
- Sec. 4-21. - Interference with enforcement of chapter.
- Sec. 4-22. - Imposition of penalties for violations of chapter.
- Sec. 4-23. - Tethering of Dogs
- Secs. 4-24-4-27. - Reserved.
- ARTICLE II. - RABIES CONTROL
- Sec. 4-28. - Compliance with state law; article as supplement to state law.
- Sec. 4-29. - Inoculation of dogs, cats and other pets.
- Sec. 4-30. - Inoculation tag, identification tag and proof of vaccination for dogs and cats.
- Sec. 4-31. - Report and confinement of animals biting persons or showing symptoms of rabies.
- Sec. 4-32. - Destruction of infected dogs or cats, protection of vaccinated dogs and cats.
- Sec. 4-33. - Area-wide emergency quarantine.
- Sec. 4-34. - Postmortem diagnosis.
- Sec. 4-35. - Unlawful killing, releasing, etc., of certain animals.
- Sec. 4-36. - Failure to surrender animal for quarantine or destruction.
- Secs. 4-37—4-41. - Reserved.
- ARTICLE III. - IMPOUNDMENT
- Sec. 4-42. - Generally.
- Sec. 4-43. - Notice to owner.
- Sec. 4-44. - Redemption by owner generally.
- Sec. 4-45. - Destruction or adoption of unredeemed animals generally.
- Sec. 4-46. - Procedure with respect to redemption or adoption of unvaccinated dog or cat.
- Sec. 4-47. - Suspected rabid animals not to be redeemed or adopted.
- Sec. 4-48. - Destruction of wounded or diseased animals.
- Sec. 4-49. - Immediate placement for adoption or destruction of animal surrendered by owner.
- Sec. 4-50. - Applicability.
- Sec. 4-51. - Effective date.
- Secs. 4-52—4-58. - Reserved.

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*Owner's real property* means any real property owned or leased by the owner of the animal. This does not include any public right-of-way or a common area of a residential development, condominium, apartment complex, or any similar development.

*Potentially dangerous dog* means a dog that the health director determines to have: Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

*Premises* means a definite portion of real estate with its appurtenances, buildings or part of buildings.

*Restraint* means when an animal is, within the meaning of this chapter, (1) controlled by means of a chain, leash, or other like device; (2) within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner.

*Secure enclosure* means a fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of children. A home, mobile home, underground fence or separate garage is not a secure enclosure. (Secure enclosure is for dangerous dogs only, not to be confused with animal quarantine.)

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

*Stray* means any animal, which is running at large or appears to be lost, unwanted or abandoned, or whose owner is unknown.

(Ord. of 7-9-2012, eff. 8-1-2012)

• **Sec. 4-2. - Establishment and composition of the animal control section.**

(a)

There is hereby created the Animal Control Section of Nash County, which shall be composed of such employees, officers and officials, as shall be determined by the board of commissioners. The administration of the animal control ordinance shall be by the ~~board of health~~ **Nash County Human Services Board**, the health director and his designees.

(b)

Employees or agents enforcing this chapter shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this chapter and by the laws of this state to enforce the provisions of this chapter and state laws, relating to the care, treatment, control or impounding of animals.

(c)

Except as may be otherwise provided by statutes, laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons, animals or property as a result of any act required or permitted in the discharge of their duties.

(Ord. of 7-9-2012, eff. 8-1-2012)

• **Sec. 4-3. - General duties of animal control section.**

- (a) The animal control section shall be charged with the responsibility of:
- (1) Enforcing all applicable state rabies control laws and this chapter;
  - (2) Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous dogs;
  - (3) Investigating cruelty or abuse of animals;
  - (4) Making such canvasses of the county, including the homes in the county, as it deems necessary or as requested by law enforcement within Nash County for the purpose of ascertaining that all animals are vaccinated against rabies as required by law;
  - (5) Operating, pursuant to policies of the Nash County ~~Board of Health~~ Human Services Board, the county animal shelter(s).
- (b) It shall be the duty of the animal control section to keep, or cause to be kept, accurate and detailed records of:
- (1) Impoundment and disposition of all animals coming into the animal shelter or shelters;
  - (2) Bite cases, violations and complaints, and the investigation of same;
  - (3) Revenues derived from impoundment fees, penalties and adoption/sales of animals;
  - (4) All other matters deemed necessary by the Nash County Health Director or the director's designee.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

• **Sec. 4-4. - General duties of keepers of animals.**

- (a) It shall be unlawful for any person to abuse an animal.
- (b) The owner or keeper is responsible for the actions and behavior of his animal.
- (c) It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to leave, place or allow that animal on a street, road, highway, public place or on any private property without having made adequate provision for the animal's care.
- (d) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions or fail to provide proper medical attention for sick, diseased or injured animals, as well as required inoculation against disease, according to the species of animal kept.
- (e)

Any nonprofit institution or exhibitor or dealer, which owns or harbors inherently dangerous animals for research or education, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.

(2)

Traveling fairs, circuses and carnivals shall also be exempt from this section while animals are in the custody of these organizations.

(c)

*Recapturing.* The owner of any inherently dangerous animal shall reimburse Nash County for all costs incurred while attempting to recapture any said animal. If the animal is sheltered or euthanized by animal control, the owner shall also pay these costs.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

• **Sec. 4-12. - Dangerous dogs or potentially dangerous dogs.**

(a)

The Nash County Health Director shall have the authority to determine when a dog is a dangerous dog or a potentially dangerous dog. When the determination is made that a dog is dangerous or potentially dangerous, the health director must notify the owner in writing, giving the reasons for the determination. The health director may consider any written response by the owner to the notification. The owner of the dog must maintain the dog under constant restraint on the owner's property until all appeals have been exhausted and a final decision rendered or no appeal is requested and the decision is final.

(b)

The owner may appeal the determination of a dangerous or potentially dangerous dog. Appeals must be by filing written objections with the Nash County ~~Board of Health~~ Human Services Board, which will serve as the appellate board, within ten business days after receiving written notice. The appellate board shall schedule a hearing within ten business days of the receipt of the appeal. Any appeal from the final decision of such appellate board shall be taken to superior court. Appeals to superior court must be filed within ten days of the final decision of the appellate board. Until all appeals are final, the dog must remain under restraint.

(c)

It is unlawful for any person to maintain or harbor any dangerous dog or potentially dangerous dog not in a secure enclosure.

(d)

Except as provided in subsection (j), any dog which has killed a person shall be euthanized by animal control. This action may be delayed upon request from law enforcement.

(e)

Upon notification of the determination that a dog is dangerous or potentially dangerous, the owner shall maintain the dog under constant restraint on the owner's property until such time as a secure enclosure is provided.

(f)

The owner shall have 30 days from the date of notification to provide a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. Said sign shall not violate any county ordinance.

(g)

The owner shall have the animal tattooed or microchipped by a licensed veterinarian and provide animal control with documentation of said tattoo or microchip within 30 days thereafter.

(h)

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this chapter.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-19. - Relation to hunting laws.**

Nothing in this chapter is intended to be in conflict with the general statutes regulating, restricting, authorizing or otherwise affecting dogs while used in lawful hunting.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-20. - Relation to ~~Livestock-animal-agriculture.~~**

The intent of this chapter is not to regulate or restrict generally accepted practices related to livestock ~~and animal agriculture.~~

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-21. - Interference with enforcement of chapter.**

It shall be unlawful for any person to interfere with, hinder, assault or molest animal control section agents or officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such agents or officers.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-22. - Imposition of penalties for violations of chapter.**

(a)

The violation of any provision of this article shall be a Class 3 misdemeanor punishable by a fine not to exceed \$500.00. Each day's violation of this article is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for penalties or citations imposed under this chapter.

(b)

In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).

(c)

In addition to and/or in lieu of the criminal sanctions imposed by law, the county may issue civil citations, in such amounts as established below, for any violation of this chapter. Each separate violation under this chapter shall constitute a distinct offense under this chapter. Payment of said citations shall be made within 72 hours of issuance of a notice of violation. The notice of violation may be delivered by hand delivery to the person or may be mailed to said person at his last known address.

(d)

The civil penalties for any violation of sections 4-6—4-8, 4-17, and 4-30 shall be escalating. The first offense shall be a warning, the second offense shall be a \$50.00 penalty, the third offense shall be a \$75.00 penalty, the fourth offense shall be a \$100.00 penalty, the fifth and subsequent violations shall be a \$250.00 penalty per violation.

- (e) The civil penalty for violation of section 4-5 shall be \$500.00.
- (f) The civil penalty for violation of sections 4-9, 4-11, 4-12, and 4-19 shall be \$100.00.
- (g) The civil penalty for violation of any provision of this chapter not specifically addressed shall be \$25.00.
- (h) The animal(s) involved in the violation of this chapter may be surrendered to animal control in lieu of payment of civil penalties.
- (i) Failure to pay the penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$100.00, together with the cost of the action, including reasonable attorney's fees to be taxed by the court.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

• **Sec. 4-23. – Tethering of Dogs.**

- (A) No person shall tether more than five dogs simultaneously at the same property location.
- (B) Except as provided herein, no dog shall be tethered at a vacant or unoccupied property unless the owner or his agent is present at the property.
- (C) Chain, choke or prong collars are prohibited during tethering of an animal.
- (D) During periods of tethering, any tethering device used shall be at least 12 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects and shall contain swivel ends on one or both sides of the tether. If a cable trolley system is used for tethering, the length of the cable along with the tethering device must be at least 12 feet in length and the dog must be able to move 10 feet away from the cable perpendicularly and be attached to the dog in such a manner to prevent strangulation or other injury to the dog and entanglement with objects.
- (E) Tethered dogs shall have access to adequate food, water, and shelter. This includes shelter from extreme heat or near freezing temperatures, flooding, tornadoes, thunderstorms, tropical storms and hurricanes.
- (F) Tethering and restraint of dogs shall be allowed when actively engaged in organized and lawful animal activities including but not limited to hunting, camping, obedience training, field and water training, law enforcement training, herding or shepherding of livestock, and or in the pursuit of working or competing on those legal endeavors, or for any activity where a tethered dog is in visual range of its owner or keeper, and the owner or keeper is located outside with the dog.
- (G) Any person found in violation of the regulations described in this section shall be subject to the following fines:
  - (i) First offense: Written warning will be given including notice of this ordinance.
  - (ii) Second offense: Subject to citation and \$100 fine (if the dog is not spayed or neutered, the fine may be voided in lieu of the owner having the pet spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).
  - (iii) Third offense: Subject to a class 3 misdemeanor and fine of up to \$250.
  - (iv) Fourth offense: Subject to a class 3 misdemeanor and fine of up to \$500 and forfeiture of the dog(s) to Nash County Animal Control.

- **Secs. 4-24—4-27. - Reserved.**

- **ARTICLE II. - RABIES CONTROL**

- **Sec. 4-28. - Compliance with state law; article as supplement to state law.**

(a)

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.

(b)

It is the purpose of this article to supplement state law by providing a procedure for the enforcement of state law relating to rabies control, in addition to the criminal penalties provided by state law.

(c)

The cost of rabies vaccinations provided at any county rabies clinic shall be determined by the ~~board of health~~ **Nash County Human Services Board**.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-29. - Inoculation of dogs, cats and other pets.**

(a)

It shall be unlawful for an owner or keeper to fail to provide current inoculation against rabies for any dog or cat four months of age or older. Should it be deemed necessary by the county health director, state health director, the county manager, or the state public health veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(b)

When a licensed veterinarian administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated one year later and every three years thereafter.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-30. - Inoculation tag, identification tag and proof of vaccination for dogs and cats.**

(a)

Upon complying with the provisions of this article, there shall be issued to the owner of the animal inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.

(b)

It shall be unlawful for any dog owner or keeper to fail to provide the dog with a collar to which a rabies tag is securely attached. The collar with attached tag must be worn at all times, except during the time the animal confined to an enclosure on the owner's premises is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.

(c)

It shall be unlawful to use for an animal a rabies inoculation tag issued for another animal.

In the case of a non-domestic carnivore or bat, the animal may be euthanized and the head examined for rabies.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-32. - Destruction of infected dogs or cats, protection of vaccinated dogs and cats.**

When the health director or designee reasonably suspects that a dog or cat has been exposed to the blood, saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. ~~The Health Director or designee shall follow the control measures, recommendations and guidelines for rabies post-exposure management specified by the National Association of State Public Health Veterinarians in the most current edition of the Compendium of Animal Rabies Prevention and Control, all as governed by N.C.G.S. 130A-197. If the dog or cat has a current rabies vaccination and the first vaccination was administered not less than three weeks prior to the exposure it must be given a booster dose of rabies vaccine within five days of the exposure and may be returned to the owner. If the dog or cat does not have a current rabies vaccination or does not get a booster dose within five days of exposure it shall be destroyed immediately. Or, as an alternative to destruction, the dog or cat may be quarantined at a licensed veterinary hospital or boarding kennel approved by the health director for a period of six months. Neither the county animal shelter nor the owner's premises may be used for the purpose of this quarantine.~~

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-33. - Area-wide emergency quarantine.**

(a)

When reports indicate a positive diagnosis of rabies, the health director may order an area-wide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the animal control section, and the police and sheriffs departments are hereby directed during such emergency, to impound any dog, cat or other carnivore found running at large in the county. During the quarantine period, the animal control section or local health authorities shall provide for a session of mass immunization by the establishment of temporary emergency rabies vaccination facilities located throughout the county.

(b)

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the health director.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

- **Sec. 4-34. - Postmortem diagnosis.**

(a)

If an animal dies while under observation for rabies, the head of such animal shall be submitted to the State Laboratory of Public Health for rabies diagnosis.

(b)

The carcass of any animal suspected of dying of rabies shall be surrendered to the animal control section. The head of such animal may be submitted to the State Laboratory of Public Health for rabies diagnosis.

*(Ord. of 7-9-2012, eff. 8-1-2012)*

Ms. Sandy Hall, County Extension Director presented for the Board's consideration farm lease bids for FSA tract #12258 in Whitakers, NC on Hwy. 48 for 34.52 acres. She recommended the Board accept and award the bid submitted by Jeffrey Tyson of \$85.00 per acre for a total bid of \$2,934.20.

On motion of Mary P. Wells seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners accept and award the bid for FSA tract #12258 in Whitakers on Hwy 48 for 34.52 acres to Jeffrey Tyson.

Mr. Kirkland presented for the Board's consideration a request for a new Economic Development Administrative Assistant.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly pass that the Nash County Board of Commissioners approve the request for a new Economic Development Administrative Assistant.

Ms. Donna Wood, Finance Officer, presented for the Board's consideration FY17 Essential Single Family Rehabilitation Loan Pool (ESFRLP17) Project Ordinance Amendment 2.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the following amendment to the Capital Project Ordinance be approved.

**NASH COUNTY  
 FY17 ESSENTIAL SINGLE FAMILY REHABILITATION LOAN POOL  
 (ESFRLP17) PROJECT ORDINANCE  
 AMENDMENT 2**

Be it ordained by the Board of Commissioners of Nash County, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Program Budget is hereby amended:

Section 1. The program authorized is the 2017 Essential Single Family Rehabilitation Loan Pool (ESFRLP17) described in the work statement contained in Funding Agreement #ESFRLP1716 between the County of Nash and the North Carolina Housing Finance Agency ("Agency"). All program activities are required to be completed by June 30, 2020.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the NC Department of Commerce and the budget contained herein.

Section 3. The following revenues shall be received to complete this project:

		<u>Previous</u>	<u>Amended</u>
0180611-451030	NC Housing Finance Agency 2017 ESFRLP	<u>\$490,000.00</u>	<u>\$805,000.00</u>
	<b>Total</b>	<b><u>\$490,000.00</u></b>	<b><u>\$805,000.00</u></b>

Section 4. The following amounts shall be expended for this project:

		<u>Previous</u>	<u>Amended</u>
0184983-535900	Hard Costs	<u>\$490,000.00</u>	<u>\$805,000.00</u>
	<b>Total</b>	<b><u>\$490,000.00</u></b>	<b><u>\$805,000.00</u></b>

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and Federal and State regulations.

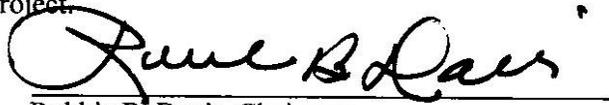
Section 6. Funds shall be requisitioned periodically from the Agency after submission of documentation to the County. Disbursement of funds shall be made by the County upon actual receipt of invoice from the vendor. Compliance with all Federal and State procurement regulations is required.

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

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

Section 9. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction to closeout this project.

Adopted this 6th day of January 2020.

  
 Robbie B. Davis, Chairman  
 Nash County Board of Commissioners

ATTEST:

  
 Janice Evans, Clerk to the Board

Ms. Wood presented for the Board's consideration Public Safety Radio Capital Project Ordinance Amendment 3.

On motion of Dan Cone seconded by Sue Leggett and duly passed that the following amendment to the Capital Project Ordinance be approved.

**NASH COUNTY, NC  
PUBLIC SAFETY RADIO PROJECT FUND  
CAPITAL PROJECT ORDINANCE  
AMENDMENT 3**

Be it ordained by the Nash County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is the Public Safety Radio Project for the purpose of a VIPER Radio System within the County.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of this ordinance and all rules and regulations within North Carolina General Statutes as it pertains to capital projects and the budget contained herein.

Section 3. The following revenues are anticipated for this project:

	Previously Amended	Amended
1460600-483100 Investment Earnings	\$ 3,900	\$ 4,823
1460600-488092 Fire Department Reimbursement	\$ 430,391	\$ 430,391
1460600-492146 Proceeds from Financing	\$ 3,200,000	\$ 3,200,000
1460600-498100 Transfer from General Fund	\$ <u>3,200,000</u>	\$ <u>3,200,000</u>
	<u>\$ 6,834,291</u>	<u>\$ 6,835,214</u>

Section 4. The following expenditures are projected:

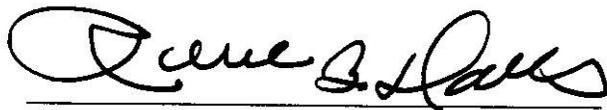
1464375-519200 Admin/Legal Services	\$ 22,923	\$ 22,923
1464375-526500 Equipment Supply – Radios	\$ 1,704,804	\$ 1,704,804
1464375-552000 Communication Equipment	\$ 416,407	\$ 416,407
1464375-558087 Tower Improvements	\$ 520,200	\$ 520,200
1464375-562901 VIPER Capacity Upgrade	\$ 475,000	\$ 475,000
1464375-599100 Contingency	\$ 0	\$ 0
1464375-571027 Debt Service	\$ 494,957	\$ 0
1464375-598010 Transfer to General Fund	<u>\$ 3,200,000</u>	<u>\$ 3,695,880</u>
	<u>\$ 6,834,291</u>	<u>\$ 6,835,214</u>

Section 5. The Finance Officer shall report on the financial status of each project element in Section 4 and total revenues received or claimed.

Section 6. The County Manager shall have the authority to approve incidental change orders up to \$25,000 per occurrence within the budgeted project

Section 7. Copies of this Capital Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 6th day of January 2020.



Robbie B. Davis, Chairman

ATTEST:



Janice Evans, Clerk to the Board

Ms. Wood presented for the Board's consideration Miracle Park at Coopers Capital Project Ordinance Amendment #7.

On motion of J. Wayne Outlaw seconded by Mary P. Wells and duly passed that the following amendment to the Capital Project Ordinances be approved.

**NASH COUNTY, NC  
MIRACLE PARK AT COOPERS  
CAPITAL PROJECT ORDINANCE  
AMENDMENT #7**

**BE IT ORDAINED BY THE** Nash County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby amended:

Section 1. The project authorized is the Nash County Miracle Park at Coopers Park for the purpose of acquisition, design and construction of a county wide park.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of this ordinance and all rules and regulations within North Carolina General Statutes as it pertains to capital projects, grant projects, and the budget contained herein.

Section 3. The following revenues are amended for this project:

		Previously Amended	Amended
1440612-433010	Sales Tax Refund	\$ 0	\$ 8,205
1440612-446003	Trillium Health Resources Grant	\$ 750,000	\$ 750,000
1440612-446001	PARTF Grant Funds	\$ 500,000	\$ 500,000
1440612-488013	Donations	\$ 250,000	\$ 250,000
1440612-446002	DNCR Grant Funds	\$ 125,000	\$ 125,000
1440612-446004	Major League Baseball- Baseball Tomorrow	\$ 60,000	\$ 60,000
1440612-498100	Transfer from General Funds	\$ 858,000	\$ 858,000
		<u>\$2,543,000</u>	<u>\$2,551,205</u>

Section 4. The following expenditures are projected:

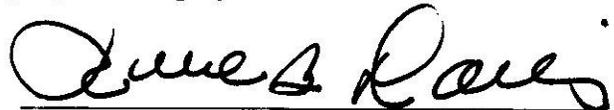
144 6120 526500	Equipment Supply	\$ 65,250	\$ 38,500
144 6120 555000	Equipment	\$ 479,354	\$ 479,034
144 6120 557001	Property Acquisition	\$ 209,835	\$ 209,835
144 6120 559005	Construction	\$1,653,561	\$1,660,861
144 6120 559120	Legal and Administrative Expenses	\$ 15,000	\$ 15,000
144 6120 559130	Acquisition/Design/Legal (Design)	\$ 100,000	\$ 111,975
144 6120 599100	Contingency	\$ 20,000	\$ 36,000
		<u>\$2,543,000</u>	<u>\$2,551,205</u>

Section 5. The Finance Officer shall report quarterly on the financial status of each project element in Section 4 and total revenues received or claimed.

Section 6. The County Manager shall have the authority to approve incidental change orders up to \$25,000 per occurrence within the budgeted project.

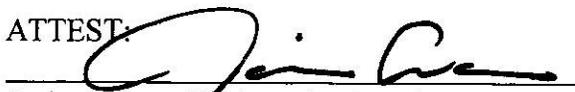
Section 7. Copies of this Capital Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 6th day of January 2020.



Robbie B. Davis, Chairman

ATTEST:



Janice Evans, Clerk to the Board

Ms. Wood asked the Board to consider approval of six (6) budget amendments for Fiscal Year 2019-2020.

On motion of Fred Belfield, Jr. seconded by Lou M. Richardson and duly passed that the following budget amendments be approved.

**County Capital**

This budget amendment is to budget funding for the Spring Hope Playground equipment based on the Interlocal Agreement approved September 7, 2019 to include new equipment in an amount not to exceed \$52,500. The winning proposal for the playground equipment project was from Site Concepts for \$49,493. The estimated date for completion of the project is March 2020.

Revenue:		
0100991-499100	Fund Balance Appropriated	<u>\$ 49,493</u> Incr
Expenditure:		
0104261-562910	P&R Spring Hope Project	<u>\$ 49,493</u> Incr

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**Insurance Proceeds**

This budget amendment makes funding available from insurance proceeds received from claims to cover vehicle repairs and a totaled vehicle in the Sheriff’s Office and fence repairs at the maintenance warehouse. No county Funds are requested.

Revenue:		
0100600-492005	Insurance Proceeds	<u>\$23,428</u> Incr
Expenditure:		
0104310-535305	Sheriff - Vehicle Repairs	6,846 Incr
0104310-552000	Sheriff – Vehicle	
0104260-519900	Professional Services	<u>1,150</u> Incr
		<u>\$23,428</u>
		15,432 Incr

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**JCPC Funding**

This budget amendment is to budget additional funding for JCPC programs in response to the 2017 Juvenile Justice Reinvestment Act and a Raise the Age Budget. Considering the funding is late in the fiscal year, the County’s match requirement has been waived. The programs receiving allocation are, Hometown Hires, sponsored by Peacemakers and Teen Court, sponsored by The Mediation Center of Easter Carolina. In administration, funding is allocated to administration to facilitate training and public awareness of Raise the Age. No County funds are requested.

Revenue:		
0100213-458340	Teen Court	\$16,305 Incr
0100213-458353	Hometown Hires	14,817 Incr
0100213-458334	JCPC Council	<u>7,942</u> Incr
		<u>\$39,064</u>
Expenditure:		
0105235-569046	Teen Court	\$16,305 Incr
0105235-569130	Hometown Hires	
0105235-569036	JCPC Council	<u>7,942</u> Incr
		<u>\$39,064</u>
		14,817 Incr

### **Sheriffs Office**

This budget amendment appropriates donated funds by the Sheriff's Citizens Advisory Committee to provide items for needy families and other services. No County funds are needed.

Revenue:  
0100230-445017            Sheriffs Community Support            \$ 6,118 Incr

Expenditure:  
0104310-569672            Sheriffs Community Support            \$ 6,118 Incr

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### **Parks and Recreation**

This budget amendment makes funds available that have already been collected in Sponsorship revenue for our Winter Sports; Basketball and Futsal. No County funds are requested.

Revenue:  
0100400-449804            Sponsorships            \$6,381 Incr

Expenditure:  
0106120-569247            Sponsorships            \$6,381 Incr

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### **Controlled Substance – Sheriffs Office**

This budget amendment is to budget funding for the 2<sup>nd</sup> year CALEA accreditation program fee. No County funds are requested.

Revenue:  
0270991-499100            Fund Balance Appropriated            \$4,000 Incr

Expenditure:  
0274310-544000            Service Maintenance Contracts            \$4,000 Incr

Ms. Stacie Shatzer, Assistant County Manager presented for the Board's consideration an appointment to the Tourism Development Authority and appointments to the Nash Health Care System – Board of Commissioners.

It was the consensus of the Board to table the Nash Health Care System – Board of Commissioners appointments and no action was taken on the appointment for the Tourism Development Authority.

Ms. Doris Sumner, Acting Tax Administrator presented the monthly tax report.

The Monthly Tax Collector's report was accepted.

Ms. Sumner presented for the Board's consideration the January 2020 tax refunds request.

On motion of Mary P. Wells seconded by Sue Leggett and duly passed that the following tax refunds be approved.

REFUND REQUESTS  
JANUARY 6, 2020

1. PROCTOR RENEAL 1027 E WASHINGTON ST NASHVILLE NC 27856	NCO 2019	\$	28.74
	TOTAL	\$	28.74

ERROR IN HEATED SQUARE FOOTAGE ON PARCEL 042406 WITH A VALUE REDUCTION OF \$4,290.

PROCTOR RENEAL 1027 E WASHINGTON ST NASHVILLE NC 27856	NCO 2018	\$	28.74
	TOTAL	\$	28.74

ERROR IN HEATED SQUARE FOOTAGE ON PARCEL 042406 WITH A VALUE REDUCTION OF \$4,290.

PROCTOR RENEAL 1027 E WASHINGTON ST NASHVILLE NC 27856	NCO 2017	\$	28.74
	TOTAL	\$	28.74

ERROR IN HEATED SQUARE FOOTAGE ON PARCEL 042406 WITH A VALUE REDUCTION OF \$4,290.

PROCTOR RENEAL 1027 E WASHINGTON ST NASHVILLE NC 27856	NCO 2016	\$	46.16
	TOTAL	\$	46.16

ERROR IN HEATED SQUARE FOOTAGE ON PARCEL 042406 WITH A VALUE REDUCTION OF \$6,890.

PROCTOR RENEAL 1027 E WASHINGTON ST NASHVILLE NC 27856	NCO 2015	\$	46.16
	TOTAL	\$	46.16

ERROR IN HEATED SQUARE FOOTAGE ON PARCEL 042406 WITH A VALUE REDUCTION OF \$6,890.

2. RYDER TRUCK RENTAL INC 0642 ATTN: PROPERTY TAX DEPARTMENT PO BOX 025719 MIAMI FL 33102	NCO 2017	\$	250.73
	TOTAL	\$	250.73

IRP TAG LY1639 ON P00001939 WAS STATE ASSESSED ON EJ POPE'S MOTOR CARRIER LISTING AND RYDER ERRONEOUSLY LISTED IT ON THEIR BUSINESS PERSONAL PROPERTY LISTING VALUED AT \$37,422.

RYDER TRUCK RENTAL INC 0642 ATTN: PROPERTY TAX DEPARTMENT PO BOX 025719 MIAMI FL 33102	NCO 2016	\$	322.36
	TOTAL	\$	322.36

IRP TAG LY1639 ON P00001939 WAS STATE ASSESSED ON EJ POPE'S MOTOR CARRIER LISTING AND RYDER ERRONEOUSLY LISTED IT ON THEIR BUSINESS PERSONAL PROPERTY LISTING VALUED AT \$48,114.

RYDER TRUCK RENTAL INC 0642 ATTN: PROPERTY TAX DEPARTMENT PO BOX 025719 MIAMI FL 33102	NCO 2015	\$	394.00
	TOTAL	\$	394.00

IRP TAG LY1639 ON P00001939 WAS STATE ASSESSED ON EJ POPE'S MOTOR CARRIER LISTING AND RYDER ERRONEOUSLY LISTED IT ON THEIR BUSINESS PERSONAL PROPERTY LISTING VALUED AT \$58,805.

Chairman Davis called on the Commissioners for any comments and/or reports.

Mr. Lamb provided a Manager's Report to the Board.

On motion of Dan Cone seconded by J. Wayne Outlaw and duly passed that the Board go into closed session as permitted by NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege; NCGS 143-318.11(a)(4) for the discussion of matters relating to economic development and the location or expansion of industries or other businesses in the County; NCGS 143-318.11 (a) (5) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken on behalf of the county in negotiating the price or a proposed contract for the acquisition of real property; and NCGS 143-318(a)(6) to consider the qualifications, competence, fitness and conditions of appointment or conditions of initial employment of a prospective public officer or employee.

During closed session, the Board received updates on economic development projects, consulted with the attorney to discuss matters that are subject to the attorney-client privilege between the attorney and the Board and had discussion related to the county manager's annual evaluation.

On motion of Mary P. Wells seconded by Fred Belfield, Jr. and duly passed that the closed session minutes of December 2, 2019 and December 19, 2019 be approved.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the closed session adjourn.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the meeting adjourn.

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Janice Evans, Clerk  
Nash County Board of Commissioners