
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
JANUARY 20, 2009 (TUESDAY)
6:45 PM

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE –

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Recognition of Outgoing Board Members:

Mr. William E. Tew, Jr. – Civic Center Commission

Special Recognition to Hank Debnam, Area Director, Cumberland County Mental Health Department
Award of the 3 Best Programs from the North Carolina Council on Community Programs

1. Consent Agenda

A. Approval of minutes for the January 5, 2009 regular meeting.

B. Approval of Disposition of Records for the following Departments:

- (1) Governing Body
- (2) County Administration

C. Approval of Proposed Additions to the State Secondary Road System:

Cypress Pond Subdivision: Pioneer Drive (SR 3009 Ext.), Spring Cress Drive,
Lanquid Court, Cypress Pond Drive,
Bromliad Court, Cambric Drive, Carabid Court

D. Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure –
3.0 Acres Matthews Land, PIN: 0438-09-6675, Cross Creek Township.

- E. Approval of Payment for Outstanding Invoices from Previous Fiscal Years for Services Rendered to the Department of Social Services and the Cumberland County Legal Department.
- F. Approval of Contract with the Engineering Firm of Marziano & McGougan in a Limited Partnership with Koonce, Noble & Associates for the Evaluation and Development of a Cumberland County Rural Water Feasibility Study.
- G. Approval of Adopting Preliminary Assessment Roll for Lake Upchurch Dam Restoration Project and Schedule Public Hearing.
- H. Approval of Sole Source Exception for Hot Water Heater and Boiler Distributor for the Detention Center.
- I. Approval of Report on the Disposal of Surplus Property Pursuant to NCGS 160A-226(a).
- J. Budget Revisions:
 - (1) Tourism Development Authority

Revision in the amount of \$374,600 to budget additional revenue anticipated to be collected during remainder of fiscal year. (B09-258) **Funding Source – Room Occupancy Tax**
 - (2) Library
 - a. Revision in the amount of \$11,509 to recognize reduction in state funding. (B09-256) **Funding Source – State**
 - b. Grants – Revision in the amount of \$66,300 to recognize Gates Grant received to upgrade computers. (B09-257) **Funding Source – Grant**
 - (3) Eastover Fire District

Revision in the amount of \$900 to increase expenditure line to cover unanticipated refunds to taxpayers. (B09-259) **Funding Source – Eastover Fire District Tax**
 - (4) Mental Health

Revisions in the total amount of \$302,745 to recognize reduction in state funding for various programs. (B09-261 thru B09262D) **Funding Source – State**

(5) General Government Other

Revision in the amount of \$8,605 to appropriate designated renovation and maintenance fund balance to replace the existing keyscan unit and software with an upgraded system and add an additional system at the loading dock. (B09-266) **Funding Source – Renovation and Maintenance Appropriated Fund Balance**

(6) Sheriff- Federal Forfeiture Fund

Revision in the amount of \$5,000 to appropriate fund balance to replace an existing dog that has spine problems and is no longer serviceable. (B09-265) **Funding Source – Federal Forfeiture Appropriated Fund Balance**

(7) Gray’s Creek Middle School Capital Project Fund

Revision to reallocate expenditures to pay additional issuance costs. (B09-26) **Funding Source – Loan Proceeds**

2. Public Hearings

Contested Cases

- A. Case P08-62. Rezoning of 31.20+/- acres from A1 Agricultural to R20 Residential, or to a more restrictive zoning district, located at 6185, 6189, & 6193 NC HWY 87 S, owned by Joan E. Humphrey Heirs.
- B. Case P08-63. Rezoning of 2.71+/- acres from R30 Residential to R30A Residential, or to a more restrictive zoning district, located at 1188 Cypress Lakes Road, owned by John Lee McArthur, Jr.

Other Public Hearings

- C. Public Hearing on the County Community Development Department’s Neighborhood Stabilization Program.

Items of Business

- 3. Consideration of Cumberland County Policy Committee Report and Recommendations Regarding Animal Control Ordinance Amendment Prohibiting Tethering of Dogs.

4. Nominations to Boards and Committees
 - A. Nursing Home Advisory Board (3 Vacancies)
 - B. Senior Citizens Advisory Board (1 Vacancy)
 - C. Workforce Development Board (2 Vacancies)
5. Appointments to Boards and Committees
 - A. Appointment of Member of the Board of Commissioners to the following:
 1. Air Quality Stakeholders Committee
 2. Child Homicide Identification and Prevention (CHIP) Council
 3. Criminal Justice Partnership Advisory Board
 4. Joint Transit Study Committee
 - B. Adult Care Home Community Advisory Committee (1 Vacancy)
Nominee: Sonya Edmonds
 - C. Cape Fear Valley Health System Board of Trustees (1 Vacancy)
Nominee: John Henley, MD
 - D. Mid-Carolina Aging Advisory Committee
Nominee: Elizabeth Deane

ADJOURN

THIS MEETING WILL BE BROADCAST LIVE ON TIME WARNER COMMUNITY CHANNEL 7.

**MEETINGS: February 2, 2009 (Monday) – 9:00 AM
February 17, 2009 (Tuesday) - 6:45 PM**

- MENTAL HEALTH
- DEVELOPMENTAL DISABILITIES &
- SUBSTANCE ABUSE

NORTH CAROLINA COUNCIL OF COMMUNITY PROGRAMS

505 OBERLIN RD. SUITE 100
PHONE: (919) 327-1500

RALEIGH, NC 27605
FAX: (919) 755-0697

PRESS RELEASE

FOR IMMEDIATE RELEASE

CUMBERLAND MENTAL HEALTH CENTER SWEEPS EXCELLENCE AWARDS FOR 2008

Pinehurst, NC (December 11, 2008) ... The Cumberland Mental Health Center recently swept the Programs of Excellence Awards winning three of the seven categories: Community Collaboration To Benefit Non-Target Population Consumers for Their Teens Making A Change program; Public Awareness and Advocacy for the Access to Information program; and Partnership to Improve Services for their Mental Health Collaborative efforts.

The awards were presented by the North Carolina Council of Community Mental Health, Developmental Disabilities, and Substance Abuse Programs on December 11, 2008 at their annual Conference & Exhibition in Pinehurst, NC.

The Teens Making a Change (T-MAC) is a collaboration between youth, parents, the community collaborative, Cumberland Communicare, staff and volunteers from the community. T-MAC's goals are to develop youth to serve as peer role models; help youth teach each other to be responsible for their own actions; help youth grow and practice respect toward others; and teach youth leadership skills and practice them in community service settings to "give back."

The Mental Health Collaboration is focused on integrating mental health and physical care through collaborations with five major organizations in Cumberland County -- Cape Fear Valley Medical Center, Cumberland County LME, Southern Regional AHEC, NC I-Care, and Carolina Collaborative Community Care (4C) to develop a more comprehensive system of care. This partnership resulted in a three step approach to ensuring collaborative care: 1) provide free specific mental health training and resources to support local medical professionals; 2) foster collaboration between human services providers for addressing mental health issues by making mental health providers available for on-site consultations, screenings and evaluations; and 3) implement co-location projects to provide mental health and medical services in the same settings.

Access to Information' began at the grassroots level with input from surveys, community meetings and the Cumberland Consumer and Family Advisory Committee (CFAC). The goal was to reach more people in more ways with information about accessing mental health services. Together, CFAC members and Cumberland staff met with other organizations, individuals and media representatives to identify gaps in awareness and advocacy. The program now boasts 40' community billboards and a new 424 HOPE number to access services, as well as detailed website information and more local collaboration.

Each year the North Carolina Council of Community Mental Health, Developmental Disabilities and Substance Abuse (MH/DD/SA) Programs seeks to identify innovative and effective community programs that have been instrumental in serving persons with disabilities in North Carolina. Winners are selected by a committee which includes directors and board members of area authorities for MH/DD/SA services.



ITEM NO. 13

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 20, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: JANUARY 9, 2009

SUBJECT: REPORT ON THE DESTRUCTION OF COUNTY RECORDS

BACKGROUND

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, I have authorized the destruction of County records as noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

1. County Commissioners' Office (see attached memo).
2. Cumberland County Administration (see attached memo).

PROPOSED ACTION

Record the report in the Board's official minutes.

/ct

CM010909-2

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
MARSHALL FAIRCLOTH
JIMMY KEEFE
EDWARD G. MELVIN



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

January 7, 2009

ITEM NO. _____

AGENDA ITEM FOR JANUARY 20, 2009 MEETING

TO: James Martin, County Manager
FROM: Marsha Fogle, Clerk
RE: Destruction of Records

BACKGROUND: Pursuant to a Resolution adopted by the Board of Commissioners at its February 4, 1985 meeting, authorization is requested to destroy Governing Body records as noted below.

The destruction of these records is in accordance with the Records Retention Schedule issued by NC Division of Archives & History and adopted by the Board of Commissioners.

COMMISSIONERS PACKETS	2004
CORRESPONDENCE FILES	2004

ACTION: Approve destruction as noted above.

Celebrating Our Past... Embracing Our Future



COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM

TO: JAMES E. MARTIN, COUNTY MANAGER

FROM: CYNTHIA A. TUCKER, ADMINISTRATIVE COORDINATOR

DATE: JANUARY 9, 2009

SUBJECT: DESTRUCTION OF RECORDS

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized destruction of certain County Administration and Governing Body records. I am asking for authorization of destruction of the following:

2004 County Administration Correspondence
2004 County Administration Memorandums
2004 County Administration Administrative Material

The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of Commissioners.

CM010909-1



ITEM NO. 1C

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 20, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 21, 2008

SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM

BACKGROUND

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance (see attached):

Cypress Pond Subdivision: Pioneer Drive (SR 3009 Ext.), Spring Cress Drive, Lanquid Court, Cypress Pond Drive, Bromliad Court, Cambric Drive, Carabid Court

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs.

PROPOSED ACTION

Approve the above listed streets for addition to the State Secondary Road System.

/ct
Attachments



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 6, 2009

Division Six - District Two
Cumberland County

Mr. J. Breeden Blackwell, Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. Blackwell,

This is reference to a petition submitted to this office requesting street(s) in Cumberland County be placed on the State's Secondary Road System. Please be advised that these street(s) have been investigated and our findings are that the below listed street(s) are eligible for addition to the State System.

Cypress Pond Subdivision

- Pioneer Dr. (SR 3009 Ext.)
- Spring Cress Dr.
- Lanquid Ct.
- Cypress Pond Dr.
- Bromliad Ct.
- Cambric Dr.
- Carabid Ct.

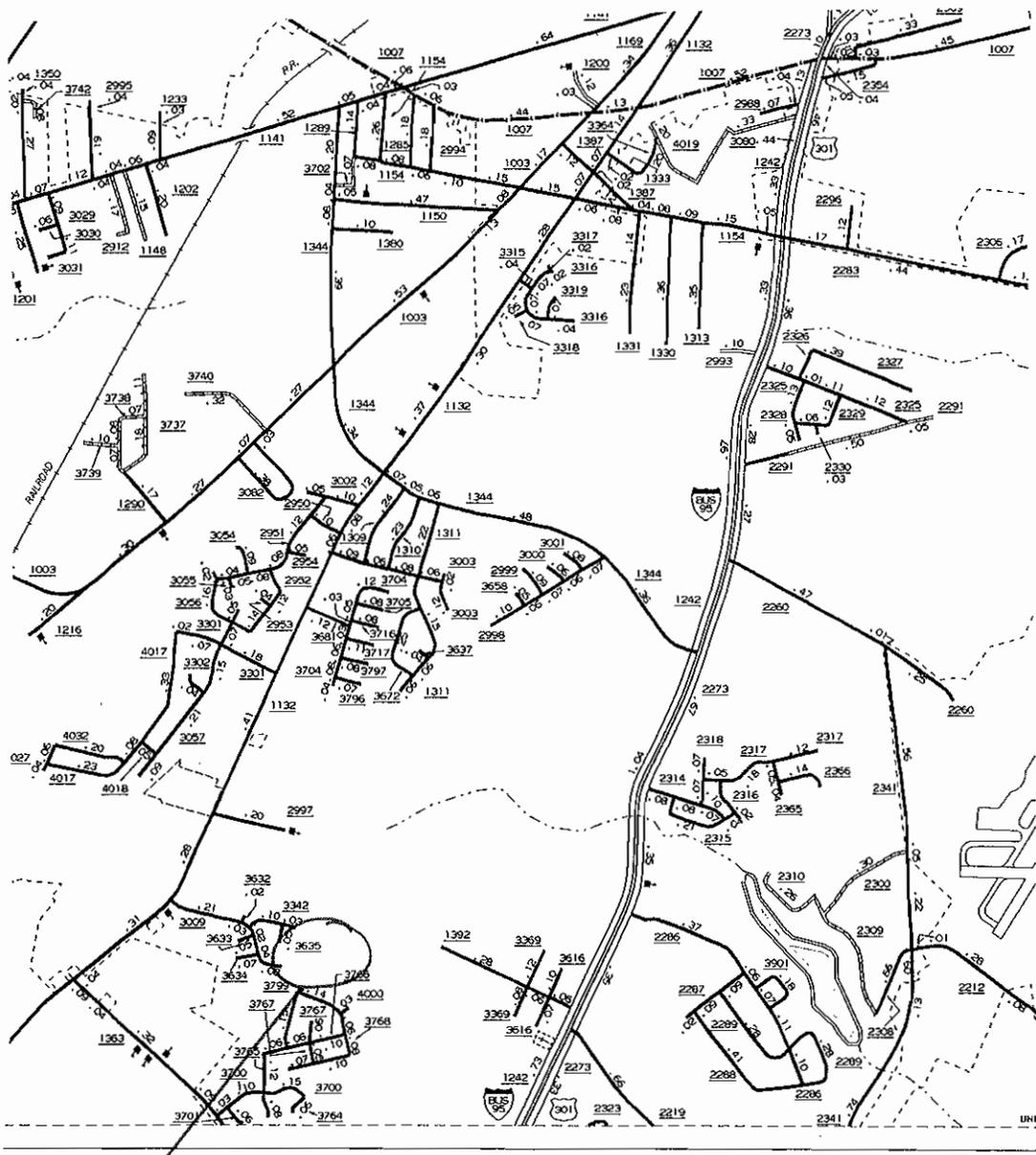
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in black ink that reads "Christopher W. McGee".

Christopher W. McGee, P.E.
District Engineer

CWM:rdp



SITE



ITEM NO. 1D

OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

January 6, 2009

MEMORANDUM FOR BOARD OF COMMISSIONERS' JANUARY 20, 2009 AGENDA:

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL
PROPERTY ACQUIRED BY TAX FORECLOSURE

3.0 ACRES MATTHEWS LAND
(LOCATED OFF MURCHISON RD OFF BENNETT DR)
PIN 0438-09-6675; CROSS CREEK TOWNSHIP

BACKGROUND: On or about April 21, 2001, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$1,975.93.

Marcia K. Smith was the last and highest bidder offering to purchase the County's interest in the property for **\$4,351.56** and has deposited \$435.16 in the Finance Office. The tax value of the property is \$3,909.00.

This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Marcia K. Smith's bid. The property has been advertised and has received several bids; however, Marcia K. Smith was the final and highest bidder. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Marcia K. Smith to purchase the above property for the sum of **\$4,351.56**, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

GRB/hnw
Attachment

Celebrating Our Past... Embracing Our Future



Site Map

CROSS CREEK TOWNSHIP

200 0 200 Feet



THE COUNTY OF CUMBERLAND AND ITS GIS DEPARTMENT OF PLANNING ACCOUNT ABLY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESSED OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.



ITEM NO. 1E

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 20, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER

DATE: JANUARY 12, 2009

SUBJECT: APPROVAL OF PAYMENT OF PAST YEAR INVOICES FOR SERVICES RENDERED TO THE DEPARTMENT OF SOCIAL SERVICES AND CUMBERLAND COUNTY LEGAL DEPARTMENT

BACKGROUND

The Department of Social Services has requested payment of previous year invoices (FY2004 through FY2007) for services rendered to Work First clients by Dr. Meredith Hall. Payments were not made timely during the intended fiscal years due to various billing and handling discrepancies. The Department of Social Services did verify that the evaluations and services rendered were performed. The total amount to be paid for Dr. Hall's services is \$10,557.95. A system has been put in place to assure these circumstances do not reoccur.

Additionally, the Cumberland County Legal Department is requesting payment to Hunton & Williams for professional services rendered in FY2008 as bond counsel to Cumberland County in connection with an Installment Financing Contract for the financing and construction of the Gray's Creek Middle School. It was brought to the Finance Department's attention that the billing for these services was never processed. The total fees and disbursements is \$13,041.55.

Appropriate backup for each request is attached.

RECOMMENDATION/PROPOSED ACTION

Management is requesting approval for payment of the abovementioned invoices to Dr. Meredith Hall in the amount of \$10,557.95 and to Hunton & Williams in the amount of \$13,041.55.

/ct

CM011209-2



DEPARTMENT OF SOCIAL SERVICES
P.O. Box 2429 • Fayetteville, North Carolina 28302-2429
(910) 323-1540 • Fax: (910) 677-2801

TO: Amy Cannon, Assistant County Manager
FROM: Shirley Harris, DSS Business Officer II *SHA*
DATE: December 23, 2008
RE: Outstanding Invoices for R. Meredith Hall, PhD

We are requesting approval for payment of psychological evaluation services provided to Work First clients by Dr. R. Meredith Hall. The services for the attached invoices were rendered during FY04 through FY07. Payment was not made timely during the fiscal year intended due to various billing and handling discrepancies. We have verified that the evaluations were indeed performed by Dr. Hall therefore payment of \$10,557.95 is due to vendor # HALL463502 from line 101-437-4365-4311. We have changed the manner in which we conduct business with Dr. Hall and should not have this problem in the future.

Upon your review and approval, we are requesting this item be placed on the consent agenda for the next scheduled meeting of the County Commissioners, granting authorization for payment, since this involves previous fiscal years.

Please contact me at 677-2057 if you need additional information. Thank you in advance for your assistance.

SMH/sh

Attachments

...partnering with families and the neighborhoods where they live to plan and provide early help to vulnerable families...

FALCON • FAYETTEVILLE • GODWIN • HOPE MILLS • LINDEN • SPRING LAKE • STEDMAN • WADE



POST OFFICE BOX 109
RALEIGH, NORTH CAROLINA 27602

TEL 919 • 899 • 3000
FAX 919 • 833 • 6352
919 • 899 • 3096

EIN 54-0572269

INVOICE SUMMARY

Cumberland County, North Carolina

INVOICE NUMBER: G486359
DATE: March 13, 2008

CLIENT NAME Cumberland County, North Carolina
CLIENT NUMBER 41497.33
BILLING ATTORNEY Mary Nash K. Rusher

IN FULL for professional services rendered as bond counsel to Cumberland County, North Carolina (the "County") in connection with an Installment Financing Contract in the amount of \$20,000,000 with the County for the purpose of financing the construction of Gray's Creek Middle School, a 134,000 square foot building designed for 900 students, on the Property located at 2964 School Road, Hope Mills, North Carolina (the "Project"), including drafting of Installment Financing Contract, Escrow Deposit Agreement, Deed of Trust and closing papers, and all necessary telephone calls, conferences and correspondence relating thereto

TOTAL FEES **\$12,500.00**
TOTAL DISBURSEMENTS..... **\$541.55**
TOTAL FEES AND DISBURSEMENTS..... **\$13,041.55**

(Please include billing number 41497.33 on your remittance.)

*# HUNT 084176
017-470-4717-3119*

Bank: SunTrust Bank, Richmond, VA
Account Name: Hunton & Williams Operating
Account Number: 001458094
ABA Transit Routing Number: 061000104
Swift Code (International): SNTRUS3A
Information with Wire: Rusher/04548, Cumberland County, North Carolina/41497.33,
March 13, 2008
Instructions to Bank: Give an immediate telephone advice to Michelle Baughan
(804) 787-8037.



PUBLIC UTILITIES DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7682 • Fax (910) 678-7682

THOMAS B. COONEY III, P.E.
Public Utilities Director

MEMORANDUM

TO: Board of Commissioners

FROM: Tom Cooney, Director 

THROUGH: James Martin, County Manager

DATE: January 20, 2009

SUBJECT: Approval of Contract with the Engineering Firm of Marziano & McGougan in a limited partnership with Koonce Noble & Associates for the Evaluation and Development of a Cumberland County Rural Water Feasibility System.

BACKGROUND

At the Board of Commissioners' August 15th meeting the Board selected the Engineering firm of Marziano & McGougan in a limited partnership with Koonce, Noble & Associates to evaluate and make recommendations to the County on the best course of action for the County to take in providing a County Water System. The Board also authorized staff to negotiate and develop a contract with the Engineering firm of Marziano & McGougan in a limited partnership with Koonce, Noble & Associates to provide an overall strategy and develop a plan to provide for a County Water System.

Attached are copies of the Contract as well as the outline and breakdown of the Tasks developed to achieve the necessary recommendations to guide Cumberland County into the future as it pertains to a County Water System. The amount of this contract is not to exceed \$136,980.00. The Engineer has been proceeding with work (at risk) even though a contract is not in place and expects to provide the County with a preliminary report in March of 2009.

Celebrating Our Past...Embracing Our Future

RECOMMENDATION:

The County Public Utilities Director and Management recommend that Board of Commissioners:

1. Approve a Contract in the amount not to exceed \$136,980.00 with firm of Marziano & McGougan for the development of a county water distribution plan and system.
2. A budget revision is not required. Funds are available in the Water & Sewer Fund for this project.

**SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of _____ (“Effective Date”) between

County of Cumberland (“Owner”)

and Marziano & McGougan, P.A. (“Engineer”)

Engineer agrees to provide the services described below to Owner for County Water Study (“Project”).

Description of Engineer's Services: Preparation of a County-wide water study in accordance with our proposal dated

July 11, 2008. Additionally, we will use as co-consultants for this work, the firm of Koonce, Noble Associates in

Accordance with our presentation on August 5, 2008.

Owner and Engineer further agree as follows:

1.01 Basic Agreement

A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement, and Owner shall pay Engineer for such Services as set forth in Paragraph 9.01.

2.01 Payment Procedures

A. *Preparation of Invoices.* Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner.

B. *Payment of Invoices.* Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer(s) invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Payments will be credited first to interest and then to principal.

3.01 Additional Services

A. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above.

B. Owner shall pay Engineer for such additional services as follows: For additional services of Engineer's employees engaged directly on the Project an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

4.01 Termination

A. The obligation to provide further services under this Agreement may be terminated:

1. For cause,

a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party.

b. By Engineer:

1) upon seven days written notice if Engineer believes that Engineer is being requested by Owner to furnish or perform services contrary to Engineer(s) responsibilities as a licensed professional; or

2) Upon seven days written notice if the Engineer(s) services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer(s) control.

3) Engineer shall have no liability to Owner on account of such termination.

c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under paragraph 4.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon the receipt of notice by Engineer.

B. The terminating party under paragraphs 4.01.A.1 or 4.01.A.2 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

6.01 Successors, Assigns, and Beneficiaries

A. Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the

extent permitted by paragraph 6.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.01 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer(s) services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any Contractor(s) work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a Contractor(s) work progress, nor for any failure of any contractor to comply with laws and regulations applicable to Contractor(s) work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any Contractor(s) failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any Contractor(s) agents or employees or any other persons (except Engineer(s) own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

E. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract@ as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2002 Edition).

F. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.

H. The parties acknowledge that Engineer(s) scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

8.01 Total Agreement

A. This Agreement (consisting of pages 1 to 4 inclusive together with any expressly incorporated appendix), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

9.01 Payment (Hourly Rates Plus Reimbursable Expenses)

A. Using the procedures set forth in paragraph 2.01, Owner shall pay Engineer as follows:

1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.
2. Engineer's Standard Hourly Rates are attached as Appendix 1. The hourly rates include all profit/overhead.
3. The total compensation for services and reimbursable expenses is not to exceed \$ 136,980.00

B. The Engineer's compensation is conditioned on the time to complete construction not exceeding 6 months. Should the time to complete construction be extended beyond this period, total compensation to Engineer shall be appropriately adjusted.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: County of Cumberland

ENGINEER: Marziano & McGougan, P.A.

By: _____

By: Thomas J. Marziano

Title: _____

Title: President

Date Signed: _____

Date Signed: 11-10-08

License or Certificate No. and State _____

Address for giving notices:

130 Gillespie Street

Fayetteville, NC 29301

Address for giving notices:

P. O. Box 4428

Asheboro, NC 27204

APPENDIX 1

Hiram Marziano (Principal)	\$130.00
Lacy Koonce (Principal)	\$130.00
Sam Noble Project Engineer	\$130.00
Joe McGougan Project Manager	\$130.00
Brian Sexton Project Engineer	\$110.00
Charlie McGougan Project Engineer	\$130.00
Cameron Britt Project Designer	\$90.00
Faye Freeman – Env. Research	\$65.00
Admin. & Support Staff	\$55.00



Marziano & McGougan, P.A.
 147-A Dublin Square Road
 Asheboro, NC 27204
 (336) 629-3931 Phone
 (336) 629-3932 Fax



APPENDIX 2

MAN

TASK	Faye Freeman (KNA) Env. Research	Administrative & Support Staff	TOTALS
<i>Preliminary Planning Phase</i>			
Review of preliminary layout & service area boundaries			24
Potential water customer base review and estimate	4	2	26
Review the options for regionalization			32
Preliminary design and construction cost estimate			40
Sub-Total	4	2	122
<i>Financing & Application Phase</i>			
Scoping meeting w/County (setup financing meetings)	4		16
Contact funding agencies & arrange meetings			6
Set schedules & submit preliminary documents	4	2	26
Prepare USDA applications	16	16	72
Prepare Rural Center/other applicable funding applications	16	16	72
Funding agency meetings (minimum of 3 anticipated)	12	4	64
Sub-Total	52	38	256
<i>PER Phase</i>			
Prepare PER memo w/USDA outline	8	4	44
Review project goals and PER memo w/County	4		24
Field work related to site selections			20
Obtain County GIS data for mapping purposes			6
Develop population projections			14
Develop water demand projections			38
Alternative analysis	8	8	124
Prepare study maps	8	8	122
Write PER	24	12	168
Present PER to County & USDA	8	16	64
Sub-Total	60	48	624
<i>EA Phase: FEE FOR DETAILED EA TO BE NEGOTIATED IF AN ACTUAL</i>			
Write General EA data into the PER		8	64
Obtain wetland/arch/historical/soils data			0
Delineate water service area using Arcview GIS			0
Summarize existing occupancy rates in service area			0
Write EA & prepare support docs			0
Present EA to County			0
Forward EA to USDA & respond to comments			0
Action meetings w/EA agencies (minimum of 2 anticipated)			0
Sub-Total	0	8	64
<i>Public Participation Phase</i>			
Initial meeting w/County and SWTF	8	2	30
Prepare action plan & coordinate w/County	4	4	26
Meet w/public liaisons to locate host sites, etc.	12	2	50
Prepare public presentation of PER	8	8	48
Public meetings (minimum of 3 anticipated)	24	24	100
Sub-Total:	56	40	254
<i>Total Fee Estimate</i>			
TOTAL HOURS	172	136	1320
COST PER HOUR	\$65.00	\$55.00	-
TOTAL PROJECT FEE ESTIMATE	\$11,180	\$7,480	\$136,980

ENGINEERING FEE NOT TO EXCEED
BIOLOGICAL & WETLANDS SUB-CONSULTANT
ARCHAEOLOGICAL SUB-CONSULTANT
TOTAL ESTIMATED PROJECT FEE

Note: The above hourly rates include cost of mileage, printing and n

Level of Effort as a percentage of the total Manhours

8.2%	5.5%	100.0%
------	------	--------

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 1G

SAM LUCAS
Engineering Technician II

WAYNE DUDLEY, CFM
Engineering Technician I

ENGINEERING DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7636 • Fax (910) 678-7635

January 8, 2009

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ROBERT N. STANGER, COUNTY ENGINEER *RNS*

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: ADOPT PRELIMINARY ASSESSMENT ROLL FOR LAKE UPCHURCH DAM RESTORATION PROJECT AND SCHEDULE PUBLIC HEARING

BACKGROUND

On February 17, 2004, the homeowners around Lake Upchurch petitioned the Board of Commissioners to undertake a special assessment project to repair the dam which was breached in May 2003. On May 17, 2004, following a public hearing, the Board adopted the Special Assessment Resolution for the Lake Upchurch Dam Restoration Project and authorized staff to proceed with the project. The Special Assessment Resolution was subsequently revised on June 20, 2005, to extend the term of payments from 5 to 10 years.

On February 6, 2006, the Board awarded a contract to Paul Howard Construction Company for construction of a new labyrinth spillway and repair of the earthen dam. This work commenced in May 2006 and was completed in May 2007. Additional improvements were required on the primary and auxiliary spillway gates owned by Lake Upchurch Power, Inc., and the earthen berm on property owned by Bayshore Properties LLC. This additional work was completed in March 2008 under separate contracts. Authorization to impound water was granted by the regulatory agencies in May 2008.

The Lake Upchurch Dam Restoration Project is complete and the final cost determined to be \$2,604,003.88. See the attached spreadsheet. The assessment rate is calculated to be \$71.36275 per \$100 valuation based on the current land value, exclusive of any improvements, of all properties in the project area.

The Engineering Department has prepared the Preliminary Assessment Roll for the Lake Upchurch Dam Restoration Project of which a copy is attached. The Preliminary Assessment Roll lists all the property owners, Parcel Identification Number (PIN), land value, and the amount of the assessment. A public hearing on the Preliminary Assessment Roll is required and at the conclusion of the hearing the Board may adopt the roll as presented or make any modifications it deems appropriate.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer, County Attorney, and management is to adopt the Preliminary Assessment Roll for the Lake Upchurch Dam Restoration Project, set the time and date for the public hearing for 7:00 PM, February 17, 2009 and direct staff to publish notification of the public hearing and mail by first-class a notice to all property owners in the project area.

Celebrating Our Past...Embracing Our Future

LAKE UPCHURCH DAM RESTORATION PROJECT - FINAL COSTS

PROJECT ENTITIES		FINAL COSTS	DESCRIPTION OF WORK
PAUL HOWARD CONSTRUCTION COMPANY	\$	2,016,683.99	Construction of labyrinth spillway and breach repair
SCHNABEL ENGINEERING	\$	309,000.00	Design and construction administration
4-D SITE SOLUTIONS	\$	26,319.00	Survey , grading plan and erosion control plan for Bayshore Properties LLC berm
SOILS & ENVIRONMENTAL CONCERNS	\$	736.40	Wetland consulting services
FROEHLING & ROBERTSON	\$	8,040.00	Geotechnical evaluation of existing dam & density testing on berm
THE ROSE GROUP	\$	3,500.00	Base map survey
GATE MODIFICATIONS	\$	75,000.00	Total rehabilitation of gates in primary and auxilliary spillways
W.J.JACKSON CONSTRUCTION	\$	1,944.99	Materials for erosion control work
SANFORD CONTRACTORS, INC.	\$	42,779.50	Backfill behind berm on Bayshore Properties LLC
CLAIMS SETTLEMENT	\$	120,000.00	Storm damage settlement with contractor
	\$	<u>2,604,003.88</u>	

Project Assessment Base from County Tax Records as of 12/18/2008 = \$3,648,968

Project Assessment Rate = \$71.3628 per \$100 valuation

Prepared by: RNS

Date: December 22, 2008

Preliminary Assessment Roll
 Lake Upchurch Dam Restoration Project
 Assessment rate = \$71.36275 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
AUSTIN, EUNICE WOOD	9493-58-3681-	\$ 20,100.00	\$ 14,343.91
AUTRY, JOEL E & WIFE	9493-89-0063-	\$ 9,000.00	\$ 6,422.65
AUTRY, JOEL E & WIFE LOUISE M	9493-89-2058-	\$ 9,000.00	\$ 6,422.65
AUTRY, JOEL E & WIFE LOUISE M	9493-89-1065-	\$ 30,150.00	\$ 21,515.87
BARRETT, BILLY D & WIFE ZITA Y	9493-49-3496-	\$ 6,834.00	\$ 4,876.93
BAY SHORE PROPERTIES LLC	0403-09-0258-	\$ 171,332.00	\$ 122,267.23
BEASLEY, JOHN DOYLE	9493-68-2485-	\$ 29,880.00	\$ 21,323.19
BIDDIX, ROBERT H & WIFE	9493-78-3995-	\$ 45,225.00	\$ 32,273.80
BLANKS, JEREMY D & WIFE	9493-78-0876-	\$ 45,225.00	\$ 32,273.80
BONK, STEVEN S & WIFE	9493-89-6286-	\$ 30,150.00	\$ 21,515.87
BOWDEN, JAMIE & WIFE HEATHER	9493-48-2370-	\$ 20,100.00	\$ 14,343.91
BOYD, DERRELL ALLEN	9493-27-8954-	\$ 25,125.00	\$ 17,929.89
BRAMBLE, KELVIN	9493-18-5836-	\$ 4,000.00	\$ 2,854.51
BROOKS, YVETTE	9493-58-7721-	\$ 20,100.00	\$ 14,343.91
BROWN, J B	9493-27-1990-	\$ 100.00	\$ 71.36
BULLARD, DAYLE	9493-59-7687-	\$ 8,040.00	\$ 5,737.57
BULLOCK, JOHNNY	9493-37-1967-	\$ 25,628.00	\$ 18,288.85
CALHOUN, KRISTOPHER BRYAN &	9493-78-1889-	\$ 45,225.00	\$ 32,273.80
COMMISSION ON OUTDOOR &	9493-28-9488-	\$ 73,359.00	\$ 52,351.00
COX, BRUCE E & WIFE BETTY A	9493-68-6698-	\$ 37,688.00	\$ 26,895.19
DAVIS, DAVID NEIL & WIFE	9493-68-9779-	\$ 45,225.00	\$ 32,273.80
DAVIS, KAMA F & HUSBAND	9493-38-8240-	\$ 30,150.00	\$ 21,515.87
DAVIS, WILLIAM P	9493-38-9119-	\$ 10,050.00	\$ 7,171.96
DAVIS, WILLIAM P	9493-38-9179-	\$ 10,050.00	\$ 7,171.96
DEAN, LOUIS OVERTON JR &	9493-38-6128-	\$ 50,250.00	\$ 35,859.78
DEAN, ROY LEE JR & WIFE	9493-39-1578-	\$ 72,885.00	\$ 52,012.74
DEAN, ROY LEE JR & WIFE	9493-39-9448-	\$ 64,396.00	\$ 45,954.76
DEAN, WILLIAM KENT &	9493-59-0589-	\$ 6,030.00	\$ 4,303.17
DEERING, DIANE	9493-68-2801-	\$ 52,763.00	\$ 37,653.13
DEERING, THOMAS E & WIFE	9493-68-8784-	\$ 37,688.00	\$ 26,895.19
DOWLESS, CURRIE K	9493-18-6887-	\$ 13,400.00	\$ 9,562.61
EDGE, GRAHAM O	9493-09-4791-	\$ 178,749.00	\$ 127,560.20
EHLE, ELLIS E	9493-59-1589-	\$ 10,050.00	\$ 7,171.96
EHLE, ELLIS E	9493-49-6511-	\$ 8,040.00	\$ 5,737.57
EHLE, ELLIS E JR	9493-49-7503-	\$ 6,030.00	\$ 4,303.17
EHLE, KAREN	9493-48-5453-	\$ 3,000.00	\$ 2,140.88
ENGLE, CARL C JR & WIFE	9493-69-0881-	\$ 10,050.00	\$ 7,171.96
ENGLE, CARL CLYDE & WIFE	9493-59-9880-	\$ 3,000.00	\$ 2,140.88
FROEBA, RICKY P & WIFE	9493-58-9591-	\$ 29,880.00	\$ 21,323.19
GRAY, DONALD LEE	9493-48-9455-	\$ 20,100.00	\$ 14,343.91
GRAY, JAMES ALEXANDER JR &	9493-18-3776-	\$ 3,000.00	\$ 2,140.88
GRAY, JAMES ALEXANDER JR &	9493-18-2770-	\$ 4,000.00	\$ 2,854.51
GRIFFIN, LINWOOD A & WIFE	9493-78-6926-	\$ 37,688.00	\$ 26,895.19
GUIN, ESTELLE	9493-38-5018-	\$ 18,794.00	\$ 13,411.92

Preliminary Assessment Roll
 Lake Upchurch Dam Restoration Project
 Assessment rate = \$71.36275 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
GUIN, ESTELLE	9493-38-4036-	\$ 14,095.00	\$ 10,058.58
GUIN, ESTELLE	9493-37-4946-	\$ 12,766.00	\$ 9,110.17
HAUGHN, DAVID C & WIFE ANA F	9493-49-3329-	\$ 8,040.00	\$ 5,737.57
HAZOBBY RENTAL CO	9493-27-9935-	\$ 10,050.00	\$ 7,171.96
HEATH, MARILYN S	9493-27-6839-	\$ 10,050.00	\$ 7,171.96
HESTER, WILLIAM DAN	9493-59-6558-	\$ 8,040.00	\$ 5,737.57
HESTER, WILLIAM F &	9493-59-7644-	\$ 7,500.00	\$ 5,352.21
HESTER, WILLIAM F &	9493-59-6692-	\$ 7,500.00	\$ 5,352.21
HESTER, WILLIAM F &	9493-59-7477-	\$ 3,015.00	\$ 2,151.59
HIPP, JIMMY CARSON	9493-27-6982-	\$ 10,050.00	\$ 7,171.96
HOOKS, BILLY R & WIFE	9493-17-9988-	\$ 25,125.00	\$ 17,929.89
HORTON, CHARLIE BURCHETT SR	9493-38-7148-	\$ 30,150.00	\$ 21,515.87
HULON, SHERWOOD W & WIFE	9493-27-4858-	\$ 20,100.00	\$ 14,343.91
HYDROTECH INC	9494-90-9114-	\$ 8,816.00	\$ 6,291.34
HYDROTECH INC	9494-90-9577-	\$ 2,883.00	\$ 2,057.39
IVEY, NATHAN L	9493-59-9725-	\$ 1,200.00	\$ 856.35
JOHNSON, RICHARD & WIFE	9493-48-7561-	\$ 10,050.00	\$ 7,171.96
JOHNSON, RICHARD & WIFE	9493-48-7511-	\$ 10,050.00	\$ 7,171.96
JOHNSON, RICHARD & WIFE	9493-48-8448-	\$ 22,110.00	\$ 15,778.30
** JOHNSON, ROBERT W & WIFE	9493-49-5604-	\$ 27,000.00	\$ 19,267.94
JONES, CLIFFORD WALTER	9493-58-5627-	\$ 20,100.00	\$ 14,343.91
JONES, CLIFFORD WALTER	9493-58-4654-	\$ 10,050.00	\$ 7,171.96
KOCHER, RONALD & WIFE RUBY S	9493-68-7780-	\$ 37,688.00	\$ 26,895.19
LAMBERT, ROBERT W	9493-48-1279-	\$ 25,125.00	\$ 17,929.89
LANCE, NEAL RAY & ROSE MARY	9493-58-1459-	\$ 22,110.00	\$ 15,778.30
LANDFALL PARTNERS L L C	9483-99-1201-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-99-1130-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-99-1050-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-2933-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-3816-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-7807-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-7980-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-6813-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-8867-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-4811-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-5821-	\$ 30,150.00	\$ 21,515.87
LANDFALL PARTNERS L L C	9483-98-9841-	\$ 30,150.00	\$ 21,515.87
LAWING, DWIGHT W JR & WIFE	9493-89-3142-	\$ 30,150.00	\$ 21,515.87
LEWIS, KENNETH E & WIFE	9493-27-7933-	\$ 3,000.00	\$ 2,140.88
LEWIS, KENNETH E & WIFE THELMA	9493-27-7983-	\$ 10,050.00	\$ 7,171.96
LEWIS, LEO NELSON SR & WIFE	9493-08-9627-	\$ 26,800.00	\$ 19,125.22
LEWIS, SAMUEL EUGENE	9493-58-2574-	\$ 30,150.00	\$ 21,515.87
LOCKLEAR, ALTON LIFE ESTATE	9493-59-8639-	\$ 8,040.00	\$ 5,737.57
LUCAS, ELBERT REX	9493-27-1938-	\$ 21,356.00	\$ 15,240.23

Preliminary Assessment Roll
 Lake Upchurch Dam Restoration Project
 Assessment rate = \$71.36275 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
MCKENZIE, CHARLOTTE G	9493-37-4910-	\$ 12,766.00	\$ 9,110.17
MCVICKERS, DANIEL MARK & WIFE	9493-78-2990-	\$ 45,225.00	\$ 32,273.80
MEHLICH, ADOLF LEONHARD	9493-78-8968-	\$ 37,688.00	\$ 26,895.19
MEHLICH, ADOLF LEONHARD	9493-78-7956-	\$ 37,688.00	\$ 26,895.19
MOHLER, JAMES E & WIFE DORIS S	9493-18-0653-	\$ 26,800.00	\$ 19,125.22
MUNSON, LES A & WIFE	9493-59-4529-	\$ 8,040.00	\$ 5,737.57
NARAMORE, JAMES C	9493-59-5529-	\$ 8,040.00	\$ 5,737.57
NEWTON, ROSINA RAUER	9493-49-9524-	\$ 15,540.00	\$ 11,089.77
NGUYEN, HONG T &	9493-58-8715-	\$ 37,688.00	\$ 26,895.19
NOBLIN, JOHN M & WIFE	9493-29-6482-	\$ 25,628.00	\$ 18,288.85
NORMAN, WILLIAM C & WIFE	9493-29-1286-	\$ 32,034.00	\$ 22,860.34
PENFIELD, DANIEL JOSEPH & WIFE	9493-58-6712-	\$ 20,100.00	\$ 14,343.91
PHIPPS, CATHERINE D	9493-49-8544-	\$ 6,030.00	\$ 4,303.17
PIERCE, WM KENT	9493-27-5858-	\$ 20,100.00	\$ 14,343.91
ROE, FRANKLIN D & WIFE	9493-58-9802-	\$ 30,150.00	\$ 21,515.87
ROE, FRANKLIN D & WIFE JUDITH	9493-68-0827-	\$ 30,150.00	\$ 21,515.87
SALEEBY, ELI L & ELAINE P	9493-89-8209-	\$ 22,613.00	\$ 16,137.26
SHELNUTT, LONA R	9493-28-2058-	\$ 7,538.00	\$ 5,379.32
SHEPARD, JOE M & BRENDA D	9493-18-1665-	\$ 26,800.00	\$ 19,125.22
SHOOK, CAROL	9493-69-1976-	\$ 1,800.00	\$ 1,284.53
SHOOK, CAROL S	9494-60-2043-	\$ 2,400.00	\$ 1,712.71
SHOOK, CAROL S	9493-69-1932-	\$ 1,800.00	\$ 1,284.53
SIMMONS, JAMES E & WIFE KIM T	9493-68-4526-	\$ 67,230.00	\$ 47,977.18
SLEDGE, GLENN W	9493-79-9061-	\$ 30,150.00	\$ 21,515.87
SLONE, EDWARD R & WIFE JUDY D	9493-89-4144-	\$ 30,150.00	\$ 21,515.87
SMITH, MARCIA M	9493-19-7180-	\$ 7,650.00	\$ 5,459.25
SMITH, MARCIA M	9493-19-9290-	\$ 32,034.00	\$ 22,860.34
STANLEY, CALLIE R	9494-70-7243-	\$ 153,966.00	\$ 109,874.37
STANLEY, CALLIE R	9493-89-2541-	\$ 9,240.00	\$ 6,593.92
STANLEY, CALLIE RATLEY	9493-68-5696-	\$ 37,688.00	\$ 26,895.19
STATEN, MICHAEL B SR & WIFE	9493-68-0672-	\$ 29,880.00	\$ 21,323.19
STONE, AUDREY LYNN	9493-59-3610-	\$ 8,040.00	\$ 5,737.57
STRICKLAND, JOHN TERELL	9493-18-8057-	\$ 20,100.00	\$ 14,343.91
STRICKLAND, JOHN TERELL	9493-17-8930-	\$ 51,085.00	\$ 36,455.66
STRICKLAND, JOHN TERRELL	9493-18-7197-	\$ 19,598.00	\$ 13,985.67
SWARTOUT, JOLINDA D	9493-27-2859-	\$ 20,100.00	\$ 14,343.91
SWARTOUT, JOLINDA D	9493-27-3857-	\$ 20,100.00	\$ 14,343.91
TARPLEY, EDWARD JOHN JR & WIFE	9493-68-1343-	\$ 36,180.00	\$ 25,819.04
TAYLOR, DONALD R & WIFE NAN O	9493-29-4305-	\$ 37,688.00	\$ 26,895.19
TAYLOR, PHILLIP R TRUSTEE	9493-78-5907-	\$ 45,225.00	\$ 32,273.80
TCJ INVESTMENTS INC	9493-48-4367-	\$ 20,100.00	\$ 14,343.91
TCJ INVESTMENTS INC	9493-48-3373-	\$ 20,100.00	\$ 14,343.91
TROTMAN, HARRY D III	9493-58-0464-	\$ 20,100.00	\$ 14,343.91
VENTERS, RANDY T & WIFE	9493-17-6796-	\$ 42,555.00	\$ 30,368.42

Preliminary Assessment Roll
 Lake Upchurch Dam Restoration Project
 Assessment rate = \$71.36275 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
VENTERS, RANDY T & WIFE	9493-27-0402-	\$ 21,453.00	\$ 15,309.45
VENTERS, RANDY T & WIFE	9493-17-3550-	\$ 5,863.00	\$ 4,184.00
VOSS, DAGMAR	9493-59-0517-	\$ 15,540.00	\$ 11,089.77
WAINGOLD, MICHAEL &	9493-49-7583-	\$ 6,030.00	\$ 4,303.17
WEBB, NORMAN R & WIFE GISELA	9493-18-7985-	\$ 6,700.00	\$ 4,781.30
WEST, MORRISON	9493-48-6426-	\$ 10,050.00	\$ 7,171.96
WEST, MORRISON P JR	9493-48-6478-	\$ 10,050.00	\$ 7,171.96
WIGGS, PATRICK V	9493-27-9985-	\$ 10,050.00	\$ 7,171.96
WIGGS, PATRICK V	9493-37-0935-	\$ 10,050.00	\$ 7,171.96
WILLIAMS, P M HEIRS	9493-29-5490-	\$ 25,628.00	\$ 18,288.85
WILLIFORD, DEBORAH L	9493-59-8773-	\$ 7,500.00	\$ 5,352.21
WILLIFORD, DEBORAH LYNN	9493-59-9532-	\$ 603.00	\$ 430.32
WINDON, LAWRENCE S & WIFE ANIT	9493-48-1206-	\$ 7,538.00	\$ 5,379.32
WINDON, LAWRENCE S & WIFE ANIT	9493-48-0242-	\$ 22,110.00	\$ 15,778.30
WINTERS, SCOTT W	9493-89-5261-	\$ 37,688.00	\$ 26,895.19
TOTAL LAND VALUE		\$ 3,648,968.00	\$ 2,604,003.91
**LAND VALUE IS FOR PINS:9493-49-5700 (\$15000)& 9493-49-5502 (\$12000) FOR TAX YEAR 2008			
PARCELS WERE RECOMBINED PB120 PG176 & NEW PIN:9493-49-5604 FOR 2009			



ITEM NO. 14

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 20, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER

DATE: JANUARY 13, 2009

SUBJECT: APPROVAL OF SOLE SOURCE EXCEPTION FOR HOT WATER HEATER AND BOILER DISTRIBUTOR FOR THE DETENTION CENTER

BACKGROUND

The Detention Center became operational in the spring of 2003. Al, Brunson, Facilities Maintenance Manager, was notified in December that Ken Clary & Company, LLS is now the sole distributor for the PVI equipment, which is the manufacturer of the boilers and hot water heaters that we currently have at the Detention Center. It is very important for the County to have an authorized PVI distributor of the hot water heaters and boilers that are currently operational at the Detention Center. At this time, Accurate Boiler & Burner Inc, is the certified field representative for maintenance support, which could change as other companies become PVI certified.

RECOMMENDATION/PROPOSED ACTION

Purchasing recommends to approve the request for the sole source PVI distributor to Ken Clary & Company for sole source exception under GS 143-129(e)(6).

At this time, we do not recommend a sole source exception to Accurate Boiler & Burner, Inc., for maintenance and service. While Accurate boiler & Burner, Inc. are currently the only field representative available for maintenance and service, this could change as other companies become PVI certified.

/ct

CM011309-1

THELMA S. MATTHEWS
Purchasing Accounts Manager
(910) 678-7743



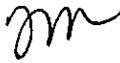
DEBBIE H. MILLER
Buyer
(910) 678-7746

FINANCE DEPARTMENT
PURCHASING DIVISION

4th Floor, Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829 • Fax (910) 323-6120

MEMO

TO: James E. Martin, County Manager

From: Thelma S. Matthews, Purchasing/Accounts Manager 

Date: January 13, 2009

Re: Sole Source

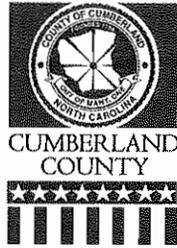
Attached you will find a request for a sole-source exception for Ken Clary & Company, LLC for PVI water heating products and boilers from Al Brunson, Public Buildings Equipment Maintenance Manager. Enclosure 3 is a letter from PVI Industries confirming Ken Clary & Company, LLC is the sole distributor and factory authorized sales and service agency for PVI water heating products for North Carolina.

I request Ken Clary & Company, LLC be on the next County Commissioners agenda for approval of sole source exception (GS 143-129(e)(6)) at the present time Accurate Boiler and Burner Inc. is the certified field representative, which could change as other companies become certified representatives.

Celebrating Our Past...Embracing Our Future

PUBLIC BUILDINGS
EQUIPMENT MAINTENANCE
Albert Brunson
Manager

LANDSCAPING
Jeff DeVore
Manager



PUBLIC BUILDINGS
& GROUNDS
Legrand Hucks
Supervisor

TED WILLIAMS
Carpentry
Supervisor

BUILDING MAINTENANCE FACILITY

Buildings & Grounds (910) 678-7699 • Public Building Equipment Maintenance (910) 678-7699 • Carpentry (910) 678-7698
420 Mayview Street • Fayetteville, North Carolina 28306-1748 • Fax (910) 223-3360

MEMORANDUM

THRU: Thelma Matthews, Purchasing *TM*

TO: James Martin, County Manager

FROM: Al Brunson, Facilities Maintenance Manager *Al Brunson 9 JAN 09*

SUBJECT: Request for sole source for hot water heater and boiler support from PVI

DATE: January 9, 2009

PURPOSE: The purpose of this request is to designate PVI and its associates as a sole source and provider.

BACKGROUND: The Detention Center became operational in the spring of 2003. The boilers, two (2) each are 6,050,000 BTU/HR with a replacement cost at today's price of \$44,800.00 and six (6) hot water heaters; four (4) are 600 gallons, 1,600,000 BTU/HR with a replacement cost at today's price of \$40,600.00 and two (2) are 400 gallons are 1,600,000 BTU/HR with a replacement cost at today's price of \$32,700.00 manufactured by PVI Industries, LLC located in Fort Worth, Texas. PVI distributor for North Carolina is Ken Clary & Company, LLC, Atlanta, Georgia (see Enclosure 1).

COORDINATION: During December 2008, I made contact with PVI concerning their Service Representative in North Carolina for PVI installed equipment. I was advised in writing on December 23, 2008 by PVI that Ken Clary & Company, LLC is the sole distributor for PVI equipment. PVI also identified ABB, Inc., Cary, North Carolina as the PVI factory authorized service representative. I also searched the Internet for a PVI authorized representative and found a company in Charlotte, NC. The name of the Company is P.A.C.E. Contact was made with them and was informed they are no longer a PVI Representative (see Enclosure 2).

SUMMARY: The equipment, boilers and hot water heaters are manufactured and distributed by PVI Industries, LLC of Fort Worth, Texas. PVI Industries has designated their equipment and supplies as proprietary.

Celebrating Our Past... Embracing Our Future

RECOMMENDATION: That Ken Clary & Company, LLC 5825 Glenridge Drive, NE, Building 2, Suite 111, Atlanta, Georgia 30328 be designated as a sole distributor; that Accurate Boiler & Burner, Inc., 210 Caraway Street, Cary, NC 27519 be designated a sole authorized field representative for maintenance, procurement and repair parts for PVI installed equipment in facilities within Cumberland County (see Enclosure 3). That Cumberland County Public Buildings Equipment Maintenance will continue to coordinate with PVI to ensure that if other field representatives become PVI certified; we would add them to *our listing*.



Al Brunson

From: Roger [roger@kenclary.com]
Sent: Wednesday, January 07, 2009 3:58 PM
To: Al Brunson
Subject: RE: Request for information

Al, These Boilers are 6,050,000 Btuh input each and currently sell for \$44,800.00 each. Regards,
Roger

From: Al Brunson [mailto:albrunson@co.cumberland.nc.us]
Sent: Wednesday, January 07, 2009 3:45 PM
To: Roger
Subject: Request for information

Roger

Happy New Year to you.

I need some help on the boilers installed at the Detention Center; here are the particular for the boilers:

- **Boiler # 1 Model 150WBHE250ATP,**
SERIAL NUMBER 0600101500

- **Boiler # 2 Model 150WBH250ATP**
SERIAL NUMBER 0600101500

I need to know the BTU for the boilers and I also need to know what would be the replacement cost (ballpark) for one of these boilers on today market?

Roger, thank you for your time,

Respectfully

AL BRUNSON

FACILITIES MAINTENANCE MANAGER

PHONE (910) 321-6946

CELL (910) 391-7870

FAX (910) 223-3360

E-MAIL: albrunson@co.cumberland.nc.us

1/7/2009

ENCL 1
PAGE 1

Al Brunson

From: Roger [roger@kenclary.com]
Sent: Thursday, January 08, 2009 10:39 AM
To: Al Brunson
Subject: RE: More information

Al, the model 2000 P 600 A-TP uses 1,600,000 Btu/hr. and is \$40,600.00. The model 2000 P 400 A-TP is also 1,600,000 Btu/hr. and is \$32,700.00.

Regards,
Roger

From: Al Brunson [mailto:albrunson@co.cumberland.nc.us]
Sent: Thursday, January 08, 2009 9:03 AM
To: Roger
Subject: More information

Roger

Thanks for the information on the boilers; I need the same information on the 400 and 600-gallon hot water heaters. I need this information to complete my sole source justification for your products.

Thanks in advance.

AL BRUNSON

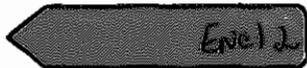
FACILITIES MAINTENANCE MANAGER

PHONE (910) 321-6946

CELL (910) 391-7870

FAX (910) 223-3360

E-MAIL: albrunson@co.cumberland.nc.us



Service Vendors List

Page 1 of 1

Service Companies for NC

CARY

ACCURATE BOILER & BURNER
919-831-1000

CHARLOTTE

P.A.C.E.
704-597-8990
[Send Email](#)

Service Company



ENCLOSURE
PAGE 1

PVI Industries, LLC • PO Box 7124 • Ft. Worth, TX 76111-0124

December 23, 2008

Al Brunson
Clayton County School District
Maint. Dept.
(678) 479-0195

Reference: PVI Industries, Inc. Product Representation

Please be advised that the Ken Clary & Company, LLC, 5825 Glenridge Drive, N.E., Bldg.2, Suite 111, Atlanta, GA 30328 is the sole distributor and factory authorized sales & service agency for PVI water heating products for Georgia, North Carolina, South Carolina and North Florida area. They have represented our products for over 45 years. They may be reached at 404-255-8070 or 1-800-241-4142.

Also, ABB, Inc, in Cary, NC is a PVI Factory Authorized Service Representative in your area.

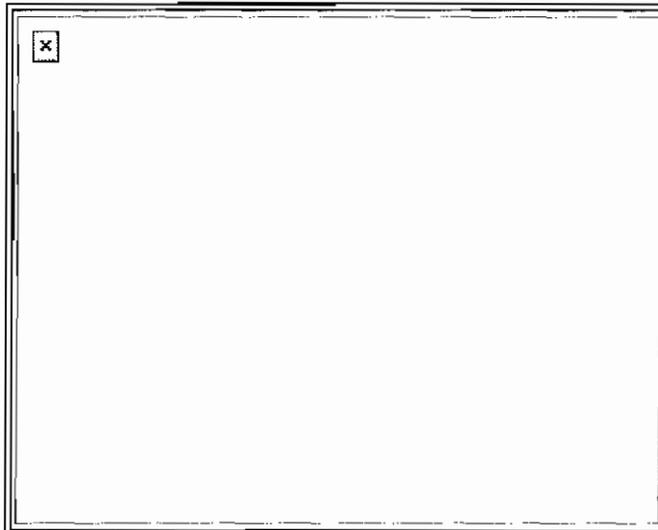
Sincerely,

Paul Franklin
Customer Service Manager
PVI Industries, LLC

cc: Ken Clary & Company

PVI at a Glance

ENCLOSURE
DATE

	<p>Factory and Headquarters Location: Fort Worth, Texas</p> <p>Manufacturer of domestic water heaters and steel boiler ISO 9001 certified. 100,000 ASME pressure vessels shipped worldwide.</p> <p>NAISC codes 332313, 332410, 332420 and 333414. SIC codes 3443 and 3433.</p> <p>ASME (American Society of Mechanical Engineers) standards:</p> <ul style="list-style-type: none"> "H" (low pressure boilers) "S" (high-pressure boilers) "U" (unfired pressure vessels) "HLW" (lined water heaters) "R" (repair)
---	---

PVI, A Brief History

PVI Industries began building commercial, institutional, and industrial water heaters in 1961. From modest beginnings, we've become one of the leading suppliers of engineer-specified plumbing and heating equipment for new construction and building retrofits. There are now more than 100,000 PVI installations worldwide.

Originally, the PVI product line was a handful of simple gas water heaters. It has since grown to more than 1000 standard models and tens of thousands of possible custom models, utilizing any of the common energy sources (gas, oil, electric, steam, and hot water) or combinations of energies in storage tanks ranging from 50 to 4500 gallons. Our production is 100% dedicated to the ASME commercial market with no residential manufacturing.

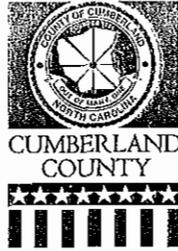
PVI products are available nationally and internationally through a network of independent and factory sales representatives. PVI equipment in the field is supported by factory-trained service professionals and a team of highly skilled customer service technicians in our home office. PVI water heaters and boilers are also backed by the industry's strongest warranty and service policy package. Our offerings include no-cost first year service policies, extended service policies, multi-year heat exchanger warranties, scale failure warranties, and 5-, 10-, 15-, and 20-year tank warranties.

PVI's corporate headquarters and highly automated manufacturing facility are located in Fort Worth, Texas. The facility also houses our water heater and boiler R&D center, an accelerated-destruction tank lining testing center, the largest electroless nickel (EN) plating facility in North America, and a multi-media training center for engineer/specifiers and service technicians.

To obtain more information from PVI, please fill out our email form and we will get in touch with you as soon as possible. You may also contact your PVI representative directly from the information available on this website.

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



CLIFF SPILLER
Assistant County Manager

AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

5th Floor, New Courthouse - P.O. Box 1829 - Suite 512 • Fayetteville, North Carolina 28302-1829
(910) 678-7723 / (910) 678-7726 • Fax: (910) 678-7717

January 12, 2009

ITEM NO. 11

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CLIFF SPILLER, ASSISTANT COUNTY MANAGER 

SUBJECT: REPORT ON THE DISPOSAL OF SURPLUS PROPERTY PURSUANT TO N.C.G.S.160A-226(a)

BACKGROUND

On June 15, 1998, the Board adopted a resolution founded in the statutes allowing the Assistant County Manager to dispose of certain "personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county".

The resolution stipulated further that the Assistant County Manager "shall render semi-annual reports to the Board of County Commissioners summarizing disposals between the preceding January 1 and June 30th". Accordingly, attached herewith is that report.

RECOMMENDATION

That the Board accept and approve the attached report of personal county property disposed of by the Assistant County Manager.

PROPOSED ACTION

That the Board adopts the attached report and that the report be duly recorded in the official minutes.

/do

Attachments:

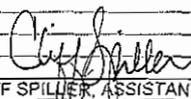
Celebrating Our Past...Embracing Our Future

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY
 JULY 1, 2008 - DECEMBER 31, 2008

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
1	7/1/2008	TYPEWRITERS	4	EXTENSION SERVICES	LANDFILL	ANN STREET	
2	7/1/2008	SHELVING UNIT	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
3	7/1/2008	MONITORS	5	EXTENSION SERVICES	LANDFILL	ANN STREET	
4	7/1/2008	CPU	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
5	7/1/2008	DESK	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
6	7/1/2008	PITNEY BOWES FOLDER	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
7	7/1/2008	PITNEY BOWES SEALER	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
8	7/1/2008	TABLES	2	EXTENSION SERVICES	LANDFILL	ANN STREET	
9	7/28/2008	SALVAGED PARTS	MISC	BMF			RE-STORE WAREHOUSE
10	7/28/2008	DESK	2	FINANCE	LANDFILL	ANN STREET	
11	7/28/2008	BOOKSHELVES	2	FINANCE	LANDFILL	ANN STREET	
12	7/28/2008	CREDENZA	1	FINANCE	LANDFILL	ANN STREET	
13	8/4/2008	TAPE DRIVES	2	INFORMATION SERVICES	LANDFILL	ANN STREET	
14	8/4/2008	FAX MACHINE	1	INFORMATION SERVICES	LANDFILL	ANN STREET	
15	8/7/2008	PLOTTER	1	PLANNING & INSPECTIONS	LANDFILL	ANN STREET	
16	8/12/2008	BOOK RETURN	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
17	8/12/2008	CHAIR	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
18	8/12/2008	ROTARY ACTION FILE	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
19	8/12/2008	TOOL CABINET	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
20	8/12/2008	TABLE	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
21	8/12/2008	FOLDING TABLE	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
22	8/12/2008	DESKTOP COMPUTERS	33	PUBLIC LIBRARY	LANDFILL	ANN STREET	
23	8/12/2008	MONITORS	16	PUBLIC LIBRARY	LANDFILL	ANN STREET	
24	8/12/2008	LASER PRINTER	1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
25	8/27/2008	COMPUTER SPEAKERS	2	INFORMATION SERVICES	LANDFILL	ANN STREET	
26	8/28/2008	CHAIR	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
27	9/16/2008	DESK	1	HUMAN RESOURCES	LANDFILL	ANN STREET	
28	9/16/2008	FOLDING TABLE	1	HUMAN RESOURCES	LANDFILL	ANN STREET	
29	9/16/2008	HD 1500 DRY SUITS	2	SHERIFF'S OFFICE	LANDFILL	ANN STREET	
30	10/2/2008	CELL PHONES	12	SHERIFF'S OFFICE			CLERK OF COURT/SAFE HAVEN
31	10/2/2008	CELL PHONE CAR CHARGERS	2	SHERIFF'S OFFICE			CLERK OF COURT/SAFE HAVEN

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY
 JULY 1, 2008 - DECEMBER 31, 2008

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
32	10/13/2008	FAN	1	COMMUNICATIONS CENTER	LANDFILL	ANN STREET	
33	10/16/2008	COMPUTER MONITORS	80	PUBLIC LIBRARY	LANDFILL	ANN STREET	
34	10/22/2008	PRINTER	1	EXTENSION SERVICES	LANDFILL	ANN STREET	
35	11/14/2008	DESKTOP COMPUTERS	64	PUBLIC LIBRARY	LANDFILL	ANN STREET	
36	12/9/2008	BULLETPROOF VESTS	10	SHERIFF'S OFFICE			PARKTON POLICE DEPT.
37	12/9/2008	SIREN BOX	1	EMERGENCY SERVICES	LANDFILL	ANN STREET	
38	12/9/2008	SIREN SPEAKER	1	EMERGENCY SERVICES	LANDFILL	ANN STREET	
39	12/9/2008	SIC SIREN SPEAKER	1	EMERGENCY SERVICES	LANDFILL	ANN STREET	
40	12/10/2008	DESK PARTS	MISC	INFORMATION SERVICES	LANDFILL	ANN STREET	
41	12/12/2008	CELLPHONES	15	SHERIFF'S OFFICE	LANDFILL	ANN STREET	
42	12/12/2008	CELL CHARGERS (HOUSE)	23	SHERIFF'S OFFICE	LANDFILL	ANN STREET	
43	12/12/2008	CELL CHARGERS (CAR)	13	SHERIFF'S OFFICE	LANDFILL	ANN STREET	
44	12/15/2008	TABLES	4	HEALTH	LANDFILL	ANN STREET	
45	12/15/2008	CHAIRS	5	HEALTH	LANDFILL	ANN STREET	
46	12/15/2008	OFFICE CHAIR ARM PIECES	6	HEALTH	LANDFILL	ANN STREET	
47	12/15/2008	COMPUTER PULL-OUT TRAY	1	HEALTH	LANDFILL	ANN STREET	
48	12/15/2008	DENTAL SINK	1	HEALTH	LANDFILL	ANN STREET	
49	12/15/2008	METAL CABINET	1	HEALTH	LANDFILL	ANN STREET	
50	12/15/2008	FILE CART	1	HEALTH	LANDFILL	ANN STREET	
51	12/15/2008	BOOKSHELF	1	HEALTH	LANDFILL	ANN STREET	
52	12/15/2008	STOOL	1	HEALTH	LANDFILL	ANN STREET	
53	12/15/2008	BASKET CARTS	2	HEALTH	LANDFILL	ANN STREET	
54	12/22/2008	TYPEWRITERS	4	PRE-TRIAL RELEASE	LANDFILL	ANN STREET	
55	12/22/2008	PRINTERS	2	PRE-TRIAL RELEASE	LANDFILL	ANN STREET	
56	12/22/2008	KEYBOARDS	4	PRE-TRIAL RELEASE	LANDFILL	ANN STREET	
57	12/22/2008	CORDS	1 BOX	PRE-TRIAL RELEASE	LANDFILL	ANN STREET	


 CLIFF SPILLER, ASSISTANT COUNTY MANAGER

1-12-09
 DATE

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>809-258</u>
Date Received	_____
Date Completed	_____

Fund No. 824 Agency No. 450 Organ. No. 4599
 Organization Name: TDA

ITEM NO. 15(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
2602	ROOM OCCUPACY TAX CURRENT	4,185,000.	374,600.	4,559,600
Total		4,185,000	374,600	4,559,600

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
349R	942	TDA - FACVB	1,880,033	171,700.	2,051,733.
349S	942	TDA - ARTS COUNCIL	1,326,346.	93,650.	1,419,996.
349T	942	TDA - DISCRETIONARY	220,000.	15,600	235,600
350H	942	TDA - CIVIC CENTER	1,017,500	93,650	1,111,150
Total			4,443,879	374,600	4,818,479

Justification:

TO ADJUST BUDGET BASED ON COLLECTIONS THRU THE FIRST HALF OF THE YEAR AND HISTORICAL DATA FOR THE PAST THREE YEARS.

Funding Source: State: _____ Federal: _____ Other: _____
 Fund Balance: County: _____ New: XXX Prior Year: _____

Submitted By: <u>Terry A Gagnon</u> Department Head	Date: <u>1/6/2009</u>	Approved By: _____ Date: _____ County Manager Board of County Commissioners Date: _____
Reviewed By: <u>Howard Kner</u> Finance	Date: <u>1/6/09</u>	
Reviewed By: <u>Amyn Cannon</u> Deputy Assistant County Mgr	Date: <u>1/13/09</u>	

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-256</u>
Date Received	<u>12/29/2008</u>
Date Completed	_____

Fund No. 101 Agency No. 440 Organ. No. 4402
 Organization Name: Library

ITEM NO. 1J(2)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4402	NC Lib Programs	389,489	(11,509)	377,980
		389,489	(11,509)	377,980

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2996	292	Books and Periodicals	739,538	(11,509)	728,029
		Total	739,538	(11,509)	728,029

Justification:

The Library has received word that there is a reduction in State Funding of \$11,509.

Funding Source:

State: _____
 Other: _____

Fund Balance:

Federal: _____ County: _____ New: _____
 Fees: _____ Prior Year: _____

Other: _____ (11,509)

Submitted By: [Signature] Date: 12/30/08
 Department Head
 Reviewed By: [Signature] Date: 1-5-09
 Finance Department
 Reviewed By: [Signature] Date: 1/13/09
 Deputy Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-257</u>
Date Received	<u>12/29/2008</u>
Date Completed	

Fund No. 101 Agency No. 440 Organ. No. 4408
 Organization Name: Library Grants

ITEM NO. 1 J(2) b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4666	Library Grants	47,132	66,300	113,432
		47,132	66,300	113,432

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4407	303	Gates Foundation Grant	0	66,300	66,300
		Total	0	66,300	66,300

Justification:

The Library has received funds from Bill and Melinda Gates to upgrade current computers.

Funding Source:

State: _____
 Other: _____

Fund Balance:

Federal: _____ County: _____ New: _____
 Fees: _____ Prior Year: _____

Other: 66,300

Submitted By: Jody Roach Date: 12/30/08
 Department Head
 Reviewed By: Kelly Autry Date: 1-5-09
 Finance Department
 Reviewed By: Amy Cannon Date: 1/13/09
 Deputy/Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-259
Date Received	1/6/2009
Date Completed	

Fund No. 478 Agency No. 429 Organ. No. 4270

Organization Name: Eastover Fire District

ITEM NO. 1 J (3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	121,547	900	122,447
Total		121,547	900	122,447

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4027	842	Tax Refunds	150	900	1,050
Total			150	900	1,050

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers.

Funding Source:

State: _____ Federal: _____ Fund Balance: _____ County: _____ New: _____ Other: _____
 Other: 900 Fees: _____ Prior Year: _____

Submitted By: _____ Date: _____

Department Head

Reviewed By: Kelly Crites Date: 1-6-09
 Finance

Reviewed By: Amund Cannon Date: 1/13/09
 Deputy Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-261</u>
Date Received	<u>1-12-09</u>
Date Completed	

Fund No. 112 Agency No. 43E Organ. No. 4357
 Organization Name: MH Adult Periodic

ITEM NO. 1 J(4)

REVENUE

pg 1 of 5

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4246	NC Adult Mental Health	233,824	(2,186)	231,638
Total		233,824	(2,186)	231,638

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	494	Contracted Services	60,443	(2,186)	58,257
Total			60,443	(2,186)	58,257

Justification:

Reconcile budget to actual funding levels due to a State de-allocation to Community Services.

Funding Source: State: -2,186 Federal: _____ County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature]
 Department Head

Date: 1/7/09

Reviewed By: [Signature]
 Finance

Date: 1/12/09

Reviewed By: [Signature]
 Deputy/Assistant County Mgr

Date: 1/13/09

Approved By:	
_____	Date: _____
County Manager	
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-262A</u>
Date Received	<u>1-12-09</u>
Date Completed	

Fund No. 112 Agency No. 43B Organ. No. 4340
 Organization Name: NC Treatment Alternative to Street Crime

pg 2 of 5

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4229	NC Crime	54,000	(34,000)	20,000
9110	Transfer from County 101	13,262	34,000	47,262
Total		67,262	-	67,262

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
Total			-	-	-

Justification:

Reconcile budget to actual funding levels due to a State de-allocation to Community Services.

Funding Source: State: _____ Federal: _____ Other: _____
 Fund Balance: County: _____ New: _____ Other: _____
 Fees: _____ Prior Year: _____

Submitted By: [Signature] Department Head
 Reviewed By: [Signature] Finance
 Reviewed By: [Signature] Deputy/Assistant County Mgr

Date: 1/7/09
 Date: 1/12/09
 Date: 1/13/09

Approved By:	
_____	Date: _____
County Manager	
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-262B</u>
Date Received	<u>1-12-09</u>
Date Completed	

Fund No. 112 Agency No. 43B Organ. No. 4348
 Organization Name: MH SA Contracts

pg 3 of 5

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4256	NC ADULT SA STATE	772,704	(87,000)	685,704
4251	NC CSA STATE	199,180	(80,000)	119,180
9110	Transfer from 101	301,396	(34,000)	267,396
Total		1,273,280	(201,000)	1,072,280

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3360	458	Other Service	720,146	(201,000)	519,146
Total			720,146	(201,000)	519,146

Justification:

Reconcile budget to actual funding levels due to a State de-allocation to Community Services.

Funding Source: State: -201,000 Federal: _____ County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 1/7/09
 Department Head
 Reviewed By: [Signature] Date: 1/12/09
 Finance
 Reviewed By: [Signature] Date: 1/13/09
 Deputy Assistant County Mgr

Approved By:	
County Manager	Date: _____
Board of County Commissioners	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-262C</u>
Date Received	<u>1.12.09</u>
Date Completed	

Fund No. 112 Agency No. 43c Organ. No. 4343

Organization Name: MH DD Contracts

pg 4 of 5

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4281	NC ADD Brain	15,000	(10,000)	5,000
Total		15,000	(10,000)	5,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	476	Contracted Services	623,387	(10,000)	613,387
Total			623,387	(10,000)	613,387

Justification:

Reconcile budget to actual funding levels due to a State de-allocation to Community Services.

Funding Source: State: -10,000 Federal: _____ County: _____ New: _____ Other: _____
Fund Balance: Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 1/7/09
 Department Head
 Reviewed By: [Signature] Date: 1/12/09
 Finance
 Reviewed By: [Signature] Date: 1/20/09
 Deputy Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09.262D</u>
Date Received	<u>1-12-09</u>
Date Completed	

Fund No. 112 Agency No. 434 Organ. No. 436M
 Organization Name: CTSP- Alternative Family Living

pg 5 of 5

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4240	NC Willie M Services	256,711	(89,559)	167,152
Total		256,711	(89,559)	167,152

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	509	Contracted Services	195,890	(89,559)	106,331
Total			195,890	(89,559)	106,331

Justification:

Reconcile budget to actual funding levels due to a State de-allocation to Community Services.

Funding Source: State: -89,559 Federal: _____ County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 1/7/09
 Department Head
 Reviewed By: [Signature] Date: 1/12/09
 Finance
 Reviewed By: [Signature] Date: 1/13/09
 Deputy/Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-266
Date Received	1/12/2009
Date Completed	

Fund No. 101 Agency No. 412 Organ. No. 4195
 Organization Name: General Government Other

ITEM NO. 1 J(5)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9905	Fund Balance- Renovations & Maintenance	2,307,994	8,605	2,316,599
Total		2,307,994	8,605	2,316,599

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
361J	090	Courthouse Renovations	2,307,994	8,605	2,316,599
			2,307,994	8,605	2,316,599

Justification:

Revision to appropriate designated renovation and maintenance fund balance to replace the existing keyscan unit and software with an upgraded system and add a system at the loading dock..

Funding Source: State: _____ Federal: _____ Other: _____
Fund Balance: County: _____ New: _____ Prior Year: _____

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: General Hines Date: 1/12/09
 Finance Department
 Reviewed By: Amy Coulson Date: 1/13/09
 Deputy Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-265</u>
Date Received	_____
Date Completed	_____

Fund No. 230 Agency No. 422 Organ. No. 422P
 Organization Name: Federal Forfeiture-Justice

ITEM NO. 1 J(6)

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	447,020	5,000	452,020
Total				

pg 1 of 2

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3610	653	CO-Equipment	6,000	5,000	11,000
Total					

Justification:
 Purchase replacement dog for Sheriff's Office, due to Vet recommendation.

Funding Source: State: _____ Federal: _____ County: _____ New: _____ Other: 5,000
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: Earl R Butler Date: 1-12-09
 Department Head
 Reviewed By: Howard H. Brown Date: 1/15/09
 Budget Analyst
 Reviewed By: Amy Cannon Date: 1/27/09
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

COUNTY OF CUMBERLAND
REQUEST FOR CAPITAL OUTLAY

DEPT: Sheriff ORGAN: Fed Forf--Justice FUND: 230 AGENCY: 422 Org: 422P

ORGAN MGR: Earl R. Butler PRIORITY:

DEPT HEAD SIGNATURE: Earl R. Butler

DESCRIPTION OF REQUEST:

Law Enforcement K-9 5,000

JUSTIFICATION:

Veterinarian evaluation of Arco reveals severe spine problems after five year working life.

Vet recommends retiring this dog. A replacement is needed to continue support of Sheriff's Office patrol and narcotics detection activity.

REVENUE		Amount	EXPENDITURE		Amount
Code	Funding Source		Object Code	Object Name	
Fund Balance Approp	230-9901	5,000	230-422-433P-3610	CO Equip	5,000

Expected Results/Alternatives if NOT Approved:

Remaining dogs will have to assume the shift worked by this dog/handler team.

Insufficient dogs to allow proper rest between patrol rotating shifts.

<u>Replacement Item:</u>	<u>Property #</u>	<u>Location</u>	<u>Disposition of Equipment</u>
K-9 Arco			Declared excess and sold to handler

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-260
Date Received	1/9/2009
Date Completed	

Fund No. 017 Agency No. 470 Organ. No. 4717
 Organization Name: 2008 School Projects - Gray's Creek Middle

ITEM NO. 15(7)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
386Z	PAA	(New) Gray's Creek Middle School	19,960,941	(13,042)	19,947,899
3119	PAB	Issuance Cost	17,084	13,042	30,126

Total 19,978,025 - 19,978,025

Justification:

Revision in the amount of \$13,042 to reallocate existing budget to pay additional issuance costs (Hunton & Williams).

Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: _____

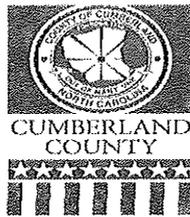
Submitted By: _____ Date: _____
 Department Head
 Reviewed By: HeA Date: 1/9/09
 Finance Department
 Reviewed By: Amy N. Davidson Date: 1/13/09
 Assistant County Mgr

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



CUMBERLAND COUNTY

COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

JANUARY 9, 2009

ITEM NO. 2A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: Case P08-62. Rezoning of 31.20+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district located at 6185, 6189, & 6193 NC HWY 87 S, submitted by LuRan Investments, LLC, owned by Joan E. Humphrey Heirs.

ACTION: Members present at the December 16, 2008 meeting voted unanimously to recommend denial of R30 Residential and approval of R40 Residential.

SITE INFORMATION: **Frontage & Location:** 680.00'+/- on NC HWY 87 S; **Depth:** 2,500.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Assemblies (religious outreach) & 2 single-family dwellings; **Initial Zoning:** A1 – March 1, 1994 (Area 17); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40, RR, & C1(P); East: A1 & R40A; South: A1, R40, R40A, & RR; West: A1, R40, & RR; **Surrounding Land Use:** Commercial (including food sales); residential (including manufactured homes and abandoned manufactured home); farmland and woodlands; **2010 Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/ Septic; nearest utilities are approximately 8,825 feet north of site; **Soil Limitations:** Yes, hydric: JT Johnston loam; **School Capacity/Enrolled:** Alderman Road Elementary: 750/761; Gray's Creek Middle: 495/622; Gray's Creek High: 1270/1159; **Subdivision/Site Plan:** A subdivision or group development review is required prior to development of subject property; **Sewer Service Area:** No; **Average Daily Traffic Count (2006):** 32,200 on NC HWY 87 S; 300 on SR 2245 (Thrower Road); **Highway Plan:** NC HWY 87 South is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (R-2562) with an adequate right-of-way of 90 feet. Road improvements are included in the 2009-2015 MTIP; however, road improvements for this segment of the project have been completed; **Notes:** **Density:** R40/R40A – 33 lots/34units, R30/R30A – 45 lot/units, R20 – 67 lots/68 units **Density (minus 15% for r/w):** R40/R40A – 28 lots/29 units, R30/R30A – 38 lots/39 units, R20 – 57 lots/58 units.

MINUTES OF DECEMBER 16, 2008

Mr. Lloyd reviewed the site information and stated the staff recommends denial of the R20 Residential district, but recommends approval of R30 Residential district based on the following:

1. Although the requested zoning district is inconsistent with the 2010 Land Use Plan, which call for farmland at this location, the recommended R30 district not addressed in the text of the 2010 Land Use Plan, is consistent with the zoning and uses in the general area;
2. Approving the R20 district works against the stated objective of the County Commissioners to promote and establish countywide water; in that, allowing densities of 2.2 units per acre or

greater without public water dissuades the extension or provision of water in outlying areas in order to develop land at higher densities in areas outside any MIA or Sewer Service Area; and

3. Approving the R20 District is contrary to the philosophy of the negotiated MIA Agreement with the City of Fayetteville in that it would allow densities of 2.2 units per acre outside the MIA and/or Sewer Service area without the provision of public water.

Note: In the past, the Planning and Inspection Staff, as well as the Planning Board, has approved the R20 zoning classification without public water. This was prior to the MIA agreement and these recommendations were consistent with the Commissioners' stated goals at that time.

The R40 Residential district could also be considered suitable for this request.

The applicant has verbally agreed to the R30 Residential district.

Mr. Lloyd stated that originally when the staff considered this case for recommendation, the request was to R20 and that's how it was advertised, thus, we wrote our reasons for denying R20 and that's what's in your packet. At that time, staff did recommend that R30 or R30A district was suitable. Even though R30 has not been introduced into the area it is under 2.2 units per acre and staff felt that the R30 district, which is rarely used, would be an acceptable district in this area. For that reason staff recommended approval of the R30.

Vice-Chair Epler asked Mr. Lloyd how much of the area was in the Sewer Service Area.

Mr. Lloyd stated that it was a very small portion.

There was one person to speak in favor and one person to speak in opposition.

Mr. Thomas McLeod spoke in favor. Mr. McLeod stated that he just purchased the property and the only thing they want to do is build affordable housing. Mr. McLeod stated that there is an abundance of three hundred thousand dollar homes in the area, and they just want to put one hundred fifty thousand dollar homes in the area. Mr. McLeod plans to leave the existing store and the house that is on the front of the property and disturb a minimal amount of the woodlands. Mr. McLeod stated that R30 would be suitable for them.

Vice-Chair Epler asked Mr. McLeod if there were any dwellings on the property now.

Mr. McLeod stated yes, including the barn there are two dwellings, an old store, an apartment and the barn.

Vice-Chair Epler asked if there were people living in the dwellings.

Mr. McLeod stated no. The Gray's Creek Christian Center rents the store, they are in it right now, and have been in it for a number of years.

Vice-Chair Epler asked if the structures that are there right now would stay there.

Mr. McLeod stated that they would stay there.

Chair McLaurin asked which of the structures was a barn.

Mr. McLeod stated the barn that was behind the store would stay on the property.

Mr. Clark asked Mr. McLeod what size housing he was planning to build.

Mr. McLeod stated fifteen to seventeen hundred square foot housing, stick built.

Vice-Chair Epler stated that any decision made could not be based on that information.

Chair McLaurin restated that Mr. McLeod was not going to disturb much of the wooded area.

Mr. McLeod stated that was correct, much of what they wanted to do would be done in the cleared area on the property.

Chair McLaurin asked about how many acres were in the cleared area.

Mr. McLeod stated it was roughly between twenty-three and twenty-five acres.

Chair McLaurin stated that he was looking at about forty lots on twenty-three acres. With well and septic that would get him down to two houses per acre.

Vice-Chair Epler asked if a Conditional Use District was discussed or considered for this property, that way we know that the woodlands and hydric soils areas would be preserved.

Mr. McLeod said that he had considered that and they would be in favor of Density Development.

Vice-Chair Epler stated that the Board would not necessarily recommend approval for that, but in this area, with the density that is out there now, even R30 is a little high.

Chair McLaurin stated that his concern was at R30 trying to put approximately forty dwellings on twenty-three acres, that's getting pretty close to two dwellings per acre. Based on the policy that the County Commissioners have and the agreement with the City of Fayetteville over the Municipal Influence Area, that's getting close to what they were trying to avoid in a septic-well situation. It's been in the paper about the water and septic problems out that way. It's just close as far as density on well and septic, which is what our County Commissioners are presently trying to avoid.

Mr. McLeod asked if Density Development would help in the area that Chair McLaurin was describing.

Chair McLaurin stated that he didn't think it would, because generally with Density Development you need water and sewer, because the houses are closer together unless there's going to be a package type sewer and that hasn't even been tried in this County that he was aware of. Chair McLaurin stated that he was looking at a standpoint of this being in the County, and feels that that is a lot of density for the area with no water and sewer.

Mrs. Piland stated that she had a general question and wondered if maybe they had forgotten to add something to the MIA and Sewer Service Area guidelines; when we say "R30" then allow a development to be a zero lot line development, which defeats the purpose of the agreement to try and avoid the septic issue.

Mr. Lloyd stated that the septic issue would be more of a Health Department area, and they have already said that a half an acre is plenty throughout most of the County. As far as the well situation, most of those wells have to be dug deeper and deeper out there, but it's the same water that's going to be drawn from, whether it be a hundred or three hundred feet apart. The septic tank issue is left up to the Health Department, and they have always said that a half acre is fine.

Mr. James McRae spoke in opposition. Mr. McRae stated that he had appeared for many years before the Board since the area was initially zoned, and has watched it go from A1 to R40 and now it's being considered for R30. Mr. McRae stated that he would be opposed to the rezoning for the same reasons that the Board had stated. The concerns he has are the lack of water and sewer and the lack of infrastructure in the area. We have schools that are overcrowded and inadequate law enforcement. For those reasons I am concerned that if we go down to R30 it

contradicts what the County Commissioners have considered in the MIA areas and I would be opposed for those reasons. I understand that R40 has been recommended in that area, and I will leave that to the wisdom of the Board, but I think that R30 is too dense.

Mr. C.S. Melvin spoke in opposition. Mr. Melvin stated that he doesn't know Mr. McLeod and didn't come to make an enemy out of him. Mr. Melvin stated that the water is good in the area where he is and since the turn of the century there has been a good supply of water and several years ago the table lowered; at this time we have to go fifty-six feet to get water. Mr. Melvin recommended that the Board consider R40 zoning.

Mr. McLeod spoke in rebuttal and pointed out that they were only a mile from Food Lion and McDonald's. Mr. McLeod stated if the Board wouldn't approve R30 he would like the opportunity, if the Density Development would be more suitable, to put something together and present it again, before they rule on it.

Vice-Chair Epler stated that some of the things that the Commissioners and the Board are concerned about in areas like this that are still rural, are preserving woodlands and preserving the atmosphere that's there now. Density Development would allow that because you would have to set aside an open space and the area that's wooded now wouldn't be allowed to be disturbed. But from the conversation that we've had here that is not the only concern that we have on this particular piece of property for this rezoning case. The density is a bigger question to us than the preservation is, but it's certainly within Mr. McLeod's right to withdraw this and come back with a Density Development.

Mr. McLeod stated that he wasn't sure what is to be cleared, and didn't want to mislead the Board about knowing the exact amount of cleared acreage.

Mrs. Piland asked Mr. McLeod if he was at all interested in R40.

Mr. McLeod stated they would like R30.

Mrs. Piland stated that R40 seems to be more in keeping with the character of that area and it would also address some of the density issues and concerns that we have.

Mr. Clark stated that the Density Development wouldn't help because we're not talking about green space and open space; we're talking about well and septic.

Chair McLaurin stated that a Density Development would either have sewer and water or there would be community water and maybe a package sewer system on a piece of adjoining land so that the waste can be dealt with.

Mr. McLeod stated that was something he didn't want to do.

Chair McLaurin stated that if there were no zero lot line that would be one thing, but when you have a zero lot line all those areas that you don't want to use and can't use get pulled in then that makes the area that you are trying to use for well and septic even that much smaller. It's a matter of the well and septic on the amount of area that will be able to be used times the density that you would like to have.

Mr. McLeod asked if the Board takes into consideration whether the community will be a zero lot line community. In other words if it were not a zero lot line community would the Board be more apt to approve R30 zoning?

Chair McLaurin stated that it wasn't the Board's option, it was the applicant's option on whether or not to use a zero lot line.

Mr. Lloyd stated unless the applicant did a Conditional Use District and one of the conditions was that all lots have a minimum of thirty thousand square feet.

Vice-Chair Epler stated that if it were a Density Development you would have to preserve forty percent of that property, that means undeveloped. That would leave you with nineteen developable acres; when you take fifteen percent of that out for your streets, which can't be included in your density calculations, and you have to have a thirty thousand square foot lot that's going to cut you back, you would probably only be able to get twenty-five or twenty-seven lots out there. So you would be in the same position with a density development or a straight rezoning.

Public Hearing closed.

Mr. Lloyd stated that a Conditional Use District could be done without it being a Density Development CUD. Mr. Lloyd corrected his earlier statement and stated that none of this area is in the Sewer Service Area.

Chair McLaurin stated that none of it is in the Sewer Service Area but it would still go back to getting pretty close to the Commissioner's desire not to have the density at 2.2 or greater with well or septic. It's borderline on the problems with the County that the Commissioners are trying to alleviate.

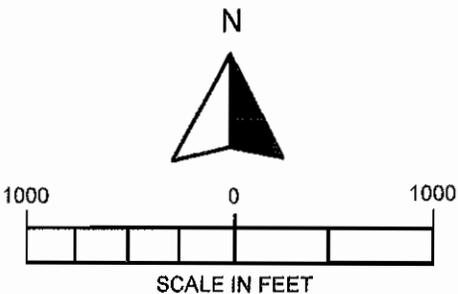
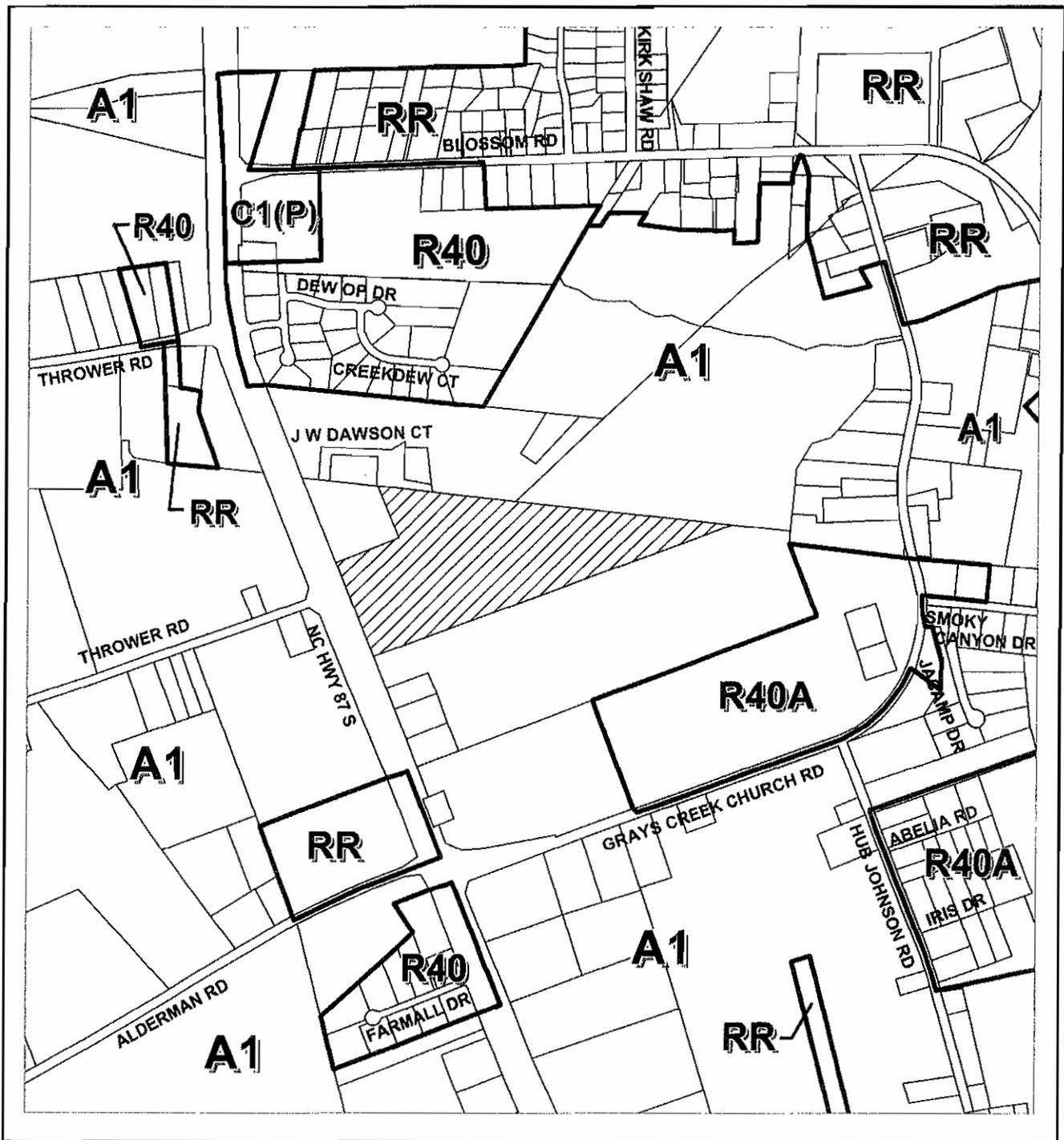
Mrs. Piland stated that the Sewer Service Area was established for a purpose and it is her hope to maintain the integrity of that.

Vice-Chair Epler stated that personally she feels that the density that has been requested and even the density that staff recommended at R30 is not appropriate at this time for this area. If they had water than it would be a different story. Vice-Chair Epler feels that R40 is much more desirable at this location.

Mrs. Piland stated that she agreed with Vice-Chair Epler.

Chair McLaurin stated that there was also a problem with the layout of the tract of the land and also the watershed with the pond on the adjoining property goes along with what Mrs. Epler said and adds more problems.

Mr. Clark made a motion, seconded by Mrs. Piland to deny the request for R30 zoning and recommend approval of rezoning to R40 Residential. Unanimous approval



REQUESTED REZONING A1 TO R20

ACREAGE: 31.2 AC. +/-	HEARING NO: P08-62	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0442-40-5602

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

JANUARY 9, 2009

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 2B

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P08-63:** Rezoning of 2.71+/- acres from R30 Residential to R30A Residential or to a more restrictive zoning district located at 1188 Cypress Lakes Road, submitted by J. Thomas Neville, Esquire, owned by John Lee McArthur, Jr.

ACTION: Members present at the December 16, 2008 meeting voted unanimously to recommend denial of R30A Residential district.

SITE INFORMATION: **Frontage & Location:** 410.00'+/- on SR 2239 (Cypress Lakes Road); **Depth:** 435.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** A1 – June 25, 1980 (Area 13); rezoned to R30 on August 20, 2007; **Nonconformities:** Yes, existing manufactured home on subject property is nonconforming; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40, RR & M(P); East: A1, R40 & R10; South: R10/CU (Cypress Lakes Mixed Use); West: A1 & R10; **Surrounding Land Use:** residential (including manufactured home); **2010 Land Use Plan:** Low density residential; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; sewer is located approximately 200 feet south of subject property, extension required; **Soil Limitations:** None; **School Capacity/Enrolled:** Gallberry Farm Elementary: 900/1096; Gray's Creek Middle: 495/622; Gray's Creek High: 1270/1159; **Subdivision/Site Plan:** A subdivision or a group development review will be required prior to any permits being issued; **Sewer Service Area:** Yes; **Average Daily Traffic Count (2006):** 1,700 on SR 2239 (Cypress Lakes Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Note: Density:** R30/R30A – 3 lots/4 units.

MINUTES OF DECEMBER 16, 2008

Mr. Lloyd reviewed the site information and stated the staff recommends approval of R30A Residential district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for low density residential at this location;
2. The request is consistent with the land uses currently allowed within the general area; and
3. Public utilities are available to the site.

There was one person to speak in favor and five people to speak in opposition.

Mr. Thomas Neville spoke in favor. Mr. Neville stated that he appreciated the opportunity to speak before the Board. Mr. Neville stated that prior to coming to the meeting he drove through the area and saw what was consistent with the different zoning areas, in that there are a variety of houses in the area. There are some houses whose values are in excess of three hundred thousand dollars; there are also a lot of smaller houses on this very road. As you pull onto Cypress Lakes Road, one of the first things you see on the left is what is commonly referred to as a Jim Walters home, if you look to the right pretty soon you will see what was originally a mobile home that was later bricked up on the sides, if you continue further down you will see my client's house which is a Class A manufactured home, if you go a little bit further you will see a true mobile home from some years ago still there, and intermingled within all of this you will see a number of very nice homes that appear to be well over a quarter million dollars. There's a little bit of everything out there, there are areas that were predominately agricultural. You take the good with the bad, of course the good and bad is not always defined by the same people and the definition is not always the same. What you do find is a consistent feeling or theory that one has a right to do with his property what he desires to do, as long as it is consistent with the area and it is not a detriment to his neighbors. What we propose to do is not a detriment to this area and it is consistent with the area and we believe it should be approved. Mr. Neville read the definition of a manufactured home to the Board. Mr. Neville stated that the reason he was reading this is because if you go through the area you see the smaller homes with small roof pitches and the Class A manufactured homes that are out there today, most couldn't tell the difference between these older homes, what was built in the forties, versus what you see in Class A manufactured homes today. Mr. Neville presented a use matrix which tells the permitted uses in a certain zoning classification. The only distinction Mr. Neville found between R30 and R30A is the Class A manufactured home. Mr. Neville stated that the essential issue before the Board is the Class A manufactured distinction. Mr. Neville stated that his client does not intend to just throw up two additional manufactured homes; he intends to do landscaping. Mr. Neville pointed out that the property is very well maintained and has nice landscaping and it is the intention to do the same with the additional homes he plans to add. Mr. Neville restated that the intended use is not a detriment to the neighborhood and it also serves a use that is needed, not everyone can afford to live in a home that is a quarter million dollars or more. There is a need for housing for everyone and that has been brought to light in the current economy.

Vice-Chair Epler asked Mr. Neville how long his client owned the property.

Mr. Neville stated that he would have to ask his client.

Vice-Chair Epler stated that the subject property was rezoned from A1 to R30 in August of 2007. Vice-Chair Epler asked if the owner requested that rezoning.

Mr. Neville stated that his client did request the rezoning.

Vice-Chair Epler asked if the manufactured home was on the property then and if it was conforming when the home was put there.

Mr. Lloyd stated that if the property is subdivided sewer will have to be extended.

Mr. Joseph Christopher spoke in opposition. Mr. Christopher stated that he was opposed to the rezoning to R30A because it is not consistent with the surrounding areas. Mr. McArthur had the property rezoned in August of last year, he agreed to R30 zoning and said he would place three stick built homes on this property. By allowing Mr. McArthur to rezone this property, the Board will allow him to place three manufactured homes there. In accordance with the zoning ordinance, page 18, a manufactured home park is defined as a multi-family development on any site or track of land with two spaces intended to be occupied by manufactured home regardless of whether a charge is made for such services, so we will in fact have a mobile home park there. The district that surrounds Mr. McArthur's property is R40 across the street, R10 to the rear, and A1 to the left and right. There are no manufactured homes in the immediate area, except for Mr. McArthur's. The manufactured home that the attorney referred to is bricked in and is not classified

as a manufactured home according to public records. The pitch of the roof is normal, the eaves are approximately twelve inches, and the electrical connection is consistent with a stick built home. The public record search showed that Mr. McArthur owns approximately four parcels of land and eleven manufactured homes, of which two are located in the Hellendale Mobile Home Park in Hope Mills. Mr. Christopher stated that if the rezoning is approved, Mr. McArthur will put trailers on the property.

Ms. Gizelle Rodriguez spoke in opposition. Ms. Rodriguez stated that she is opposed to the rezoning because she feels it will decrease the value of her property.

Mr. Brian T. Schneider spoke in opposition. Mr. Schneider stated that he is opposed to the rezoning because he feels Mr. McArthur will place manufactured homes on the subject property which will decrease his property values.

Ms. Kathleen Palmer spoke in opposition. Ms. Palmer stated that she and her husband will have owned their house for three years, and will probably have to move if a manufactured home park is behind their property and visible from the property. Ms. Palmer stated that she is certain that this will decrease her property values.

Mr. Harry Whisnant spoke in opposition. Mr. Whisnant stated he was in the area when there was nothing out there. It was a shock to see the mobile home across the street. Since it is already zoned R30, it should stay that way. If Mr. McArthur is going to sell the property, he should sell it as it is.

Mr. Neville spoke in rebuttal. Mr. Neville stated that under the guidelines the home his client is going to place on the property is a Class A manufactured home; it's not a mobile home or a trailer. There are specific guidelines and facts that distinguish the two. Class A manufactured does not fit under the parameters of a mobile home. There are mobile homes and Jim Walter homes on the same road that predate his client's house. The bottom line is when you move to a rural area in the country you have to accept what's there. Mr. Neville stated that his client has a right to improve his property, if his improvements are not consistent with the neighborhood that's one thing, but what he is proposing is consistent with the neighborhood. The issue isn't density, we're already at R30 the issue here is solely Class A manufactured homes.

Mr. Lloyd stated that a manufactured home park is not allowed in R30 or R30A and a manufactured home park would be three or more spaces on the same lot. The applicant did rezone one year ago and was asked if he knew what that meant and he stated yes and still agreed.

Vice-Chair Epler asked Mr. Neville if his client understood a year ago and agreed to R30, and if he has changed his mind.

Mr. Neville stated that his client agreed to R30 and a year later he is before you again saying this is what he would like to do with his property and asking that the Board rule on it again. What is important is that his Class A manufactured home was there in 1992; three trailers aren't being added, at the most two are being added and it is consistent with the area.

Mrs. Piland asked Mr. Neville what has changed now that would warrant rezoning to R30A in that area.

Mr. Neville stated that he wasn't here a year ago, so he isn't aware of what has changed.

Mr. Barrett rephrased the question for Mr. Neville "Are you aware of any change in circumstances in the area since the rezoning in 2007 that would require rezoning now?"

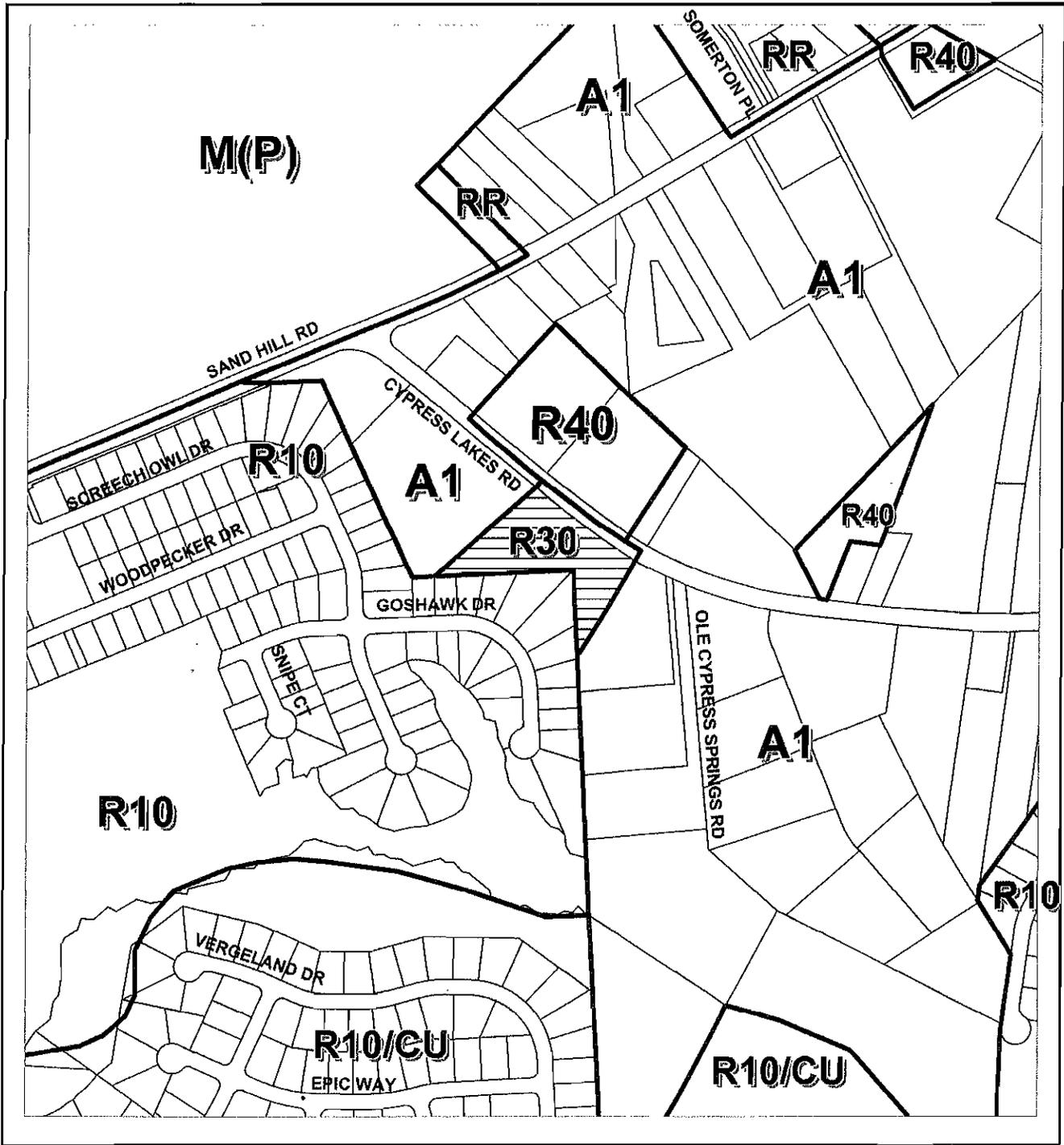
Mr. Neville stated that someone else could answer that better than he could. The only thing that appears is what he refers to as the Jim Walters home.

Public Hearing closed.

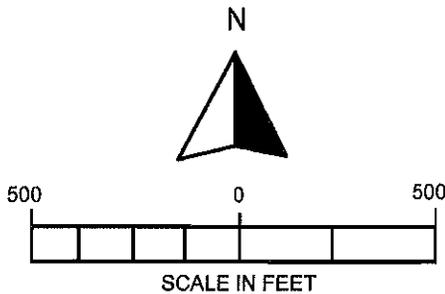
Vice-Chair Epler stated that she understands the feelings of the people in the area, they have stick built homes, they're in a neighborhood, and they don't want a trailer park behind their house. But this isn't a trailer park that we are talking about, these are Class A manufactured homes, there was a Class A manufactured home on the subject property when they purchased their property and adding two more. We can't make the determination that it will lower their property values, they are in a different neighborhood and there is a different entrance to their homes, but I understand where they are coming from. They have an investment there and they want to protect it. The one thing that bothers me is that the applicant knew a year ago that he would not be allowed to keep a Class A manufactured home on that property if he agreed to R30, he could keep it but he couldn't add any additional homes. If anything happened to that Class A manufactured home he could not replace it with another manufactured home. He would have been better off at that time if he wanted to have his house conforming, to have left it A1. I can't speak for him, but in our experience, the different stance of our economy today has maybe precipitated him coming back and asking for rezoning. I certainly have sympathy for that, we have all felt it, but he made this decision a year and a half ago and I can't support rezoning to R30A.

Chair McLaurin stated that there was no case of "trailer hate" going on. Chair McLaurin stated that he himself had lived in trailers before. Where a person lives or the type of dwelling a person lives in has very little to do with the caliber of the person, as far as his experience goes. We have zoning and at the front of the ordinance it states that the ordinance is to provide for the public health, safety, and general welfare. Part of general welfare is financial welfare. Many years ago Mr. Al Prewitt went and started developing the Cypress Lakes area and looking at the things the way he did, he didn't worry about zoning, he was trying to have a golf and horse community, he was an avid horseman. He wanted everyone to have nice lots and he had a place out there where they could have horses. There are mobile homes and double wide trailers there now. But the general trend and the trend of the zoning in that area are stick built type houses. When everybody in this subdivision bought, this neighborhood was zoned R10 which led them to believe they would have a certain amount of protection from the general public. They relied on that as far as the type of construction that would be around them when they made their financial investment for part of their general welfare. People have moved into that area and they have moved in behind Mr. McArthur and as they moved in behind him, many of them military families, who made their investments, they looked over and saw R30 and they depended on this general public that designated this R30 for their financial protection while they are protecting us. As far as the Jim Walter type home that has been referred to, if somebody is going to live in it or keep living in it they had better be ready to spend a lot of money, because it's looking very dated out there. The general trend of this area is towards R10 and stick built homes. That's what people are depending on when they move out there, that the trend is stick built homes, they are looking for their investments to be protected. We keep hearing on the news that the value of homes is going down, and I don't think that we need to do anything that will disturb the general financial welfare of the people as it is now.

Mr. Clark made a motion, seconded by Vice-Chair Epler to deny the request for R30A rezoning. Unanimous approval



REQUESTED REZONING R30 TO R30A



PIN: 0432-19-5807

ACREAGE: 2.71 AC.+/-	HEARING NO: P08-63	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



COMMUNITY DEVELOPMENT

245 Person Street, 2nd Floor - P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 323-6112 • Fax: (910) 323-6114

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
JANUARY 20, 2009

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: JANUARY 9, 2009

SUBJECT: PUBLIC HEARING
NEIGHBORHOOD STABILIZATION PROGRAM (NSP)

BACKGROUND

Authorized under the Housing and Economic Recovery Act of 2008 (HERA), HUD's new Neighborhood Stabilization Program (NSP) will provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. Through the NSP, grants have been provided to every state and certain local communities to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline of house values of neighboring homes.

The State of North Carolina, through the Department of Commerce, Division of Community Assistance (DCA), has received \$52.3 million dollars to be awarded to communities across the state. DCA is currently soliciting applications for the NSP funding due by February 3, 2009.

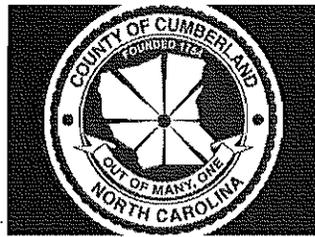
We believe that there is a need in Cumberland County for such a program and this grant offers an excellent affordable housing opportunity for the citizens in our community. These funds can be used as a stimulus to revitalize declining communities, create affordable housing, and make an economic impact in Cumberland County.

RECOMMENDATION AND PROPOSED ACTION

Cumberland County Community Development Department requests that the Board of County Commissioners hold a public hearing on the Neighborhood Stabilization Program. In addition we request approval to submit an application with the County Manager being duly authorized to sign as the County's representative.

Attachment: Neighborhood Stabilization Program Presentation

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CUMBERLAND
COUNTY



COMMUNITY DEVELOPMENT DEPARTMENT

NEIGHBORHOOD STABILIZATION PROGRAM (NSP)
PUBLIC HEARING
January 20, 2009
6:45 p.m.

Neighborhood Stabilization Program (NSP)



- Established through Housing and Economic Recovery Act of 2008 (HERA)
- Purpose is to provide emergency assistance to state and local governments to address foreclosure crisis
- State of NC has received \$52.3 million to be awarded to communities across the state
- Local governments can apply for grants up to \$5 million
- Cumberland County has been identified as an area of most need

NSP Grant Application

Community Partners	Proposed Activities
<ul style="list-style-type: none"> • Purchase & rehab residential properties • Demolish blighted structures in areas targeted for stabilization • Redevelop demolished or vacant properties • Establish financing options for purchase and redevelopment • Establish land banks (State review required) 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓

NSP Grant - Partner Agencies

Community Partners	Proposed Activities
<ul style="list-style-type: none"> • Local Financial Institutions • Local Non-profit Agencies • Local Developers 	<ul style="list-style-type: none"> • Referrals - potential properties, buyer permanent financing • Referrals – prospective buyers / tenants, property management, marketing & sales • Project Development

Qualifying Criteria to Purchase



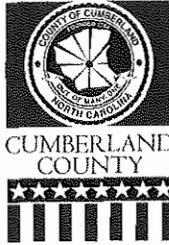
- Income eligibility – households earning 120% and below the area median income
 - Example: 4 person household maximum income - \$59,150
- Homebuyer counseling (min. 8 hours)
- Meet minimum credit requirements

Public Comments And Questions

For more information contact:

Cumberland County
Community Development

910-323-6112



ITEM NO. 3

OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

January 12, 2009

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF JANUARY 20, 2009

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY *GRB*

**SUBJECT: CONSIDERATION OF POLICY COMMITTEE RECOMMENDATION
REGARDING ANIMAL CONTROL ORDINANCE AMENDMENT
PROHIBITING TETHERING OF DOGS**

BACKGROUND: The Animal Control Board initiated a request in late 2007 for an ordinance on restraint of dogs. In addition, the City Council Ad Hoc Animal Control Committee had requested that such an ordinance be explored. I prepared a discussion draft of a possible ordinance that would prohibit tethering of dogs, with certain exceptions, which was recommended at the time by the Animal Control Board, and submitted it and supporting materials to the Policy Committee in May 2008. The Policy Committee considered the issue and directed that the staff review the experience of other counties in North Carolina. That review lapsed for a time primarily because of the workload confronted by the Interim Animal Control Director.

In October, I forwarded the Board of Commissioners a memorandum reviewing the status of tethering ordinances in various localities across the State. New Hanover, Durham, and Orange Counties have adopted ordinances which restrict tethering of dogs.

I brought that memorandum to the Animal Control Board at its December 1, 2008 meeting. Some members were concerned that the Durham and Orange County ordinance approach, which allows for tethering a dog 3 hours in any 24 hour period would be extremely difficult to administer and enforce. At that meeting, the Animal Control Board voted to recommend an ordinance that required dogs to be restrained on a trolley chain but did not outright prohibit tethering.

Pertinent background material and justification is attached to the May 1, 2008 Policy Committee memorandum and to the October 27, 2008 memorandum.

At its January 8, 2009 meeting the Policy Committee voted unanimously to recommend adopting an ordinance banning tethering of dogs, with certain exceptions, including for dogs during a lawful hunt, and to make it effective July 1, 2009 in order to allow a period of time for public education.

RECOMMENDATION: Consider Policy Committee recommendation to adopt ordinance prohibiting tethering of dogs, with certain exceptions, effective July 1, 2009.

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AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF
COMMISSIONERS PROHIBITING TETHERING OF DOGS

WHEREAS, outdoor tethering of dogs can be cruel to the dogs, especially during inclement or severe weather conditions, and

WHEREAS, outdoor tethering of dogs threaten the welfare of those dogs through inadvertent choking, strangulation, or ensnaring of the dogs, and

WHEREAS, outdoor tethering of dogs can cause them to become aggressive or otherwise maladjusted and anti-social, increasing the risk of attacks on people or other animals, and thereby threatening the public health, safety and welfare, and

WHEREAS, outdoor tethering of dogs can make them easy targets for attacks by other animals, harassment from humans, and biting and stinging from insects, and

WHEREAS, outdoor tethering of dogs can cause unsanitary living conditions in a confined area from feces, urine and food waste,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, N.C.:

Section 1. Section 3.5 of the Cumberland County Code, Definitions, is amended by inserting in appropriate alphabetical order, the following, and re-numbering the existing subsections:

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

Section 2. Section 3-21 of the Cumberland County Code, “Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs” is amended by deleting subsection (H) and inserting in lieu thereof the following:

“(H) 1. No pet shall be tethered outdoors unless the keeper or owner of the pet is holding the tether.

2. It shall be an affirmative defense to a violation of subsection 1 above that the tethering is required to protect the safety or welfare of a person or the dog, if the keeper or owner of the dog remains with the dog throughout the period of tethering.

3. The provisions of subsection 1 above 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 (c) during lawful hunting activities if reasonably necessary for the safety of the dog, or (d) while a dog is actively engaged in shepherding or herding livestock, or (e) when meeting the requirements of a camping or recreation facility, or (f) when the animal’s

caretaker is outside and within eyesight of the animal, or (g) after taking possession of a dog that appears to be a stray dog and after having advised the Animal Control Department of the stray.

4. The provisions of subsection 2 and 3 above shall apply only if (a) the tether is not placed directly around 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 (d) the tether is arranged to be free of any obstacles which may limit the moveable length of the tether, and (e) the dog is tethered in a manner that permits access to necessary shelter and water."

Section 3. This ordinance shall become effective July 1, 2009.

Adopted by the Cumberland County Board of Commissioners this ___ day of _____, 2008.

J. BREEDEN BLACKWELL
Chairman

MARSHA FOGLE
Clerk to the Board



OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

December 31, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' POLICY COMMITTEE
MEETING OF JANUARY 8, 2009

TO: POLICY COMMITTEE

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY

SUBJECT: CONSIDERATION OF POLICY ON RESTRAINT OF DOGS

BACKGROUND: The Animal Control Board initiated a request in late 2007 for an ordinance on restraint of dogs. In addition, the City Council Ad Hoc Animal Control Committee had requested that such an ordinance be explored. I prepared a discussion draft of a possible ordinance that would prohibit tethering of dogs, with certain exceptions, which was recommended at the time by the Animal Control Board, and submitted it and supporting materials to the Policy Committee in May 2008. The Policy Committee considered the issue and directed that the staff review the experience of other counties in North Carolina. That review lapsed for a time primarily because of the workload confronted by the Interim Animal Control Director. In October, I forwarded the Board of Commissioners a memorandum reviewing the status of tethering ordinances in various localities across the State. I brought that to the Animal Control Board at its December, 2008 meeting. At that meeting, the Animal Control Board voted to recommend an ordinance that required dogs to be restrained on a trolley chain but did not outright prohibit tethering.

Pertinent background material and justification is attached to the May 1, 2008 Policy Committee memorandum and to the October 27, 2008 memorandum.

I received an email from a concerned citizen, Shelby Townsend, who supports an anti-tethering ordinance, who suggests that the Board of Commissioners direct that this initiative be deferred until a permanent Animal Control Director is in place.

RECOMMENDATION: Consider recommendation of Animal Control Board. Also consider whether to defer this matter until a permanent Animal Control Director is in place.

Encl.

Celebrating Our Past... Embracing Our Future

DRAFT—for discussion purposes only

Recommended by Animal Control Board December 1, 2008

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS PROHIBITING TETHERING OF DOGS BUT ALLOWING DOGS TO BE RESTRAINED BY MEANS OF A TROLLEY CHAIN DEVICE

WHEREAS, outdoor tethering of dogs can be cruel to the dogs, especially during inclement or severe weather conditions, and

WHEREAS, outdoor tethering of dogs threaten the welfare of those dogs through inadvertent choking, strangulation, or ensnaring of the dogs, and

WHEREAS, outdoor tethering of dogs can cause them to become aggressive or otherwise maladjusted and anti-social, increasing the risk of attacks on people or other animals, and thereby threatening the public health, safety and welfare, and

WHEREAS, outdoor tethering of dogs can make them easy targets for attacks by other animals, harassment from humans, and biting and stinging from insects, and

WHEREAS, outdoor tethering of dogs can cause unsanitary living conditions in a confined area from feces, urine and food waste,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, N.C.:

Section 1. Section 3.5 of the Cumberland County Code, Definitions, is amended by inserting in appropriate alphabetical order, the following, and re-numbering the existing subsections:

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

Section 2. Section 3-21 of the Cumberland County Code, Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs, is amended by deleting subsection (H) and inserting in lieu thereof the following:

“(H) 1. No pet shall be tethered outdoors unless the keeper or owner of the pet is holding the tether.

2. It shall be an affirmative defense to a violation of subsection 1 above that the tethering is required to protect the safety or welfare of a person or the dog, if the keeper or owner of the dog remains with the dog throughout the period of tethering.

DRAFT—for discussion purposes only

Recommended by Animal Control Board December 1, 2008

3. The provisions of subsection 1 above 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 (c) during lawful hunting activities if reasonably necessary for the safety of the dog, or (d) while a dog is actively engaged in shepherding or herding livestock, or (e) when meeting the requirements of a camping or recreation facility, or (f) when the animal's caretaker is outside and within eyesight of the animal, or (g) after taking possession of a dog that appears to be a stray dog and after having advised the Animal Control Department of the stray.

4. The provisions of subsection 2 and 3 above shall apply only if (a) the tether is not placed directly around 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 (d) the tether is arranged to be free of any obstacles which may limit the moveable length of the tether, and (e) the dog is tethered in a manner that permits access to necessary all-weather shelter and water."

5. An animal attached to a running cable line or trolley system will not be considered tethered, provided that:

- a. only one animal may be attached to each running cable line or trolley system;
- b. cables attaching the animal to the running cable line or trolley system must be made of a substance which cannot be chewed through by the animal and shall not weigh more than is reasonable for the body weight of the animal on the running cable or trolley system. The recommended weight limit for the cable shall be no more than sixteen percent (16%) of the body weight of the animal;
- c. the running cable line or trolley system must have a swivel installed at the end attached to the animal and the end attached to the running cable line;
- d. the running cable line or trolley system must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level;
- e. the length of the cable from the running cable line or trolley system to the animal's collar should allow the animal free access to food, water, and shelter at all times;
- f. the cable from the running cable line or trolley system shall be attached to a properly fitted harness or collar. Choke collars and pinch collars are prohibited for the purpose of containing an animal by use of a running cable line or trolley system; and

DRAFT—for discussion purposes only

Recommended by Animal Control Board December 1, 2008

g. the animal must be attached to the cable from the running cable line or trolley system at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury or strangulation of the animal, and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

h. the animal is provided with and has access to appropriate food, water, and some form of all-weather shelter meeting the requirements of this ordinance.

Section 3. This ordinance shall become effective upon its adoption as provided by law.

Adopted by the Cumberland County Board of Commissioners this ___ day of _____, 2009.

JEANNETTE COUNCIL
Chairman

MARSHA FOGLE
Clerk to the Board



OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

October 27, 2008

MEMORANDUM

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: COMMISSIONER HENLEY INQUIRY ABOUT POSSIBLE TETHERING ORDINANCE

Commissioner Henley contacted me to ask the status of the issue of tethering of dogs. The Animal Control Board had voted last November to recommend an amendment to the Animal Control Ordinance to ban tethering. I prepared a tentative draft as a "talking point" to illustrate what might be contained in an ordinance banning tethering. The Policy Committee at its May 1, 2008 meeting referred it to the Interim Animal Control Director and the County Attorney to review what other North Carolina counties might have been doing. Attached is my memorandum to the Policy Committee and its minutes of that meeting.

The sheer volume and magnitude of administrative and enforcement issues, as well as a couple of major dangerous dog cases, prevented former Interim Animal Control Director Philpott from making much progress. Here is some more, recent information.

The 2007 session of the General Assembly considered a bill that would have restricted tethering. S 1172 would have made it a misdemeanor to tether a dog for more than three hours in a 24 hour period, or more than six hours if tethered to a cable trolley system, or to tether a dog with a choke-type collar or without access to food and water. It would have provided limited exceptions, all of which are incorporated in the proposed Orange County ordinance described below. The bill was referred to the Judiciary Committee and was not reported out. The bill would have allowed a local government to reduce the time allowed for tethering or to prohibit tethering altogether. It would have allowed a local government to increase the allowable time on a tether from three to nine hours, or on a cable trolley system from six to twelve hours, in a 24 hour period. That bill is attached.

The Durham Board of Commissioners adopted an amendment to its code of ordinances on September 8, 2008 to limit tethering. The ordinance will become effective January 1, 2010. At that time, tethering will be banned, with a few exceptions. The exceptions include "lawful dog activities," "shepherding or herding livestock," "meeting the requirements of a camping or recreational area," and situations in which a caretaker is outside and within eyesight of a tethered dog. Only warnings will be issued for the first six months. Citations will not be issued until July 1, 2010.

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The Durham ordinance also establishes requirements for outdoor enclosures. Pen space for a dog less than 20 pounds must be a minimum of 100 unobstructed square feet. For dogs more than 20 pounds, the minimum unobstructed square feet must be 200 square feet.

The Orange County Board of Commissioners has held public hearings this year on whether to limit tethering, and is scheduled to take final action on November 6, 2008. The Orange County Board of Commissioners had appointed a Tethering Committee to review the issue and had received an extensive report from that committee on November 13, 2007. The proposed ordinance to be considered by the Orange County Board of Commissioners would also become effective January 1, 2010, as in Durham County, and would include transition enforcement provisions for six months.

The proposed Orange County ordinance would allow no more than a total of 3 hours of tethering in any 24 hour period. It would specify the types of collars and equipment permissible for allowed tethering. It would specify minimum kennel sizes. And it would contain exemptions.

The exemptions would include: while actively engaged in shepherding or herding livestock, cultivating agricultural products if reasonably necessary for the dog's safety, lawful hunting activities if reasonably necessary for the dog's safety, or use of the dog at training or performance events where tethering does not occur for more than seven consecutive days; after taking possession of a stray dog after advising Animal Control or trying to find the owner; walking the dog on a handheld leash; recreational and camping activities; and if tethered while a responsible person is outside and within eyesight of the dog.

I enclose materials from the Orange County Board of Commissioners' September 22, 2008 work session. In particular, please note the summaries of speakers and comments both pro and con from public hearings held to discuss a proposed tethering ordinance, organized by Main Themes and View, For and Against.

New Hanover County and the Towns of Clayton and Holly Springs have ordinances prohibiting tethering.

Please note that one significant objection voiced in the past in this community is that the cost of fencing or an enclosure can be a hardship for lower income residents. One partial solution to this in other places has been a public-private partnership with animal welfare organizations that provided the kennel or enclosure for qualifying residents. Whether such a program could be of adequate scope or administrative efficiency to meet the need might be questionable.

I would appreciate guidance whether you wish a proposed amendment to go back to the Animal Control Board, or to the Policy Committee, or be placed on the Board's agenda, or be referred for a new incoming Animal Control Director to review and forward any recommendation.

Encl.

CC: Animal Control Board

CUMBERLAND COUNTY POLICY COMMITTEE

May 1, 2008 – 9:30 AM

REGULAR MEETING

PRESENT: Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Ed Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Sara VanderClute, Public Information Officer
Grainger Barrett, County Attorney
Harvey Raynor, Assistant County Attorney
Larry Philpott, Animal Control Interim Director
Tom Cooney, Public Utilities Director
Amanda Smith, Health Department (CMAC Program)
Shelby Townsend/Don Townsend
Marie Colgan, Deputy Clerk

Commissioner Council called the meeting to order at 9:30 AM

1. Approval of Minutes: March 6, 2008

MOTION: Commissioner Edge moved to approve.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Update on Stormwater Phase II Regulations

Mr. Cooney reminded members that it had been six to seven months since a request was made to the State to be removed from the Stormwater Phase I joint utility agreement. The State has recommended the removal and it was sent to the EPA for final approval. As of this date, no reply has been received, but about a week remains before the end of the 90 day processing period. Since the County is still in a joint utility agreement, a decision needs to be made regarding how the County wants to proceed with Stormwater Phase II with regards to permitting. Although the State has assumed that responsibility and will continue to do that absent a decision by the County to assume that function, the Board of Commissioners will need to decide whether we want to do so. Local developers may rather have permitting locally and may be contacting members to request this be allowed. If the County were to decide to do it locally, it will require funding. Discussion ensued regarding the city's \$36 fee stormwater fee, the county's \$12 stormwater fee and the decision as to whether to keep the \$12 stormwater fee and how it would be used. County Attorney Barrett explained the County has the authority to continue a stormwater fee. A fee is a charge to users for use of a service or benefit provided, while a tax is a levy of general applicability for a public purpose. He has a legal concern about use of the fees for specific projects which would not benefit all the citizens paying the fee. Other ways to finance stormwater projects could be to create a service district and levy an additional tax or do special assessment projects. County Manager Martin advised that if the request to be removed from Phase I is approved, he recommends getting out of the joint utility and discontinuing the fee. The County Attorney agreed. However, if the county wants to continue in the joint utility, he believes that the fee will need to be raised in order to generate enough money for needed projects. Mr. Cooney advised that efforts continue to be made to locate monies such as grants to fund drainage projects. County Manager Martin reiterated that grant funds

are still being sought, especially for the Lock's Creek project. Commissioner Edge questioned what other metropolitan counties are doing in North Carolina to control stormwater issues, as well as how other states work directly with homeowner associations on this issue. Mr. Cooney will research the requested information and report back to the members. The committee agreed to make the decision on retaining the fee during the budget process.

3. Followup from Commissioner Jeannette Council's Request Regarding the NACo Drug Discount Card Program

Management provided members a handout. Commissioner Council voiced her concern for the County employees regarding prescriptions that are not covered under the County's insurance plan. Deputy County Manager Pilgrim advised that there are several options an employee can look into when a prescription is not covered to take advantage of the lowest cost; such as, seeing if a generic brand is available by using the Wal-Mart Prescription Program which provides generic medication for \$4 or using the NACo Drug Discount Card Program when no insurance is available. An alternate consideration is through the Cumberland County Medical Assistance Program (CCMAP) which Ms. Smith informed members could be used but it is based on income. If a person has Medicare Part D and a prescription is not available under the current insurance plan, the NACo Drug Discount Card can be used. Deputy County Manager Pilgrim advised that there is no charge for the drug discount card and Ms. Smith added that the card gives a 20% discount on prescriptions which can also be used in conjunction with the Wal-Mart \$4 charge for additional savings. Discussion ensued regarding the distribution of the cards and County Manager Martin stated he believed it would be a minor cost to distribute them through the normal methods. Ms. Smith informed members that the county has realized \$400,000 in savings since the start of the CMAC contract with the county jail system.

MOTION: Commissioner Melvin moved to pursue participation in the NACo Drug Discount Program.
SECOND: Commissioner Edge
VOTE: Unanimous

4. Consideration of Policy on Tethering of Dogs

County Attorney Barrett advised that in December, the Animal Control Board made a unanimous recommendation to request an ordinance be drafted regarding the tethering of dogs. Members were provided with a handout. The justification for prohibiting tethering is based on many studies which show that tethering increases the risk of anti social behavior by dogs and increases the risk of animal abuse. Discussion ensued regarding other effects of tethering. County Attorney Barrett recommended that the Cumberland County Board of Commissioners direct the Animal Control Interim Director and County Attorney to review experience and approaches of other jurisdictions in the state and possible anti-tethering proposals, present findings to the Animal Control Board, and then report back any recommendation to the Policy Committee. Commissioner Edge voiced a desire for restrictions of tethering dogs on the back of trucks to be addressed also. Don and Shelby Townsend, Cumberland County residents, were introduced and Mrs. Townsend spoke in support of the tethering ordinance based on personal experiences.

5. Other Matters of Concern

MEETING ADJOURNED: 10:20 AM

S-NF
AC
Tethering

MEMORANDUM

TO: Policy Committee Members (Edge, Council, Melvin)
FROM: Marie Colgan, Deputy Clerk
DATE: April 24, 2008
SUBJECT: May 1st Policy Committee Meeting

The Policy Committee will meet Thursday, May 1st, at 9:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes: March 6, 2008
2. Update on Stormwater Phase II Regulations
3. Followup from Commissioner Jeannette Council's Request Regarding the NACo Drug Discount Card Program
4. Consideration of Policy on Tethering of Dogs
5. Other Matters of Concern

USDA
US Humane Society

cc: Board of Commissioners
Administration
Legal
Public Information Officer
Public Utilities Director
Sunshine List

Edge - tethering on back of trucks.

[Handwritten signature]



OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street - Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

April 22, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' POLICY COMMITTEE
MEETING OF MAY 1, 2008

TO: POLICY COMMITTEE

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: CONSIDERATION OF POLICY ON TETHERING OF DOGS

BACKGROUND: The Animal Control Board initiated a request for an ordinance prohibiting tethering of dogs. In addition, the City Council Ad Hoc Animal Control Committee requested that such an ordinance be explored.

A number of studies indicate that tethering of dogs may increase their tendencies towards anti-social behavior and also increase the risk of animal abuse because of lack of water, lack of shade and shelter, and from snarled chains. An anti-tethering ordinance would affect residents who do not have fenced yards.

I prepared one example of a possible anti-tethering ordinance for the Animal Control Board, which is attached.

An anti-tethering bill was introduced in the General Assembly last year but was not favorably acted on. Various jurisdictions in the state have investigated anti-tethering ordinances recently. It would be helpful to review their experience with such proposals and present them to the Animal Control Board along with proposed alternatives. The Animal Control Board presently has two vacancies in the seats representing the City of Fayetteville.

RECOMMENDATION: Direct Interim Animal Control Director and County Attorney to review experience and approaches of other jurisdictions in the state and possible anti-tethering proposals, present to Animal Control Board, and then report back any recommendation to Policy Committee.

Encl.

Celebrating Our Past... Embracing Our Future

DRAFT—for discussion purposes only

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS PROHIBITING TETHERING OF DOGS

WHEREAS, outdoor tethering of dogs can be cruel to the dogs, especially during inclement or severe weather conditions, and

WHEREAS, outdoor tethering of dogs threaten the welfare of those dogs through inadvertent choking, strangulation, or ensnaring of the dogs, and

WHEREAS, outdoor tethering of dogs can cause them to become aggressive or otherwise maladjusted and anti-social, increasing the risk of attacks on people or other animals, and thereby threatening the public health, safety and welfare, and

WHEREAS, outdoor tethering of dogs can make them easy targets for attacks by other animals, harassment from humans, and biting and stinging from insects, and

WHEREAS, outdoor tethering of dogs can cause unsanitary living conditions in a confined area from feces, urine and food waste,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, N.C.:

Section 1. Section 3.5 of the Cumberland County Code, Definitions, is amended by inserting in appropriate alphabetical order, the following, and re-numbering the existing subsections:

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

Section 2. Section 3-21 of the Cumberland County Code, Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs, is amended by deleting subsection (H) and inserting in lieu thereof the following:

“(H) 1. No pet shall be tethered outdoors unless the keeper or owner of the pet is holding the tether.

2. It shall be an affirmative defense to a violation of subsection 1 above that the tethering is required to protect the safety or welfare of a person or the dog, if the keeper or owner of the dog remains with the dog throughout the period of tethering.

3. The provisions of subsection 1 above 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 (c) during lawful hunting activities if reasonably necessary for the safety of the dog, or (d) while a dog is actively engaged in sheperding or herding livestock, or (e) after taking

DRAFT—for discussion purposes only

possession of a dog that appears to be a stray dog and after having advised the Animal Control Department of the stray.

4. The provisions of subsection 2 and 3 above shall apply only if (a) the tether is not placed directly around 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 (d) the tether is arranged to be free of any obstacles which may limit the moveable length of the tether, and (e) the dog is tethered in a manner that permits access to necessary shelter and water."

Section 3. This ordinance shall become effective upon its adoption as provided by law.

Adopted by the Cumberland County Board of Commissioners this __ day of _____, 2008.

J. BREEDEN BLACKWELL
Chairman

MARSHA FOGLE
Clerk to the Board



The Facts about Tethering or Chaining a Dog

The Facts About Chaining or Tethering Dogs

A compassionate person noticed Jasper tied with no shelter and minimal provisions day after day after day. The guardian was contacted and agreed to allow this man to find Jasper a better home. This is how Jasper came to live at the CCAS shelter. Unfortunately, for many dogs, this is the life they are forced to endure. Our posting of the following article was prompted by their situation. Citrus County Animal Services Ordinance prohibits chaining or tethering a dog for more than 4 hours unless the tether is at least 3 times the dog's body excluding the tail and never for more than 10 hours in any 24-hour period.

1. What is meant by "chaining" or "tethering" dogs?

These terms refer to the practice of fastening a dog to a stationary object or stake, usually in backyard, as a means of keeping the animal under control. These terms do not refer to the periods when an animal is walked on a leash.

2. Is there a problem with continuous chaining or tethering?

Yes, the practice is both inhumane and a threat to the safety of the confined dog, other animals, and humans.

3. Why is tethering dogs inhumane?

Dogs are naturally social beings who thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive.

In many cases, the necks of chained dogs become raw and covered with sores, the result of improperly fitted collars and the dogs' constant yanking and straining to escape confinement. Dogs have even been found with collars embedded in their necks, the result of years of neglect at the end of a chain.

4. Who says tethering dogs is inhumane?

In addition to The Humane Society of the United States and numerous animal experts, the U. S. Department of Agriculture (USDA) issued a statement in the July 2, 1996, Federal Register against tethering:

"Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

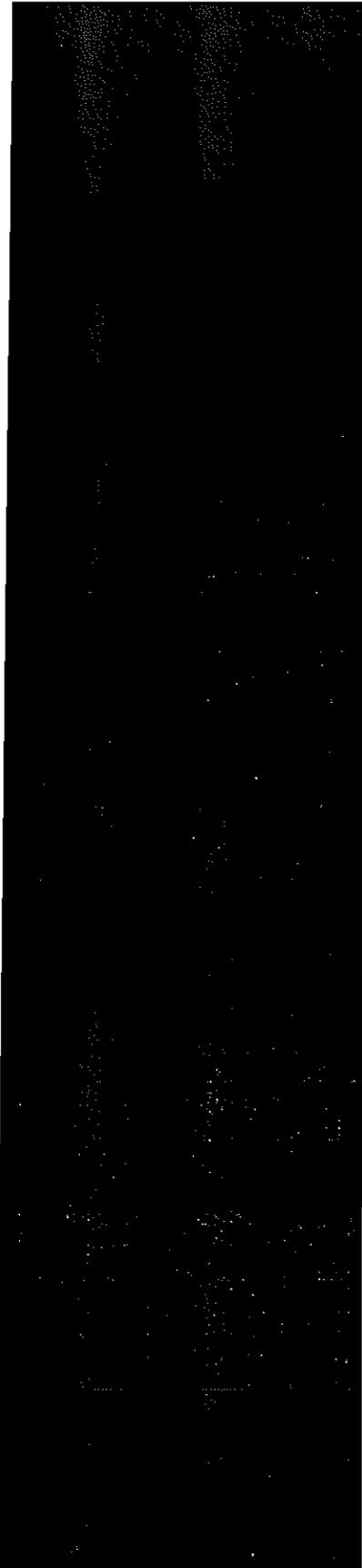
5. How does tethering or chaining dogs pose a danger to humans?

Dogs tethered for long periods can become highly aggressive. Dogs feel naturally protective of their territory; when confronted with a perceived threat, they respond according to their fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory.

Numerous attacks on people by tethered dogs have been documented. For example, a study published in the September 15, 2000, issue of the Journal of the American Veterinary Medical Association reported that 25% of dogs involved in fatal attacks on humans between 1979 and 1998 were restrained on their guardian's property at the time of the attack. Tragically, the victims of such attacks are often children who are unaware of the chained dog's presence until it is too late. Furthermore, a tethered dog who finally does get loose from his chains may remain aggressive and is likely to chase and attack unsuspecting passersby and pets.

6. Why is tethering dangerous to dogs?

In addition to the psychological damage wrought by continuous chaining, dogs forced to live on a chain make easy targets for other animals, humans, and biting insects. A chained animal may suffer harassment and teasing from insensitive humans, stinging bites from insects, and in the worst cases, attacks by other animals. Chained dogs are also easy targets for thieves looking to steal animals for sale to research institutions or to be used as training fodder for organized animal fights. Finally, dogs' tethers can become entangled with other objects, which can choke or strangle the dogs to death.



7. Are these dogs dangerous to other animals?

In some instances, yes. Any other animal that comes into their area of confinement is in jeopardy. Cats, rabbits, smaller dogs, and others may enter the area when the tethered dog is asleep and then be fiercely attacked when the dog awakens.

8. Are tethered dogs otherwise treated well?

Rarely does a chained or tethered dog receive sufficient care. Tethered dogs suffer from sporadic feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. During snow storms, these dogs often have no access to shelter. During periods of extreme heat, they may not receive adequate water or protection from the sun. What's more, because their often neurotic behavior makes them difficult to approach, chained dogs are rarely given even minimal affection. Tethered dogs may become "part of the scenery" and can be easily ignored by their guardians.

9. Are the areas in which tethered dogs are confined usually comfortable?

No, because the dogs have to eat, sleep, urinate, and defecate in a single confined area. Guardians who chain their dogs are also less likely to clean the area. Although there may have once been grass in an area of confinement, it is usually so beaten down by the dog's pacing that the ground consists of nothing but dirt or mud.

10. But how else can people confine dogs?

The HSUS recommends that all dogs be kept indoors at night, taken on regular walks, and otherwise provided with adequate attention, food, water, and veterinary care. If an animal must be housed outside at certain times, he should be placed in a suitable pen with adequate square footage and shelter from the elements.

11. Should chaining or tethering ever be allowed?

To become well-adjusted companion animals, dogs should interact regularly with people and other animals, and should receive regular exercise. It is an guardian's responsibility to properly restrain her dog, just as it is the guardian's responsibility to provide adequate attention and socialization. Placing an animal on a restraint to get fresh air can be acceptable if it is done for a short period. However, keeping an animal tethered for long periods is never acceptable.

12. If a dog is chained or tethered for a period of time, can it be done humanely?

Animals who must be kept on a tether should be secured in such a way that the tether cannot become entangled with other objects. Collars used to attach an animal should be comfortable and properly fitted; choke chains should never be used. Restraints should allow the animal to move about and lie down comfortably. Animals should never be tethered during natural disasters such as floods, fires, tornadoes, hurricanes, or blizzards.

13. What about attaching a dog's leash to a "pulley run"?

Attaching a dog's leash to a long line such as a clothesline or a manufactured device known as a pulley run and letting the animal have a larger area in which to explore is preferable to tethering the dog to a stationary object. However, many of the same problems associated with tethering still apply, including attacks on or by other animals, lack of socialization, and safety.

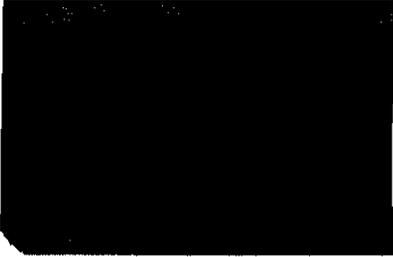
14. What can be done to correct the problem of tethering dogs?

At least 25 communities have passed laws that regulate the practice of tethering animals. Maumelle, Arkansas; Tucson, Arizona; and New Hanover, North Carolina, are a few communities that prohibit the chaining or tethering of dogs as a means of continuous confinement. Many other communities allow tethering only under certain conditions; Jefferson County, Kentucky, for example, prohibits dogs from being tethered for more than eight hours in any 24-hour period. Citrus County prohibits tethering for more than 4 hours unless the tether is of sufficient length but no more than 10 hours in any 24-hour period.

15. Why should a community outlaw the continuous chaining or tethering of dogs?

Animal services and humane agencies receive countless calls every day from citizens concerned about animals in these cruel situations. Animal services officers, paid at taxpayer expense, spend many hours trying to educate pet guardians about the dangers and cruelty involved in this practice.

A chained animal is caught in a vicious cycle; frustrated by long periods of boredom and social isolation, he becomes a neurotic shell of his former self further deterring human interaction and kindness. In the end, the helpless dog can only suffer the frustration of watching the world go by in



isolation a cruel fate for what is by nature a highly social animal. Any city, county, or state that bans this practice is a safer, more humane community.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 1172

Short Title:	Restraining of Dogs.	(Public)
Sponsors:	Senator Cowell.	
Referred to:	Judiciary I (Civil).	

March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-362.3 reads as rewritten:

"§ 14-362.3. Restraining dogs in a cruel manner.

(a) A person who maliciously knowingly restrains a dog using a chain or wire grossly in excess of the size necessary to restrain the dog safely or other type of tethering device in violation of this section is guilty of a Class 1 misdemeanor. For purposes of this section, "maliciously" means the person imposed the restraint intentionally and with malice or bad motive.

(b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more than three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least 15 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.

(c) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device, for more than six hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least 10 feet, and the tethering device must be of such length that the dog is able to move 10 feet away from the cable perpendicularly.

(d) No person shall attach a chain or wire or other tethering device to, or cause such attachment to, a choke-type or pronged collar on a dog.

(e) No person shall attach a chain or wire or other tethering device to a dog in such manner that does not allow the dog access to water and shelter.

(f) Notwithstanding the provisions of subsections (b) and (c) of this section, a person may, subject to the provisions of subsections (d) and (e) of this section:

- (1) Tether and restrain a dog while actively engaged in:
 - a. Use of the dog in shepherding or herding livestock, or
 - b. Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or
 - c. Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog.
 - (2) After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog during such time as the person having taken possession of the dog is seeking the identity of the owner of the dog.
 - (3) Walk a dog with a handheld leash.
- (g) A county, city, or town may by ordinance:
- (1) Reduce the time of permissible tethering provided in subsections (b) and (c) of this section, including a prohibition on tethering.
 - (2) Increase the permitted time for tethering on a rope or chain provided in subsection (b) from three to as many as nine hours.
 - (3) Increase the permitted time for tethering on a pulley system provided in subsection (c) from six to as many as twelve hours in any 24-hour period.
- (h) Restraining a dog in a manner prohibited by this section constitutes cruelty as defined in G.S. 19A-1(2)."

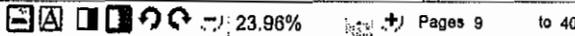
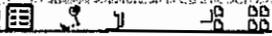
SECTION 2. This act becomes effective December 1, 2007, and applies to acts committed on or after that date.

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Page 9 of 40 Go



Template: BOCC
Date
9/22/2008
Meeting Type
Work Session
Document Type
Agenda
Agenda Item
2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

10

Main Themes and Views, For and Against

Citizen and Animal Rights

<u>Arguments against Restriction of Tethering</u>	<u>Arguments for the Restriction of Tethering</u>
Animals do not have rights	Animals feel pain, fear, loneliness, etc. and there is a public interest in protecting them
This is an encroachment on human rights.	It seems in society when we move toward justice, always the oppressors feel that their rights are being trampled
There should be an exception for sporting dogs	There is an exception for sporting dogs during trials, for periods up to 7 days
Tethering is not mistreatment. Many tethered dogs are happy members of a family.	This is about the humane treatment of animals. Tethering can cause trachea damage, strangulation, starvation and make animals more susceptible to attack and neglect
Many of those for this amendment do not live in Orange County or are not even from the unincorporated areas of County that will be affected.	Many opposing amendment are out-of-county paid lobbyist, breeders or persons charged with animal cruelty. All of the ASAB members live in Orange County.
Those against the amendment were not invited to be on the Tethering Committee. Those against it are not being heard.	A position opposing tethering restrictions was advertised along with all other positions. No applications were received. Public hearings were held by the tethering committee and all sides were considered and balanced by the committee.
Dog owners pay taxes on their animals and should have the right to do what they want for whatever reason.	Tethering leads to public nuisance and unwanted litters of puppies, costing tax payers money. It also presents a public safety issue.

2

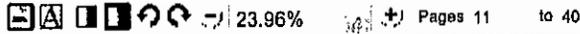
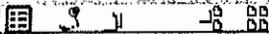
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Search

Page 11 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

Main Themes and Views, For and Against

Education and Enforcement

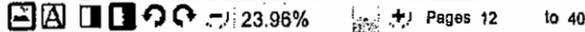
<u>Arguments against Restriction of Tethering</u>	<u>Arguments for the Restriction of Tethering</u>
Mistreatment is already against the law. We should enforce the existing laws.	Need enforceable laws to protect these animals. Other jurisdictions have had positive results.
Education is what is needed, not restricted tethering.	This will give ACO's an additional tool with which to enforce and educate the public, as well as protect animals. Our children should get the right message and not be desensitized to animals' needs by seeing them living permanently on chains.
Restricting tethering won't solve the animal mistreatment problem. Animals can be neglected in fences just as easily as on lethers. This is a people problem, not a dog problem.	Animals can be neglected in many situations, but tethering presents additional concerns because of the lack of a barrier-makes animals more susceptible to outside attacks and presents a public danger by not preventing children and others from approaching the dog. This is a step in the right direction.
Breed is the problem in Orange County. We need a ban on dangerous dog breeds.	Many breeds have a tendency to become aggressive if chained. Dogs need more than food and water.
Restricting tethering is expensive and unenforceable	Other jurisdictions have found it to be enforceable and have a positive effect on the number of calls for bites, mistreatment, unwanted litters, etc. Other jurisdictions have also found that there is a short-term increase in work load but that the long-term effects actually decrease work load.
This amendment doesn't reflect the realities of life. There are times when a dog needs to be lethered.	This is only one tool to protect animals. Many people do not understand the condition some of these animals are in or the dangers presented to them.

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Browse Search

Page 12 of 40 Go



Template: BOCC
Date
9/22/2008
Meeting Type
Work Session
Document Type
Agenda
Agenda Item
2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

12

Main Themes and Views, For and Against

Tethers and Pens

<u>Arguments against Restriction of Tethering</u>	<u>Arguments for the Restriction of Tethering</u>
Tethers are better than pens because they can give more space than pen of equal size and are easier to clean than pens.	Tethers deprive dogs of their basic needs for socialization and subject them to dangers of attack, starvation, trachea damage and other tethering-related injuries
USDA already has minimum pen sizes.	Smaller pens restrict movement and exercise and deprive dogs of basic needs. USDA ruling prohibits tethering as a method of primary enclosure.
Some dogs escape from pens. There are diggers, climbers and even dogs that chew through fences.	Coalition to Unchain Dogs builds fences that escape artist dogs cannot get out of
Some tethered dogs are not mistreated and have more interaction with family members than they would in a pen. This amendment doesn't distinguish between responsible and irresponsible tethering.	Families in other areas that have received fences from the Coalition have reported positive results and have been pleased to discover dog's new personality when fenced instead of chained
Tethers are needed for some types of training.	Tethering is not productive in training animals
Tethers don't make animals aggressive. The studies that say that are flawed.	Investigators, trainers, animal rescuers, famous dog experts and various studies have stated that tethered dogs are more likely to become aggressive and contribute to problems of public safety.

4

Summary of Minutes, For and Against

Those in opposition of amending the animal ordinance

Names	Title	Support or Oppose	Reasons
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Herr	Lobbyist for NC Sporting Dog Association	Oppose	<ul style="list-style-type: none"> Animals do not have rights, but people do have rights and responsibilities This proposal does not meet the needs of the people Injurious treatment is already against the law Questions that tethering is mistreatment There is no distinguishing between animals that are abused and not abused
Jason Payne	Member of Eno River Coon Hunters Association	Oppose	<ul style="list-style-type: none"> Restricting tethering would not accomplish better treatment of animals
Lamar	Citizen	Oppose	<ul style="list-style-type: none"> Some dogs chew through fences Most people supporting this are not from Orange County People from unincorporated part of the County are not aware of the proposal
George Palmer	President of Eno River Coon Hunters Association	Oppose	<ul style="list-style-type: none"> This is a people problem, not a dog problem Need education of dog owners A person who neglects an animal will neglect it in a fence or tether Enforce the laws that are already there
Andrea Press	NC Director of Responsible Dog Owners, Pit Bull Breeder	Oppose	<ul style="list-style-type: none"> People are being spoon fed the idea that tethering is wrong Children get killed by dogs that aren't tethered as well From things such as parental neglect Responsible dog owners have the right to chain or not to chain for whatever reason The most dangerous dog is an at-large dog Education is what is needed
Bobby Kirk	Citizen, Trainer	Oppose	<ul style="list-style-type: none"> Has trained dogs for 40 years and his best dogs are tethered Tethering is not bad and some of the most aggressive dogs have to be tethered to train them Education is what is needed Every dog is different
Michael	Citizen	Oppose	<ul style="list-style-type: none"> Doesn't know how the cost of the amendment will be

13

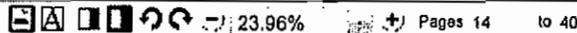
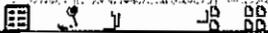
5

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Help | My WebLink

Browse Search

Page 14 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

14

Kirk			<ul style="list-style-type: none"> absorbed back into the budget Drove around within 5 miles of Chapel Hill alone and counted 38 tethered dogs and 72 in kennels smaller than those proposed His tethered dogs are his friendliest Thinks this is a slippery slope
Steven Hopkins	Citizen	Oppose	<ul style="list-style-type: none"> Thinks there needs to be an exception for sporting dogs or people who cannot kennel Existing laws should be enforced
Susan Kelly	Citizen	Oppose	<ul style="list-style-type: none"> Her dogs are tethered because they dig under the fence and jump the fence Her dogs are not mistreated and she has no other options People want to do the right thing for their animals and she thinks for some, that may be tethering
Lauren Krapp-Resnik	Citizen	Oppose	<ul style="list-style-type: none"> Has one tethered dog because she is overprotective of him because of an accident he had while running free The ordinance should be on a case by case basis
Joseph Closs	Representative of NC Sporting Dogs	Oppose	<ul style="list-style-type: none"> Do not fall into animal rights agenda It is the responsibility of humans to protect these animals and take care of them
Chad Resnik	Citizen	Oppose	<ul style="list-style-type: none"> If dogs on chains bite people, we should merely teach children not to go near strange dogs His dog is on a huge tether and it would be infeasible for it to move to a much smaller 12 x 12 kennel
Tim Frazier	Officer of Eco River Coon Club	Oppose	<ul style="list-style-type: none"> Didn't know how to get on the committee He has a dog that will climb or dig out of a fence Tethering is ok if people tether in a humane way The problem in Orange County is the breed
Diane Gentzel	Breeder	Oppose	<ul style="list-style-type: none"> Problem is not tethering but the implementation of tethering Proper tethering socializes, cares for, and exercises animals very well This is a question of education A dog on a 10-ft tether has more room than a dog in a 10-ft pen
Josh Chapman	Citizen	Oppose	<ul style="list-style-type: none"> Just because a dog is on a chain does not mean it will be depressed You can abuse dogs by putting them in a pen
Dennis Carden	Quail Farm Beagle Club	Oppose	<ul style="list-style-type: none"> This ordinance invades their rights as hunters and dog owners The USDA already has a standard size pen
Charles Best	Citizen	Oppose	<ul style="list-style-type: none"> Does not see how smaller dogs need the same size pens as larger dogs More laws are not needed because there are laws now for

6

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Help | My WebLink

Browse Search

Page 15 of 40 Go



23.96% Pages 15 to 40

Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

15

people who mistreat dogs			
Robin Harrison	Citizen	Oppose	<ul style="list-style-type: none"> This amendment does not make sense Her dogs would climb, jump or dig out of a fence
Sandi Coy	Chairperson of Responsible Dog Owners from Kentucky	Oppose	<ul style="list-style-type: none"> It is impossible to enforce Statistics on dog bites are inaccurate and the study is flawed Other studies show that there is no significant difference between dogs who are chained and those that are not
Phillip Pennell	Citizen	Oppose	<ul style="list-style-type: none"> What we need is a dangerous dog breed ban, not a tethering ban A ten foot chain allows a ton more movement than a 10 foot pen
Tommy Frazier	Citizen	Oppose	<ul style="list-style-type: none"> Chains are cleaner than pens Citizens pay taxes on dogs and there should not be a law on them
Amanda Stipe	Former Animal Control Officer	Oppose	<ul style="list-style-type: none"> Anti-tethering is too restrictive Each dog should be considered individually Education on animal behavior is key to responsible dog welfare and ownership Regulations should not be so restrictive that they hinder options to dog owners who are willing to do the right thing
Stillman Wright	Citizen	Oppose	<ul style="list-style-type: none"> He has tethered champion dogs and his dogs are not mistreated
Frank Tilley	Citizen	Oppose	<ul style="list-style-type: none"> Has seen plenty of aggressive dogs in pens
Brian Fee		Oppose	<ul style="list-style-type: none"> Some tethered dogs are much happier and better treated than penned dogs My dog has 2200 square feet on her trolley run and would not be able to have nearly as much in a pen There is a whole segment of the population here not represented- normal families with one or two dogs humanely tethered
Mickey Oliver	Citizen	Oppose	<ul style="list-style-type: none"> There are laws now that aren't being enforced
Alan Green	Citizen	Oppose	<ul style="list-style-type: none"> Owns working dogs and would prefer not to tether any of them There are times, however, when he has to tether a dog on a 30-foot chain There are instances when this law does not deal with the realities of life
Brian Lane	Citizen	Oppose	<ul style="list-style-type: none"> Does not own dogs but feels it his civic duty to oppose this amendment because it is an encroachment on individual freedom in Orange County We need extensive proof of abuse before this ordinance

7

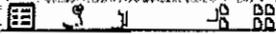
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Help | My WebLink

Browse

Search

Page 16 of 40



23.96% Pages 16 to 40

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

Template: BOCC

Date

9/22/2008

Meeting Type

Work Session

Document Type

Agenda

Agenda Item

2

16

			should be amended
Frances Jones	Citizen	Oppose	<ul style="list-style-type: none"> Hunters have a right to do what they are doing Chapel Hill dogs are treated better than Fairview citizens
Kevin Young	Breeder	Oppose	<ul style="list-style-type: none"> Pens are dirty when it rains If embedded collars are a problem, use a body harness to tether Education is very important
Fred Stipe	Sporting Dog Owner	Oppose	<ul style="list-style-type: none"> This amendment would not solve the problems of abuse and neglect This would further complicate the job of Animal Control
Beth Oliver	Citizen	Oppose	<ul style="list-style-type: none"> Against the ordinance She tethers her dogs for their protection

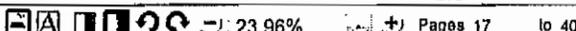
8

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Help | My WebLink

Browse Search

Page 17 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

17

Summary of Minutes, For and Against

Those in favor of amending the animal ordinance

Name	Title	Support or Oppose	Reasons
Dr. Ross Oglebeec	ASAB Chair	Support	<ul style="list-style-type: none"> • Humane Treatment of Animals • Tethering Committee already took all of these concerns into account and made a fair recommendation
David Aman	Citizen	Support	<ul style="list-style-type: none"> • Give ACOs an additional tool with which to come to the aid distressed and neglected animals
Elaine Modlin	Animal Control Officer, Laurinburg, NC	Support	<ul style="list-style-type: none"> • Laurinburg has a restricted tethering ordinance and it is enforceable • We found chained dogs to be responsible for more complaint calls than fenced dogs before passing legislation • Passing restrictive legislation has definitely improved our records for protecting citizens • It has helped eliminate residence with multiple chained dogs • It has reduced nuisance, barking, and odor complaints • It has reduced our number of dog bites • It has drastically reduced the number of unwanted puppy litters • Owners have commented that dogs seem happier and are easier to care for
Fat Sanford	ASAB Member and Animal Trainer	Support	<ul style="list-style-type: none"> • Tethering is not productive in training animals • Did investigations for Orange County for 17 years and found a very high number of those were with tethered animals • Ordinance needs to pass to help the animals • All ASAB members are from Orange County
Deanna Rowan			<ul style="list-style-type: none"> • Humane Treatment of Dogs • No one wants to take away right to hunt- it is just an issue of how the dogs are kept • This isn't about hunters, but about the hundreds of dogs permanently chained, exposed to elements, rarely given attention and subjected to abuse and neglect
Kitty Lynn	Animal Rescuer	Support	<ul style="list-style-type: none"> • Has rescued hundreds of dogs and has seen chained dogs become aggressive and territorial for lack of love and attention.

9

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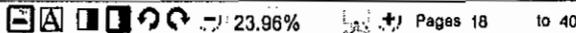
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Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Help | My WebLink

Page 18 of 40 Go



Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

18

			<ul style="list-style-type: none"> Chained dogs will attack those who enter their territory, including children More and more communities are passing regulations on tethering
Mark Solomon	Citizen	Support	<ul style="list-style-type: none"> Public safety- chaining dogs contributes to aggression and is a public safety threat Humane treatment- prolonged chaining is harmful and deprives dogs of necessary exercise and socialization, subjects them to dangers caused by collars or starvation, and makes them vulnerable to attack from wildlife or roaming dogs Overpopulation- chained dogs greatly contribute to the County's pet overpopulation problem. Chained dogs are frequently unsterilized and cannot get away from breeders Important tool for Animal Control- other jurisdictions have positive results from restrictive ordinances and a decrease in cruelty and bite complaints
Nancy Garson	Citizen of New Hanover County	Support	<ul style="list-style-type: none"> Too important an issue to be silenced by intimidation. Encourages commissioners to move forward thoughtfully, compassionately and not fearfully
Ellen Whitaker	Volunteer with Coalition to Unchain Dogs	Support	<ul style="list-style-type: none"> It seems a lot of times in society, when we move toward justice, always the people that are oppressors feel that their rights are being trampled This does not mean it is not right to pass the law The Coalition builds fences that even escape artist dogs cannot get out of The recipients of their fences can see their dogs now have a personality because they are not chained and able to run around
Jackie Rozati	Citizen	Support	<ul style="list-style-type: none"> Emphasized that it is restriction of tethering, not elimination of tethering
Arielle Schechter	Citizen	Support	<ul style="list-style-type: none"> Been in Orange County since 1960's and this is long overdue
Jean McNeill	Animal Control Manager, New Hanover County	Support	<ul style="list-style-type: none"> Protection of community's companion animals You cannot enforce what you do not have- must have the law there to be able to effectively stop neglect and abuse Anti-tethering is a step in the right direction to enhance responsible pet ownership Our residents have responded favorably to having a means of preventing cruelty in at least one form Prior to our ordinance, we saw many cases of dogs left on short ropes for hours or permanently, as well as cases of strangulation, heat stroke and starvation Having an enforceable law was the only means we have to prevent such cases

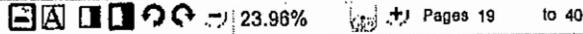
10

Laserfiche WebLink

Help | My WebLink

Browse Search

Page 19 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

19

			<ul style="list-style-type: none"> It is the responsibility of the County to act responsibly for its pets The majority of your residents are counting on you to do the right thing, despite the very vocal minority
Surrea Windram, DVM Kay Bishop, DVM Ken Redmont, DVM Kathy Crabtree, DVM Pat Pagel, DVM Michelle Drake, DVM Deborah Stein, DVM Megan Harris, DVM Marjorie Lindeke, DVM	Group of 9 County Veterinarians	Support	<ul style="list-style-type: none"> Prolonged tethering deprives dogs of necessary exercise and socialization Tethered dogs can and do contribute to various community nuisance issues such as barking and pet overpopulation Tethered dogs can and do pose a risk to public safety and health because they may become aggressive and are not confined behind a barrier Tethered dogs are subjected to a variety of physical dangers, including trachea damage, embedded collars and injuries from attacks There are many alternatives to chaining
Suzanne Roy	ASAB and Tethering Committee Member	Support	<ul style="list-style-type: none"> Neglected animals can be anywhere but there are special circumstances that make tethering an issue that should be a policy issue Lack of a barrier and lack of protection for people are among main differences between tethering and other forms of confinement Tethered dogs are a lure for children and children constitute a large portion of attacks by chained dogs Tethering Committee did consider all sides and recommended an 18-month phase in period specifically for those people who would have to make changes if this were passed Many of the opponents speaking are out-of-county paid lobbyist or pit bull breeders One of the opponent speakers has animal cruelty charges against her in another state - others have moved due to citations for breaking anti-tethering laws elsewhere Tethering Committee did hold two public hearings and

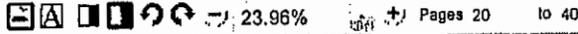
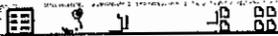
11

Laserfiche WebLink

Help | My WebLink

Browse Search

Page 20 of 40 Go



Template: BQCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

20

			<ul style="list-style-type: none"> Invited those from all sides to be on the committee- received no applications from members of the opposing sides Read quote from Cesar Milan (The Dog Whisperer) stating that chained dogs will have pent up energy and frustration and are much more likely to become aggressive and become a weapon
Elise Roosevelt	Citizen	Support	<ul style="list-style-type: none"> Must remember that this is about public safety and the humane treatment of animals, not about professions or financial welfare Referred to the USDA ruling prohibiting tethering as a method of primary enclosure Cruelty comes in many forms and this is only one tool
Lori Hensley	Volunteer with Coalition to Unchain Dogs	Support	<ul style="list-style-type: none"> Gives Animal Control an enforcement tool Most people want what is best for their dogs, but need to be shown how to do it a better way Read success stories about people and neighborhoods that had received fences from the coalition and were changed and grateful for the transition
Robert Hensley	Volunteer with Coalition to Unchain Dogs	Support	<ul style="list-style-type: none"> Disturbed by animal cruelty charges on Ms. Coy Made mention of other paid lobbyist in the crowd, including breeders of fighting dogs Built lots of fences for people in the past years and have many success stories
Kris Bergstrand on behalf of Jean Austin	ASAB and Tethering Committee Member	Support	<ul style="list-style-type: none"> Supports restriction of tethering
Walt Von Shernz	Citizen	Support	<ul style="list-style-type: none"> Firmly believes that keeping dogs on chains will increase the propensity for the dog to develop anti-social behavior Watering and feeding a dog does not fulfill all its needs- a dog needs to be unencumbered
Loren Hart	Citizen	Support	<ul style="list-style-type: none"> Animals are individual beings that feel pleasure, pain, fear and loneliness This amendment would help create a kinder and gentler world that is more just, more peaceful and more loving Tethering for prolonged periods is a form of abuse that should be stopped- it is neglect Ordinance should demand a higher level of care than it does presently Animals should not be exploited Animals have interests too and this isn't just about what humans want
Amanda Arrington	Director of Coalition to	Support	<ul style="list-style-type: none"> Sometimes you must legislate in order to educate Cruelty can happen in any situation, but chained dogs are

12

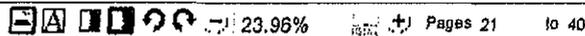
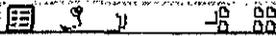
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Help | My WebLink

Browse

Search

Page 21 of 40 Go

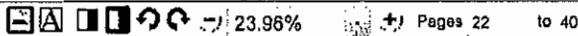
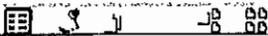


Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

21

	Unchain Dogs		especially susceptible to things such as being attacked
Jamie Jacobs	Citizen	Support	<ul style="list-style-type: none"> Owens a pit bull and was told by the breeder that in order to make it aggressive and dangerous, all she had to do was chain it and leave it alone This breed is very susceptible to becoming vicious and dangerous if chained Must provide for dogs in other ways and socialize them
Kris Bergstrand	ASAB and Tethering Committee Member, DVM	Support	<ul style="list-style-type: none"> Tethering Committee members learned a lot from Orange County residents and worked hard to balance the citizens' rights and animals' needs Humane Treatment of Dogs Public Safety Tethering Committee did extensive work on other jurisdictions with tethering ordinances and found those to have cost effective programs with decreases in dog bites, unwanted puppies, and animal surrenders Benefits that other jurisdictions have seen will do well in this County
Jana Marshall	Trainer	Support	<ul style="list-style-type: none"> Expert on evaluation dogs for aggression and familiar with aggression triggers Living on a chain deprives a dog of its basic needs and causes high levels of stress and frustration, which can lead to aggression Chained dogs will often target anything moving nearby, which is unfortunately often children It is important for children in our County to learn empathy for other beings and to grow up to be compassionate, contributing citizens Seeing dogs regularly tethered sends the wrong message to children and desensitizes them to animals' needs Chained dogs are often victims of taunting We would be a more caring, compassionate community with this restriction
Emily Weinstein	Citizen	Support	<ul style="list-style-type: none"> Animals do have rights Supports this amendment
Nancy Carson Eickert	Citizen	Support	<ul style="list-style-type: none"> Most people do not realize the conditions under which many of these animals are found



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

22

EXCERPT FROM MAY 20th BOCC MEETING

APPROVED 9/22/2008

**EXCERPT from MINUTES
 ORANGE COUNTY BOARD OF COMMISSIONERS
 REGULAR MEETING
 May 20, 2008
 7:30 p.m.**

b. Proposed Animal Ordinance Amendment on the Tethering of Dogs

The Board conducted a public hearing for a proposed ordinance amendment to the Orange County Animal Ordinance restricting the tethering of dogs, and considered adoption of the ordinance amendment.

Animal Services Director Bob Marotta said that there has been a concerted effort involved in staff and the citizen advisors and the process has gone on for a year and a half or more. He said that this issue came to the Animal Services Advisory Board from the community as a serious issue for the community to consider and address and to seek to resolve. He thinks that the concerned citizens have driven the process that staff has pursued. One of the citizens advisory boards appointed by the Board was the Tethering Committee, which met more than six times in 2007. This resulted in a proposal for the ordinance amendment. The Animal Services Advisory Board has considered this issue five additional times.

He said that he would underscore that the Tethering Committee and the ASAB have tried to balance some conflicting concerns. He said that there are some exceptions to the three-hour tethering limit and the proposal is not an outright prohibition of tethering. He said that there has been a strong commitment to encourage education and seek to implement this amendment over a period of time that would span 18 months, 12 of which would be dedicated to education and awareness. After the first 12 months, there will be another six-month period in which the new ordinance amendment would not be fully enforced, but would be enforced with warnings. The amendment would become effective and fully enforced as of January 1, 2010 and would become effective as of July 1, 2009.

Vice-Chair of the ASAB, Susan Elmore recognized the Animal Services staff. She said that there are strong passions concerning this issue on both sides of the fence. She said that she is here in support of this proposal. She pointed out pages 16-17 of the Tethering Committee report, which outlines the tasks of the committee. She said that the committee considered all of the concerns on both sides.

Commissioner Nelson commended the Tethering Committee and said that it was hands down the best committee he has worked on, everyone genuinely listened to each other, and there was a tremendous amount of discussion on this topic. He said that the committee really listened to the community and the staff was extraordinary.

Commissioner Caray commended Bob Marotta and said that the ASAB worked really hard to be reasonable and to educate regularly. He thinks that the proposal reflects the character of what the County Commissioners are trying to do in Orange County.

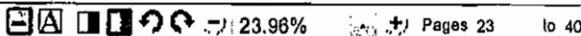
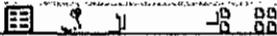
Chair Jacobs said that there are 22 people signed up to speak and he encouraged people not to repeat what previous speakers have said.

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Help | My WebLink

Browse Search

Page 23 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

23

PUBLIC COMMENT:

Lori Hensley is a volunteer on the Coalition to Unchain Dogs and she said that they build fences for owners of dogs that cannot afford them. The coalition also provides free spay and neuter and vaccinations for the pets. She said that this type of ordinance gives Animal Control another tool for enforcement. She said that most people want better for their dogs, but they need to be shown that there is a better way to do things. She read an email from the neighbor of a person who received a fence from the coalition for a dog that was continuously chained in Chapel Hill. "I just have to tell you that your civilizing Neptune has also civilized the entire family. Now whenever I stop by to see my neighbor, Neptune is either sitting on the front porch with a family member, playing in the house, or when he sees my car coming running down the stairs to greet and kiss me. He even has his meals inside now and sleeps beside the bed. See how the beauty of your work spreads to others. So much abuse and neglect are due to just plain ignorance, are they not?" She said that this is not the only situation where the Coalition has helped dogs. She asked the County Commissioners to approve the ordinance to limit the chaining of dogs.

Hani McClees is a lobbyist for the North Carolina Sporting Dog Association, which is a coalition of dog owners, dog breeders, and dog clubs. She said that the membership's philosophy is that animals do not have rights, but people have rights and responsibilities. They do not believe that this proposal meets the needs of the animals, and they are certain that it does not meet the needs of the people. She said that it is a bad idea, it is not needed, it is not fair, and it is bad public policy. She said that this same concept was debated in a Senate committee in the legislature, but the bill never got out of committee. She said that inhumane treatment of animals is already against the law. She asked the County Commissioners to consider cautiously looking at this from the attitude and the positions of the citizens. She questioned the assumption that tethering is mistreatment of animals.

Jason Payne is a member of the Eno River Coon Hunters Association. He said that he and his father have raised and trained dogs since he was 15 years old, and they tether their dogs, but they also exercise them and take care of them. He is opposed to this amendment because he does not believe that the descriptions in the amendment would accomplish what people are trying to accomplish, which is better treatment of animals.

Lamar Chapman lives in Orange County and said that he has numerous dogs and most are not tethered. The ones that are tethered chew through a fence. He said that he has been to all of the committee meetings and the committee is not listening to the citizens of Orange County. He said that most of the people that are supporting this ordinance are not from Orange County. He said that people are scared of speaking tonight because of Animal Control coming to their property. He said that the people of unincorporated Orange County are not even aware of this proposal. He showed some pictures that someone else had brought of dogs that were chained and the collars were not embedded and the dogs were healthy. He suggested having another public meeting.

George Painter is President of the Eno River Coon Hunters Association. He said that this is a people problem, not a dog problem, and there needs to be education of dog owners on the treatment of dogs. He said that a person that neglects an animal will neglect it no matter if it is on a chain or in a kennel. He said that the County Commissioners should spend more time and better time on other problems in the County than passing more laws that will not help dogs or the animal control problems.

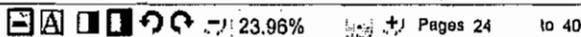
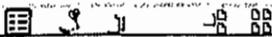
15

Laserfiche WebLink

Browse Search

Help | My WebLink

Page 24 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

Andrea Press is the N.C. Director of Responsible Dog Owners. She said that this movement has been going through the country for the past year and a half. Animal rights activists are quick to show pictures of dogs who have been chained improperly and the media are quick to vilify the owner who lethers the dog. He said that people are being spoon fed the idea that lethering is wrong by the animal rights activists. She gave statistics of children that were killed by dogs because of parental neglect. She said that responsible dog owners have the right to chain or not chain their dogs for whatever reason.

Amanda Arrington said that she represents people not here as the Director of the Coalition to Unchain Dogs. She said that sometimes you must legislate in order to educate. She agreed that cruelty can happen in any situation. She said that dogs that are chained are more susceptible to being attacked.

Bobby Kirk said that he is disappointed in the way that this is going. He has tried to get on the committee, and he was not allowed. He said that he has trained dogs for 40 years. He said that he has dogs come to him from all over the country that have been kenneled, but his best dogs are lethered. He urged the County Commissioners to reconsider this. He said to the committee that they never listened to the Orange County citizens. He said that lethering dogs is not bad.

Michael Kirk lives in southern Orange County. He said that he looked at the Animal Services website and read the amendment. He said that the costs of this amendment are supposed to be absorbed back in the budget. He asked if the Animal Control Officers do anything all day now. He said that he rode around within five miles of Chapel Hill and he counted 38 lethered dogs and 72 dogs that were in kennels smaller than what is recommended. He does not know how the costs of this are going to be absorbed, because this will be a lot of work. He said that he has had dogs all of his life and the ones that are lethered are the friendliest dogs.

Steven Hopkins said that he is a citizen of Orange County and he has owned dogs all of his life. He asked that there be an exemption for sporting dogs or for homeowners that cannot kennel because most sporting dogs must have daily exercise and must be chained to be in events. He said that putting dogs in kennels will not solve any problems. He thinks that the existing laws should be enforced.

Pet Sanford is on the ASAB. She said that she is an animal trainer and she would never lether her dogs because it is not productive in training. She said that for 17 years she did animal investigations for Orange County, and during that time there was a very high number of investigations with lethered animals. She said that it is a human problem and not an animal problem. She thinks that the ordinance needs to pass to help the animals. She understands the sporting dog owners' concerns. She said that she is in support of the ordinance.

Jamie Jacobs is a resident of Orange County and an owner of a pit bull. She said that she was asked to speak by a friend to share some statistics. She said that her breeder has been breeding pit bulls for over 20 years in the North Carolina mountains, and he was very clear with her about what she needed to do with the dog if she wanted him to become a vicious and dangerous animal, and that was to chain him and leave him alone. If she wished him to become a loving and social animal, then she must provide for him in other ways, which she does. She contains her dog with an Invisable Fence and she takes him for long walks. She said that there is a book sold in pet stores that gives very specific information about this breed, that if they are chained, they will become vicious and dangerous animals.

Kris Bergstrand lives in Chapel Hill and was a member of the Tethering Committee and the ASAB. She said that the members learned a lot from the residents of Orange County and they struggled with how to balance the needs of the animals with

24

the rights of the citizens. She said that a number of people think that PETA activists drive the subcommittee to make the recommendation and she disagrees. She is a veterinarian and she cares about the humane treatment of dogs. However, public safety is very important to her. She said that the subcommittee got feedback from animal control professionals in the state who said that they did not find it to be more work or more costly to have tethering ordinances. They noticed a decrease in dog bites, a decrease in puppies, and a decrease in surrenders. She thinks that the benefits that other jurisdictions in the state have seen from restricted tethering would do well in this County.

Susan Kelly lives in Carrboro and she has two dogs, which are tethered because they dig under the fence and they jump the fence. Both of them are spayed. She said that the dogs have a very nice area to live in, and she does not know what her option would be other than not letting her dogs outside to play together. Jacky Frosell is a resident of Orange County and she has a dog that lives inside her house. She is in support of the ordinance and emphasized that it is restricting tethering and not an anti-tethering ordinance. She said that she is also here on behalf of Jane Marshall who could not be in attendance. She read a letter from Jane Marshall:

I have been a dog trainer in Orange County for 20 years. One of my areas of expertise is evaluating dogs for aggression and so I am very familiar with what triggers aggression in dogs. Lying on a chain deprives a dog of his basic needs and causes high levels of stress and frustration. Frustration is a pre-cursor to aggression. This is a very dangerous type of aggression as the dog is in a highly aroused emotional and hormonal state and will target anything moving nearby. The unfortunate victims of chained dogs are often unsupervised children who wander into the dog's space. Mutilating injuries are usually sustained in these situations. I am also a mother, raising my children in this community, and a humane educator. As well as the huge safety factor for children around chained dogs, it is important for our children to learn empathy for everything around them, to grow up to be caring, contributing citizens. Successful humane education programs focus on helping children relate to the animals in their environment and to respect and care for them. Living with a dog chained at the bottom of the garden demonstrates our children to the needs of animals and conveys the wrong message to them. Chained dogs are often the victims of lawsuits from neighborhood children, a terrible situation for the dog and an incorrect learning experience for the child.

So I respectfully ask you to disallow the permanent tethering of dogs in Orange County, for the safety of our children, for the humane treatment of dogs and for Orange County to become a caring, compassionate, community for all. Jane Marshall

Emily Wenzel thanked everyone for the work on the ordinance and said that she believes that animals do have rights. She has fenced her yard and her dogs come in and out of her house. She supports this ordinance. Lauren Krapp-Ressnik lives in Hillsborough and she thinks that everyone agrees with no cruelty to animals, dogs, cats. She has one dog that is tethered, because she is over protective of him because of an accident that he had while he was running free. She is against this ordinance because it is not a solution to this problem. She thinks that the ordinance should be on a case-by-case basis.

27

Loren Hart is a UNC Alumni and a resident of Orange County. He is here as an advocate for all animals, human and otherwise. He said that animals can feel pain, fear, and loneliness. He suggested that if the County Commissioners pass this ordinance, then they will help to create a kinder and gentler world, a world that is more just, more peaceful and more loving. He said that chaining dogs for long periods is a form of abuse and should be stopped. He suggested that humans should not exploit animals for any reason.

Joseph Chase is a representative of the N.C. Sporting Dogs. He represents 12 different counties. He said that this is a very controversial issue. He said that he has watched Chair Jacobs, and he has talked with sensitivity and compassion. He complimented Chair Jacobs on this. He said that he can see some fundamental flaws that there are segments of the population that feel that they have not had an adequate public process. He said that there are members on both sides of the issue that feel fear and indignation. He asked the County Commissioners to please not fall into an animal rights agenda. He said that it is the responsibility of humans to protect these animals and take care of them. He encourages the County Commissioners to have at least 3-4 public hearings.

Suzanne Roy lives in Hillsborough and was on the Tethering Committee. She said that the committee held two public hearings and invited members who are opposed to this ordinance to come onto the committee, and she does not know of any applications. She thinks that the committee has listened. She does not think that there is any question that tethering dogs is inhumane. She read a quote from the Dog Whisperer, "Chaining is a very dangerous and cruel practice. The more tightly a dog is restrained, the more pent up energy he will have. The more pent up energy, the more aggression. A frustrated dog on a chain becomes a weapon and is nearly three times more likely to attack or bite a person than a dog that is simply loose in the yard." She believes that the ordinance has broad community support.

Chad Resnick said that one of the people that spoke said that dogs on chains have a tendency to bite people. His response to that is to leash children not to go near dogs that they do not know. His dog has a 45-foot range with a 12-foot lead on it and has a heated and air-conditioned dog house. He said that it would be infeasible for the dog to be in a 12x12 fence and restrict his movement that much, which is one of the recommendations.

Tim Frazer is an officer of the Eno River Coon Club, but he is speaking for himself. He said that he was told at the other public meetings that sporting dogs would be exempt from the ordinance. He said that no one told him how to get on these committees. He said that the sporting dog owners feel that they are being singled out. He said that he has a dog that will dig out or climb out of a fence. He said that he did not find anything out about this meeting until Saturday. He asked the County Commissioners to really think about this before passing it.

Ellen Whitaker is with the Coalition to Unchain Dogs and she said that they built fences that dogs cannot dig out of. She said that it is possible to keep a dog that digs in a fence. She said that when the coalition is able to provide a fence, then the owner can see that the dog now has a personality because it can run around and not be chained. Diane Gantzel said that she raises and shows rat terriers, and she does not tether her dogs. She said that the problem is not the tethering, but the implementation of tethering. She said that proper tethering socializes, cares for, and exercises animals very well. She asked the County Commissioners to please consider tethering from a different point of view.

Nancy Carson Elckert lives in Orange County and has participated with the Coalition to Unchain Dogs. She affirmed everything that the representatives of the

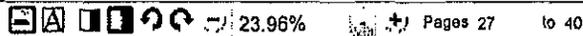
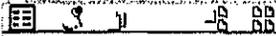
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Help | My WebLink

Browse

Search

Page 27 of 40



Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

27

coalition said. She does not think that most people realize the conditions under which they find some of these animals. She thinks that education about proper leashing would help the situation.

Josh Chapman is 15 years old and was born and raised in Orange County. He has had dogs all of his life, and said that just because a dog is on a chain does not mean that it will be depressed. He said that his chained dogs run around and play and are happy. He said that he had a dog that was in a pen and was not gaining weight and barked all the time, and when the dog was put on a chain, it gained weight and stopped barking. He asked the County Commissioners to please oppose the ordinance.

Commissioner Nelson said that he would like to absorb all of this and take time to reflect and wait to make a decision.

Commissioner Carey agreed.

Chair Jacobs said that it would probably be on the June 3rd agenda. The public asked for proper notice.

Chair Jacobs said that if the Board does not vote on it now, it will be scheduled for June 3rd.

A motion was made by Commissioner Nelson, seconded by Commissioner Foustee to defer this item to June 3rd on the regular agenda.

VOTE: UNANIMOUS

19

Laserfiche WebLink

Browse Search

Help | My WebLink

Page 28 of 40 Go

23.96% Pages 28 to 40

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

Template: BOCC
Date
9/22/2008
Meeting Type
Work Session
Document Type
Agenda
Agenda Item
2

28

EXCERPT FROM JUNE 3RD BOCC MEETING

APPROVED 9/18/2008

EXCERPT From MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 3, 2008
7:30 p.m.

6. Regular Agenda

a. Proposed Animal Ordinance Amendment on the Tethering of Dogs

The Board considered adopting a proposed ordinance amendment to the Orange County Animal Ordinance restricting the tethering of dogs.

Animal Services Director Bob Marotto introduced Chair of the Animal Services Advisory Board, Dr. Ross Oglesby. He said that the proposal before the Board is the result of a tremendous amount of work by the Tethering Committee and the ASAB over a very long period of time. The committee and the ASAB had discussions with experts from other jurisdictions in North Carolina. Public input sessions also played a role in the recommendations. He said that there was a concerted effort to reach a balance between some opposing views in the community. He said that the original review and discussion referenced exceptions for escape artist dogs and for hunting dogs. The draft includes exceptions for these animals, but ultimately, the Tethering Committee and the ASAB opted to not include those exceptions for three reasons:

- 1) concerns about the legal issues that might arise by creating exceptions;
- 2) impact that exceptions might have on the ease of enforcement; and
- 3) the issue of fairness.

Dr. Ross Oglesby read her prepared statement:

As human beings we have free will, self-determination, and the power to control our environment and the environment of all things on this planet. Along with the privilege of being the dominant species, comes a responsibility to respect, not only each other, but all other living things that are on this planet with us and to use our domination responsibly and compassionately. Perhaps we should treat other species of animals as we would wish them to treat us, were they in our dominant position. Dogs are conscious beings. They feel cold, heat, pain, fear, pleasure, and affection. The overwhelming information about this issue is that the quality of life for dogs, and their well-meaning humans, would be improved if tethering was limited or eliminated entirely. You have heard and read a lot about this issue. The Tethering Task Force, which is composed of diverse and knowledgeable individuals from this county, at your behest, have already spent a lot of time, effort, and research into this issue. The Task Force and Animal Services Advisory Board have provided you with their consensus on this matter; they have imparted their knowledge about this issue to you. Knowledge is power. You now have the knowledge to do the right thing with respect to this issue. You know what the right thing is and you have the power to do the right thing. Gandhi said: The greatness of a nation and its moral progress can be judged by the way its animals are treated. I will paraphrase that to say that the greatness of this county and its moral progress can be judged by the way its animals are treated. Hippocrates said: I expect to pass through this world but once; any good thing therefore that I can do, or any kindness that I

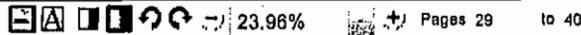
20

Laserfiche WebLink

Help | My WebLink

Browse Search

Page 29 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

29

can show to any fellow creature, let me do it now; let me not defer or neglect it, for I shall not pass this way again. The soul is in all living creatures, although the body of each is different. And finally, from George Bernard Shaw: The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them, that is the essence of inhumanity.

Please don't be indifferent to the quality of a dog's life; don't be indifferent to the information you have received; act on the knowledge you have. The Tethering Committee did what it was charged to do and drafted a sound, reasonable, and fair proposal. Now, with the power you have, do the right thing; vote tonight to approve the tethering amendment. Thank you.

Commissioner Carey commended the ASAB and the Tethering Committee on their hard work on this emotional issue. He said that the Board of County Commissioners has not had a chance to discuss this item as a Board yet. He said that the public all wants the same thing - humane treatment of animals. He does have concerns about the size of the pen that is proposed in this ordinance and he wants to discuss this. He said that the Board needs to talk about a three-hour limit of tethering and he is not ready to make a decision on this item tonight.

Commissioner Nelson said that the last public comment session was about an hour long and there are 80 + signed up to speak tonight. He said that when this is brought back, it will be for Board of County Commissioners' discussion only. The Board needs to be able to discuss this.

Commissioner Carey said that the Board may ask staff to bring back further information and it may want to refer this back to the Tethering Committee or ASAB for consideration, if need be.

Commissioner Foushee said that there are questions that the Board of County Commissioners needs an opportunity to raise, but she does not want to bring this up until the public has had their say. She has questions about enforcement.

Chair Jacobs made a few suggestions. He said that it is not a competition to see who gets the most speakers or who has the loudest applause. He said that he sees a number of people signed up to speak who spoke last time, and he asked that they not speak again, in courtesy to others who have not spoken yet. He said that the Board does listen, and the same things do not need to be said again. There was a citizen in opposition to what Chair Jacobs said.

Chair Jacobs also asked that anyone that comes to speak please remove their hats.

PUBLIC COMMENT:

Dennis Carden is from Caldwell in Orange County and is a charter member of the Quail Farm Beagle Club. This club has 50 kennels built to USDA standards, and they oppose this tethering ordinance and the pen laws that are included in it. He said that he is an AKC licensed judge and he travels all over judging beagles. He feels that this ordinance invades their rights as hunters and dog owners. He said that these dog owners have had a lifetime commitment and he feels like they are not even being considered. He thinks that it is all about what the Tethering Committee thinks. He said that USDA already has a standard size pen. He asked what is big enough. He said that he takes very good care of his dogs and keeps his pens and feeding bowls clean. He said that he was proud to be an Orange County citizen until recently.

Charles Best is a lifetime resident of Orange County. He owns 300 acres of land and said that he works hard to keep it. His father taught him how to hunt as a child, to respect a gun, and how to treat a dog. He said that in the 30's, it was good to have

21

rack or squirrel on the table. He said that he feels that he was losing his right to search his chicken about having dogs. He has small dogs now. He does not see how smaller dogs need the same size pen as larger dogs. He does not think that more laws are needed, because there are laws now for people that mistreat dogs. He challenged the Board to come out to NC 54 and the Quail Farm Beagle Club. He said that he would come in to the County through the field trials that the beagle club coordinates. He said that he has had dogs all of his life and he loves the dogs. He thinks that he is being penalized.

David Amini said that he is speaking in favor of the tethering ordinance amendment. He said that passage of the amendment would give the Animal Protection officials an additional tool with which to come to the aid of a distressed and neglected dog that has been chained for an inordinately long period of time. He said that the ordinance amendment is based on a genuine expressed interest driven by citizens who live within the boundaries of the County. To his knowledge, there is no ordinance amendment supporter who receives money from anyone within or outside of the County to professionally organize or lobby for the passage of this type of local issue. He said that the process has been going on for one year, and that is the fourth public hearing. Robin Hampton said that she has been a resident for 20 years. She said that her dog is tethered now, and she would be breaking the ordinance by just tethering the dog to a post. She said that if she left her dog loose, they would dig under, climb over, or jump her fence. She said that the amendment does not make sense and she is opposed to it. Estela Madolin read a prepared letter to the County Commissioners. She is an Animal Control Officer from Lenoir County, NC.

Dear Commissioners:

The City of Lenoir County passed its first tethering ordinance in November, 1997 with an effective date of December 1998. The first ordinance allowed dog owners to tether their dogs for up to 8 hours within a 24-hour period. This proved to be too time-consuming to enforce, so in 2000 we amended the ordinance to one hour within a 24-hour period. We passed our tethering ordinance for two main reasons: (1) the safety of our citizens and (2) for the humane treatment of animals. On the issue of safety, our records indicated that fifty-one percent of our dog bites were from dogs that were confined or chained or had been chained and had broken loose. This is compared to only 18 percent of bites from dogs that were confined in a fence. On the issue of humane treatment of animals, we were constantly receiving calls in reference to chained dogs. They were usually tangled up and unable to get to shelter or water. Many of these cases had been late this for long periods of time. Attempts to correct or eliminate these situations were made and time-consuming. Passing this ordinance has definitely improved our records for protecting our citizens from dangerous dogs. It has helped eliminate residents with multiple dogs chained out, reducing such complaints as nuisance barking and odor. Our cruelty cases are significantly reduced as well as our dog bites from chained or loose dogs and complaints about dogs running loose. We have also seen a dramatic reduction in litter of puppies, partly because of the tethering ordinance, but also because of the spay/neuter law. Although enforcing this ordinance had brought on extra work and time in the beginning, after almost 10 years our impoundments have been reduced by half. And most of these are strays, not owned by our citizens. It has been very rewarding seeing the addition of fenced in backyards and the dogs happily running around. Owners have

commented to me that their dogs seem happier and easier to take care of. I hope that Orange County decides to pass a tethering ordinance, you will be making the lives of your residents safer and improving on the lives of many deserving dogs."

Pat Sanford spoke at the last meeting and said that she is a member of the ASAB and she supports the amendment. All of the members of the ASAB are from Orange County.

Sandi Coy is the Chairperson of Responsible Dog Owners of the Eastern States. She is also the new CEO of the United Responsible Dog Owners of Orange County. She is from Kentucky and was asked by residents of Orange County to come and speak. She said that laws of this sort are very difficult to enforce and they tend to give another law on the books that people are not going to follow. It is almost impossible to enforce, especially if there is a short limit for tethering. She said that a lot of the groups that try and start the anti-tethering movement have usually quoted a study done by the CDC, which was done in 1994 and is called, "Which Dogs Bites, a Case-Controlled Study of Risk Factors." This study was done on dogs that were taken in by Denver Metro Animal Services in 1991, so the study is already 17 years old. She said that the information is probably not still pertinent. Also, there were lots of exclusions in the study. The study started out with 881 dogs, and by the time the exclusions were done, the number was down to 357 dogs. She said that there are many flaws in the study. After the study was done, with all of the flaws, and the authors even said that the study was flawed, the Animal Rights Movement still uses it. She quoted something from the study: "One hundred and sixteen were aggressive when they were approached in their fence. Only 64 of the tethered dogs were aggressive. Our results, however, showed no significant difference in the behavior of dogs chained and those not chained, suggesting that chaining was not likely to have been the result of aggressive behavior."

Dorena Rowan is a resident of Orange County. She supports the ordinance amendment. She said that this is not an animal rights agenda issue. It is a humane treatment of dogs' issue. She said that no one wants to take away anyone's right to have dogs and to hunt. The concern is how the dogs are being kept. She said that the first part of her life was spent in Georgia and Alberta where hunting is a way of life, and she had a lot of close friends that had hunting dogs, and none of them were chained or tethered. She said that this is not about the hunters, but about the hundreds of dogs in Orange County that are chained 24/7, exposed to elements, rarely contacted by their owners, and are subjected to abuse and neglect.

Kitty Lynn said that she has rescued hundreds of dogs. She said that chained dogs often become aggressive and territorial for a lack of love and nutrition. They will attack children who enter their territory. She read the names of some children that have been killed or injured by dogs all over the United States. She said that more and more communities are passing laws that regulate the practice of tethering animals, and Orange County will not be the first. She read the names of some cities that have done this. She spoke in favor of the ordinance amendment.

Philip Farnell said that he has feelings run deep on this issue. He said that, from the list of children read by Mr. Lynn, there were only a few that were killed by tethered dogs. He said that Person County has a dangerous breed law that Orange County needs to have to control these types of dogs. He said that he has searched and not once has a round ever inflicted wounds, but they were mostly from dangerous breeds. He brought out a chain to show the County Commissioners what the Orange County law is with a ten-foot chain. He said that a ten-foot chain would allow 400 square feet of movement, versus 100 square feet with a ten-foot pen. He read from the summary from

23

Help | My WebLink

Go Page 32 of 40

23.96%

Pages 32 of 40

Orange County, NC > Board of County Commissioners > Agendas > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

32

The Tethering Committee: "Of particular concern are dogs that spend their lives tethered as they are naturally active and social, being that required exercise and frequent interaction with humans and other animals." He said that a lot of dogs are restricting the dog from exercise. He said that when you take the socially out of a dog, it makes them mean. He said that he has owned hundreds of dogs, and he has always taken very good care of them. He does not appreciate people coming in and trying to say that chains make bad dogs.

Tommy Frazier said that he has dogs and they are better off on a chain than in a pen. He said that it is cleaner to have a chain than a pen. He said that the citizens pay takes on dogs and there should not be a law.

George Parker said that he is opposed to the becoming a law and if the ones on the book now were enforced, there would not be a problem. He said that Mr. Modkin was trying to do a good thing in Scotland County, but he pointed out that the law those that do not agree with the law are those whose dogs are not well taken care of. He said that when the committee was formed, the Board of County Commissioners asked that there be members on both sides of the argument. The one person that was asked that it was not allowed to be on the committee. He said that he attended the first open meeting for comment, and two people from his group volunteered to fill the vacant position of someone that was in favor of tethering. This was denied. He said that the whole study was done by those who wanted the amendment passed. He said that the Board of County Commissioners needs to restudy the and put some people on the committee that are on the other side of the issue so that it is fair.

Mark Solomon said that he supports the ordinance for several reasons. The first is public safety. Chaining dogs contributes to aggression and contributes a public safety threat. He said that it has been shown that dogs that are chained are more likely to bite than unchained dogs. The second is the humane issue. Prolonged chaining is harmful to dogs and deprives them of necessary exercise and socialization. It subjects them to dangers of becoming entangled, preventing them from reaching food, water, or water and causing injuries such as strangulation, trachea damage from pulling, and the embedding of collars; it makes dogs vulnerable to attack from free-roaming, and the wildlife. Numerous Orange County veterinarians have endorsed the banning restriction. The next reason is over-population. Chained dogs contribute to the community's pet over-population problem. Dogs that are conditionally tethered are frequently mistreated and there is no better protecting chained dogs from unwanted breeders. In fact, every chained female dog that the Coalition to Limit Dog Puppies and up in local shelters and cost taxpayers' money. Finally, this is an important tool for animal control. Seven North Carolina jurisdictions, including the counties of New Hanover and Scotland, report positive results from anti-tethering ordinances, including a decrease in the number of animal cruelty complaints and dog bite incidences.

Nancy Garrison-Anger read a letter on behalf of Jean Mackay, Animal Control Services Manager of New Hanover County. She said that the anti-tethering ordinance is too important an issue to be silenced in an atmosphere of intimidation. She encouraged the County Commissioners to move forward thoughtfully, compassionately, and not fearfully.

"Dear County Commissioners,

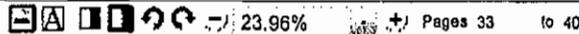
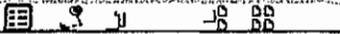
I am writing this letter in support of your county passing an anti-tethering ordinance for the protection of your community's companion animals. New Hanover County has had the privilege of such a law for many years, and our residents enjoy the

Laserfiche WebLink

Help | My WebLink

Browse Search

Page 33 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

33

safety it affords our pets. Animal cruelty is a serious matter, and we must do all we know to do to keep it from happening in whatever manner we are able.

Many would argue that you should merely enforce the laws that you already have; however, in our experience, you cannot enforce what you do not have. The majority of offenders will not comply with suggestions, so adequate enforceable laws are necessary to cause compliance. Anti-tethering is a step in the right direction to enhance responsible pet ownership. Having a pet entails great responsibility, so we must be proactive in educating owners about the best care they can provide.

We passed the ordinance many years ago, but did not write actual citations until quite some time after the law became effective. We issued warning notices, which gave the dog owner time to make corrections. This is not nearly as effective as simply writing the citation. In our experience, an owner will comply more rapidly, if there are consequences for failure to do so. We have the administrative ability to void a citation, if they correct the problem in a timely manner. Again, this would not be possible if no law was on the books to enforce. Our residents have responded favorably to having a means of preventing animal cruelty in at least one form.

Prior to passing the ordinance, we saw many cases of dogs being left on short leads or ropes for many hours - or permanently - at the household. Many individuals lost their pets due to strangulation, heat stroke, and in some severe cases - the owner's intentional animal abuse or starvation. We had no means of preventing this abuse until the law was enforceable.

The ordinance was challenged in April 2007. We had a group of Pit Bull owners, who desired to tether their dogs with heavy chains connected to tire axles. Fortunately, our advisory committee, board of health, and County Commissioners saw through these individuals and upheld the law. We are grateful. We are also in high hopes that you will also act as responsibly for your community pets as we have in New Hanover County. The majority of your residents are counting on you to do the right thing, despite the very vocal minority that opposes the law.

Please feel free to contact me about this important issue. I look forward to hearing back from you with a good report. I can be reached at 910-798-7505 or jmcneil@nhccgov.com.

Sincerely,
 Jean P. McNeil
 New Hanover County
 Animal Control Services Manager

Amanda Stipe is a Chapel Hill native, a former Animal Control Officer within the area, and a dog trainer. She believes that enforcement is an option. She said that a one size fits all approach will not work to confine animals, protect them, and protect the public. She said that governments and organizations should continue to work together to educate the public to the responsibilities of dog ownership. She said that the proposal for anti-tethering is too restrictive and each dog must be considered individually. She read an excerpt from the book, "The Love of a Dog," by Patricia McConnell, where a visiting young friend did not survive a dog attack. "The two girls were alone in the house, except for a total of six large dogs. An adult male, an adult female, and four adolescents. None of the dogs had been spayed or neutered. All were underweight and in poor condition. None of the dogs had received any training, nor had they been outside the house beyond being tied up to a chain in the yard. Neighbors reported several incidents in which the dogs had been screamed at, struck, and kicked. Social services reported that most of the surfaces in the home, including the beds, were

25

Laserfiche WebLink

Browse Search



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Help | My WebLink

Page 34 of 40 Go

23.96% Pages 34 to 40

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

34

covered with the dogs' urine and feces." She said that this shows the people problem that we have. She said that a tethering law would not have helped in this circumstance and might have been the reason the dogs were confined indoors with unsupervised juveniles. Training people on animal behavior is key to responsible dog welfare and ownership. Educating people on the benefits of spaying and neutering is also important. She said that regulations or laws should not be so restrictive that they hinder options to dog owners who are willing to do the right thing for themselves, the public, and their pets. Animal Control may have a more difficult time in locating animal abusers as they move indoors, no longer under plain sight. She asked the County Commissioners to consider not enacting this proposal in its current state, but to provide Animal Control and law enforcement additional monies to enforce current laws.

Lamar Chapman said that he spoke at the last meeting, but he said that he was here to speak on behalf of some people that could not attend. He said that at the last meeting people were saying that dogs had feelings and were emotional, etc. He said that all dogs may not like chains, just like some people like coffee or tea. He said that some dogs will run off if left out, but his dog will run around and then come home. He said that this is not mistreatment. He read from something: "We are our own town; we don't care how other counties are run. If they said, 'jump in front of a bus,' would you do it? Everything they have presented us with is from another county. It is not from Orange County. We are our own county." He said that the committee should have talked to the people in the community and not people from other counties. He said that most of the people that are for the anti-tethering ordinance were not even raised in Orange County. He said that if this ordinance is passed, his dogs will go to another residence in another county.

Eliana Beattie does not live in Orange County, but she works at the animal shelter. She read a letter signed by nine local veterinarians:
 *To the Board of County Commissioners:

We, the undersigned veterinarians who practice in and around Orange County urge the Board of County Commissioners to vote in favor of the Animal Control Ordinance amendment to restrict the practice of tethering dogs and establish minimum kennel sizes for dogs.

We agree with the Tethering Committee's findings that:

- Prolonged tethering deprives dogs of necessary exercise and socialization;
- Tethered dogs can and do contribute to various community nuisance issues such as barking and pet overpopulation;
- Tethered dogs can and do pose a risk to public safety and health because they may become aggressive and they are not confined behind a barrier.

In addition, as veterinarians, we believe that chained dogs are subjected to a variety of dangers, including trachea damage from pulling on the chain; embedded collars; and injuries sustained in attacks from free-roaming dogs.

There are many alternatives to chaining available, including adequately-sized pens, fences, and simply keeping dogs inside and walking them several times a day.

By voting in favor of this amendment, the BOCC will be taking a positive step toward protecting the public and improving the treatment of dogs in our community. We urge you to do so without delay.

Sincerely,

Soren Windham, DVM, New Hope Animal Hospital

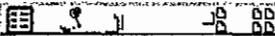
26

Laserfiche WebLink

Browse Search

Help My WebLink

Page 35 of 40 Go



23.96%

Pages 35 to 40

Template: BOCC
Date
9/22/2008
Meeting Type
Work Session
Document Type
Agenda
Agenda Item
2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

35

Key Bishop, DVM, New Hope Animal Hospital
Ken Redmond, Vine Veterinary Hospital
Kathy Crabtree, DVM, Carver Street Veterinary Hospital
Pat Pagel, DVM, Cole Park Veterinary Hospital
Michelle Droke, DVM, Cole Park Veterinary Hospital
Deborah Stein, DVM, Cole Park Veterinary Hospital
Megan Harris, DVM, Cole Park Veterinary Hospital
Marjorie Lindaka, DVM, St. Francis Veterinary Hospital

Timmy Frazier said that he has tried to make all of these meetings and has tried to talk to people in the community, especially those in the northern part of the County. He said that he is a responsible dog owner, and he believes that tethering is okay if the owner takes care of his/her dogs and tethers in a humane way. He thinks that the problem in Orange County is the dog breed. He said that when the County Commissioners force something like this amendment down their throats, it makes the citizens mad.

Susan Kelly is against the tethering amendment. She agreed with Commissioner Carey and they all want to do the right thing for the animals. For some, she thinks that it could be tethering.

Stillman Wright was born and raised in Chapel Hill. He said that he has tethered champion dogs and his dogs are not mistreated. He showed pictures of his dogs. His dogs are kept on ten-foot chains, which give them 365 square feet. He said that he is a responsible dog owner. He also showed a picture of an American Pit Bull Terrier that got out of a fence.

Josh Chapman was born and raised in Orange County. He read from an article from the News and Observer. "Barbara Sherman, a Clinical Associate Professor at N. C. State University College of Veterinary Medicine, said 'method of animal confinement should not be blamed for neglect. You can abuse those same dogs by putting them in tiny pens. We really need to examine the welfare of each dog.'" He asked those that live in Orange County and that have dogs that live on chains to raise their hands. He said that most people that are pushing this are from Chapel Hill and are not going to be affected by this. He said that he has dogs on chains at his house, and they will not stay in pens.

Frank Tilley is opposed to the tethering ordinance. He said that there are surveys that say that dogs on chains become aggressive. He has seen plenty of aggressive dogs in pens. He has trained dogs for 12 years and you can make any dog aggressive and it is not just because it is on a chain. A dog can be happy on a chain just as much as he is in a pen.

Suzanne Roy was a member of the Tethering Committee and the ASAB. She would like to answer any of their questions rather than referring it back to the Tethering Committee. She said that neglected dogs can be anywhere, but there are special circumstances that make tethering an issue that should be a policy decision - lack of a barrier, protecting the people from the dog, etc. She said that it is a situation similar to having an uncovered or unfenced pool. It is both a lure and a danger to children. She said that 176 children in the last four years have been killed or injured by chained dogs. She made reference to the people that would have to make changes if this ordinance is passed, and she said that these were people that the Tethering Committee had in mind when it recommended the 18-month phasing period. Regarding the hunting committee, there are very strongly held beliefs against government regulation related to animal

Laserfiche WebLink

Browse Search

Help | My WebLink

Page 36 of 40 Go

23.96% Pages 36 to 40

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

Template: BOCC
Date
9/22/2008
Meeting Type
Work Session
Document Type
Agenda
Agenda Item
2

37

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Mr. Hart wrote that basically there were two distinct camps of thought - the anti-tethering group that says that tethering can cause physical or psychological damage to a dog, and a pro-tethering group, composed mainly of hunters and dog breeders who say that tethering is humane and that neglect by people is the real problem. It seemed like one major group - I would think they can be best called the silent majority - are families who have one or two dogs that are humanely tethered and are played with in their backyards. I was concerned enough that this group was not being represented that I stand here tonight.

I read about how restrictions on tethering in other jurisdictions decreased dog bites, reduced unwanted litters, and reduced cruelty due to improper tethering. Well, our dog lives in our backyard, so even if she did have a mind to bit someone, which she hasn't had a mind to yet, the person would have to be in our backyard. She has been spayed, so puppies are not an issue. With regards to cruelty, Lily is a member of our family. Her tether has been installed properly and she always has food, water, shade, and room to run and dig. On this note, let's do some math.

She is on a trolley line 60 feet long and she can go 19 feet each way from the center of the line. How many square feet can Lily play?

The answer is 2280 square feet. Our house is only around 1500 square feet! This seems more humane than 100-200 square feet in a kennel or a 10-square foot crate. Attached to my talk is a picture of Lily's domain, where she can run, dig, and play - either with us or by herself - sleep...whatever she wants to do. By the way, we certainly interact with her much more on a line than we would with her stuck in a kennel.

I believe the main issue is not how a dog is confined, but how well a pet owner takes care and interacts with an animal. Key words - pet owner responsibility. I'm all for it. I once found a dog...in a side yard...on a chain...with a collar that had grown into the dog's neck. I knocked on the owner's door, and they said that there wasn't a problem and that they were applying some sort of lotion to the neck...and then to get lost...or something like that. I called animal control ASAP and the dog was removed. The chain was not the problem - neglect was. I strongly support the laws against animal cruelty.

This whole issue reminds me of gun control - some are adamantly against all guns and others start quoting the 2nd Amendment to have as many guns as they want. Neither side promotes gun-owner responsibility to solve the problem.

Bottom line - our dog Lily is one of the vast majorities of dogs that are humanely tethered and cared for. I resent the fact that this proposed bill assumes that we are not taking care of our dog. I take responsibility for her care and safety. If any of you Commissioners wish to come over and visit Lily, just let me know."

S. Henri McClees said that she is the proud lobbyist of the North Carolina Sporting Dog Association. She said that her clients are great guys and they love their dogs. She said that the issue is really will the County Commissioners forbid her clients to own their dogs and to care for them as they see fit. Based on this issue, she asked the County Commissioners to reject this ordinance. She said that this proposal demands that all dog owners comply with the demands of the small majority. This would pit the citizens against each other in a needless battle that sets the stage for constant conflict. She said that this is about the rights of the people. She said that the citizens have the right to be protected from any tyranny that would be imposed upon them by a small majority. She said that "the few" want to order all citizens to comply essentially with their philosophy and they do not distinguish between animals that are abused or not

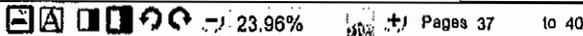
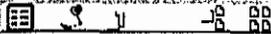
29

Laserfiche WebLink

Browse Search

Help | My WebLink

Page 37 of 40 Go



Template: BOCC
Date
9/22/2008
Meeting Type
Work Session
Document Type
Agenda
Agenda Item
2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

37

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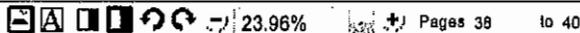
29

Laserfiche WebLink

Help | My WebLink

Browse Search

Page 38 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

39

that he trains over 60 dogs a year, and he travels the nation in field trials. He has a dog coming in tomorrow that is 75 pounds and is a biter. The first thing he will do with this dog is put him on a tether. He said that his dogs are happy on leathers. He agrees that everything has to be done right. He said that every dog is different and tethering is a great thing for a dog. He urged the County Commissioners to vote against this. He said that it would solve no problems and there is no way that it could be enforced.

Loren Hart said that he is in support of the dog ordinance. He said that dogs and other animals are individual beings, can feel pleasure, pain, fear, and loneliness. For these reasons, he believes that tethering dogs for prolonged periods is a form of abuse that should be stopped. It is a different kind of abuse than kicking a dog, but it is a form of neglect. He thinks that the current ordinance should be amended to mandate a higher level of care owed to the dogs by their human guardians. He said that he is a resident of Orange County and he works at UNC. He made reference to his uncle who died recently, and said that, in addition to being a veteran of the U. S. Navy, he was also an avid duck hunter, a charter member of the Migratory Waterfowl Hunters and Ducks Unlimited. He remembers fondly fishing with his uncle, but he never hunted with him. He said that he used to eat fish, deer, and other animals, but he does not anymore because he thinks that it is wrong to do so. He still respects his uncle and everyone in this room, but he disagrees with animal exploitation. For the past five years he has chosen a vegetarian diet because of the interests of animals. He thinks that this mindset would be helpful in looking at this ordinance. He made reference to the comments about tyranny and said that we all have rights and we all want to be free, but there is not unlimited freedom. The freedom ends somewhere. He said that animals have interests and it is not just about humans.

Kevin Young is a dog owner and breeder and he asked the Board of County Commissioners to use common sense. He asked the County Commissioners to look at the safety issue. He asked where the supervision was of the children who were killed by dogs. He made reference to the breeding that happens and said that the leash laws need to be enforced. Regarding cleanliness, when it rains with a dog in a pen, it causes a multitude of problems. He said that this is not seen with a dog on a tether. He suggested using a body harness to tether a dog so that there would not be embedding of collars. If the dogs were taken care of, then there would not be a problem of embedded collars. He said that education is very important.

Diane Genesee said that she spoke before. She said that the issues of aggression, socialization, pet overpopulation, etc. will not be remedied by this law and it is a question of education. Tethering is not the culprit; it's the inappropriate use of tethering. She said that a dog on a ten-foot chain has more liberty than it would have in a ten-foot pen.

Michael Kirk made reference to one of the committee members who is the North Carolina Director of In Defense of Animals, and said that he is afraid of what will be next with the tethering campaign. He is worried that if this gets passed, what will be next - mandatory spay/neuter all dogs, taxes going through the roof, etc. He thinks that this is a slippery slope.

Fred Slips was born and raised in Orange County and he is the owner of the number one ranked male American Fox Hound in the nation. His dog competes in AKC and USDA-sanctioned agility trials. He is also the owner of one of the greatest obedience trained beagles in the state. He said that this proposed amendment is not the panacea that everyone would like to see. He believes that the County would be far better served by increasing the resources available for Animal Control to more vigorously enforce the existing abuse and neglect statutes. He said that passage of this

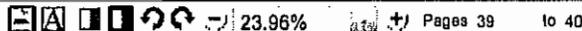
31

Laserfiche WebLink

Help | My WebLink

Browse Search

Page 39 of 40 Go



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

39

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31

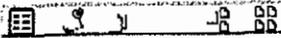
Laserfiche WebLink

Help | My WebLink

Browse

Search

Page 40 of 40



Template: BOCC
 Date
 9/22/2008
 Meeting Type
 Work Session
 Document Type
 Agenda
 Agenda Item
 2

Orange County, NC > Board of County Commissioners > Agendas > 2000's > 2008 > 09-22-2008 > Agenda - 09-22-2008 - 2

40

amendment would not solve the problem of abuse and neglect, but would create new problems that would further complicate the job of Animal Control.

Ellen Whitaker is a volunteer with the Coalition to Unchain Dogs. She made reference to the comments about this amendment being an infringement on rights and said that it seems like a lot of times in the society, when we move towards justice, always the people that are oppressors feel that their rights are being trampled. This does not mean that it is not right to pass the laws.

Beth Oliver is opposed to the tethering ordinance. She said that she has animals that are tethered during the day, and she lets them run free when she gets home. She said that she tethers the dogs for their protection. She said that she loves and protects her animals.

Chair Jacobs said that the Board of County Commissioners does take this issue seriously and this item will be brought back in September. He said that all will be notified of the next meeting.

32



CC: All Commissioners
James M
Grainger B.
Larry Philpott

Saving Animals During Disasters

205 Georgia Avenue • Carolina Beach, NC 28428 • 910.458.3266

MAY 14 2008

March 13, 2008

Cumberland County Board of Commissioners
P. O. Box 1829
Fayetteville, N. C. 28302
Attention: Policy Committee

Dear Folks:

We have heard you will soon be considering a law to make it unlawful to tie a dog up for any length of time unattended. We would like to share with you what we have gained by making this law in New Hanover County.

***New Hanover County Animal Control now has more leverage to enforce the laws and has cut down significantly on cruelty cases.

***A dog is a social animal and restraining them with a rope or a chain will usually just serve to make them more aggressive and totally unhappy. They quite often have no shelter or food or water and are very often left abandoned with no way to help themselves. There has been many times I have seen ropes or collars have to be cut out of a dogs throat. The animal is neglected and the skin grows around it.

***You are a military community and people are being deployed all the time. Very often the military person has to leave their dog with someone else who just does care as much and I am sure you know the rest.

***Last, but not least, a dog that is neglected and tied up usually has not been spayed or neutered. Your kill rate goes up a lot here as well as the cost to the taxpayer.

Dr. Jean McNeil, Director of New Hanover County Animal Control tells me they usually make the dog owner the offer to get a fence or pay a citation. She says this has worked extremely well and they have seen a very large drop in citations.

You are welcome to welcome to confirm all of this with Dr. McNeil at 910-798-7505 or her e-mail is jmcneil@nhcgov.com.

Thank you for listening and I hope you will make the right decision. Otherwise the problem just goes on.

Coalition to Unchain Dogs
Post Office Box 3259
Durham, NC 27715
(919) 308-3660
ssns4@yahoo.com
www.unchaindogs.net

cc: All Commissioners
Larry Philpott
Granger B.



F
A
Tellem



Marsha Fogle, Clerk to the Board
117 Dick Street - Room 554
Fayetteville, NC

Ms. Fogle:

As the founder and director of the Coalition to Unchain Dogs, I have become aware of a major problem facing our communities – it is many times a hidden for forgotten problem. The practice of chaining dogs is on its way to becoming an antiquated means of confinement and I urge you to consider the issue and how limiting or disallowing chaining could benefit your community.

Key Reasons for an Ordinance

- **Public Safety:** Chaining contributes to aggression and constitutes a public safety threat. Dogs most likely to bite are male, un-neutered and chained, and chained dogs are 2.8 times more likely to bite (and over 5 times more likely in children under 12), according to a study published in Pediatrics (1994). In the period October 2003 – September 2007, 175 children in the U.S. were killed or seriously injured by chained dogs. (New Mexico Department of Public Safety)
- **Humane Issues:** Prolonged chaining is harmful to dogs. It deprives them of necessary exercise and socialization; subjects them to the dangers of becoming tangled and prevents them from reaching food, shelter and water; causes injuries like trachea damage from pulling and embedded collars; makes dogs vulnerable to attack from free-roaming dogs and wildlife.
- **Pet Overpopulation:** Chained dogs contribute to our community's pet overpopulation problem. Dogs that are continuously tethered are frequently unsterilized and there are no barriers to protect the in-tact chained female from unwanted breeding. Indeed every chained female dog that the Coalition to Unchain Dogs has helped has had at least one, and often multiple litters of puppies. These puppies end up in our local shelters, further overburdening the system and costing taxpayers money.
- **Ties to Crime:** It is no secret that people who participate in dog fighting use chaining not only as a means of confinement but for training purposes. Chaining is notorious for helping to make dogs aggressive and a dog's muscular strength can be increased by using heaving chains. Chained dogs are often times associated with drugs and used to 'guard' drug houses and other illegal activity. Limiting or severely restricting chaining will not completely solve these problems but chaining ordinances do provide a very useful additional tool in finding a solution.

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ssns4@yahoo.com
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- **Public Nuisance:** Continually chained dogs are frequently neglected, lack vaccinations and proper health care and contribute to public nuisance issues like barking and pet overpopulation, as detailed above.
- **An Important Tool for Animal Control:** Several North Carolina jurisdictions, including the counties of New Hanover and Scotland report positive results from anti-tethering ordinances, including a decrease in the number of animal cruelty complaints and dog bite incidents. Rather than being an added burden to animal control, these laws have helped animal control officers do their jobs to prevent animal cruelty.
- **Special Policy Concerns with Tethering vs. Kenneling:** Neglect can happen in any circumstance (in the house, in a kennel, etc.) but the lack of a barrier between the dog and the outside world creates a danger to the public. Just like an uncovered, unfenced swimming pool, a dog on a chain is both a lure and a clear danger to children in the area. In addition, a dog on a chain cannot defend himself from attack by free-roaming dogs and, if female, is a target for unwanted breeding.
- **Alternatives to Tethering:** Many alternatives, from fencing to kennels to bringing the dog inside and walking him/her, are available. Most jurisdictions implement a new ordinance with a phase period, normally 12-15 of public awareness and education followed by a three month warning period. Phase in periods mean that the public will have ample time to prepare for the law's implementation, to save money in an effort to provide alternative forms of restraint and to take advantage of the community resources that are available. The transition to a tethering ban or restriction has gone smoothly in other North Carolina Counties so there have been no mass dumping of dogs when the law took effect.

Who Supports Tethering Restrictions or Bans

The U.S. Department of Agriculture, which prohibits tethering as a primary means of confinement under the Animal Welfare Act:

"Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury." (July 2, 1996 Federal Register)

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The New Mexico Department of Public Safety:

“Chaining or tethering domestic dogs is a practice which affects public safety and health care costs, which makes it worthy of attention and preventive measures . . . The persistent chaining or tethering of dogs is increasingly being recognized as a form of animal cruelty. . . Humane remedies for New Mexico’s chained or tethered dogs will have direct bearing on public safety.” (January 2008 report)

Dog Behaviorists like Cesar Milan, National Geographic’s Dog Whisperer:

“[Chaining] is a very dangerous and cruel practice – the more tightly a dog is chained, the more pent-up energy he will have; the more pent-up energy, the more aggression. A frustrated dog on a chain becomes a weapon, and is nearly three times more likely to attack or bite a person than a dog that is simply loose in a yard.* Many activists are working to set laws against this practice and I support their efforts.” (Be the Pack Leader, 2007)

Over 100 jurisdictions, including the states of California and Connecticut, and several towns and counties in North Carolina:

“New Hanover County has had the privilege of [an anti-tethering ordinance] for many years, and our residents enjoy the safety it affords our pets. . . Prior to passing the ordinance, we saw many cases of dogs being left on short leads or ropes for many hours – or permanently – at the household. Many individuals lost their pets due to strangulation, heat stroke, and in some severe cases – the owner’s intentional animal abuse of starvation. We had no means of preventing this abuse until the law was enforceable. . . . Our residents have responded favorably to having a means of preventing animal cruelty in at least one form.” (New Hanover Animal Control Manager Jean McNeil, DVM, 2008)

I am happy to provide you with any information and answer any questions. Thank you for your time and consideration.

Sincerely,

**Amanda Arrington
Coalition to Unchain Dogs
www.unchaindogs.net
919-308-3660**



Published on Monday, December 08, 2008

On a chain: What happened to the county regulations to end dog-tethering?

National statistics about people bitten by dogs are staggering.

In 2007, 33 people were killed in dog attacks. Dog-bite losses topped \$1 billion. Homeowners insurance paid \$300 million for bites. Most victims were children.

One factor in many attacks is tethering — the dog is chained outside the house, unattended. The tethering itself is often an aggravating factor, causing a dog to act out its frustration at being unable to move about. Too often, it also tempts children to taunt the dog, especially if it's an aggressive animal. It's part of a formula that ends in death or severe maiming.

Cumberland County commissioners know about that. They've heard it from their Animal Control Board, which earlier this year sought a law banning tethering, and requiring anyone who leaves dogs outside unattended to fence them in.

In early May, the commissioners' Policy Committee told county staff to explore such an ordinance. To date, nothing has come back, and the commissioners appear to have forgotten about the idea.

We hope that's not the case, because the potential for a dog-bite disaster hasn't diminished.

The lack of attention is sadly consistent with the commissioners' lack of interest in animal-control issues. The county hasn't had a permanent animal-control director since March, when Sue Nicholson was forced out. Former county parks and recreation chief Larry Philpott acted as department caretaker for six months, but since September, there has been no full-time manager.

In July and November, state inspectors found several serious problems in the county's new animal shelter. The most recent inspection found damaged kennel doors and what may be mold forming from chronic leaks in the shelter roof.

In this vacuum, the county has made little effort to diminish the numbers of unwanted animals that are killed in the shelter — about 10,000 a year.

Animal Control doesn't need another caretaker. It needs a progressive, well-trained, experienced manager. And that manager needs progressive ordinances on the books, including a ban on tethering.

We hope the commissioners will soon begin to take animal control issues more seriously. It appears the board is simply ignoring these problems, and hoping they'll go away.

They won't, unless the board starts paying more attention.

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From: Shelbytt5@aol.com
Sent: Wednesday, December 31, 2008 9:03 AM
To: Grainger Barrett
Cc: Marsha Fogle; Cliff Spiller; Marie Colgan
Subject: Last word on the subject...

Mr. Barrett,

Is there any possibility we can just put the whole tethering issue on the back burner until a director is hired for Animal Control? The trolley system is just another form of tethering. We need an anti-tethering ordinance, one that will *immediately stop all new chaining*. The grace period for "unchaining" can be long and flexible, if that will help.

I recently installed a trolley system for a chained dog in Cedar Creek. (December 21) Within minutes, the dog was tangled in the line. Here's the thing: If the lead is long enough for the dog to go into his house, he gets tangled. When it was shortened to prevent tangling, he couldn't go inside his house. There were five volunteers working on the trolley for 'Boss', a pitiful example of The Chained Dog". We finally put him back on his chain. I plan to install a fence for Boss within the next two weeks.

While the trolley, when properly installed, might be slightly more humane for the dog, it presents a greater danger to citizens, especially children, who wander into the dog's area, not realizing how far he can travel.

That's all I'm asking, just put the trolley on hold. Please don't present it to the Policy Committee on January 5.

Shelby Townsend, UCC

New year...new news. Be the first to know what is making headlines.

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J. BREEDEN BLACKWELL
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MARSHALL FAIRCLOTH
JIMMY KEEFE
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BOARD OF COMMISSIONERS

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January 9, 2009

ITEM NO. 4A

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Nursing Home Advisory Board

The Nursing Home Advisory Board has the following vacancies as of February 28, 2009:

Dr. John Briggs – completing initial term and is eligible for reappointment.

Hervenna Pannell – completing first term and is eligible for reappointment.

Also, Teresa McNeill has resigned her position. Fill the vacancy.

I have attached the current membership and applicant lists for this board.

PROPOSED ACTION: Make nomination to fill the three (3) vacancies.

Attachments

pc: Andrea Wright-Valdez, Mid-Carolina Area Agency on Aging

Celebrating Our Past... Embracing Our Future

NURSING HOME ADVISORY BOARD
3 Year Term
(Initial Appointment One Year)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mandella Edwards (/F) 7076 Candlewood Drive Fayetteville, NC 28314 429-0790(H)	4/07	1 st	April/10 4/30/10	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	8/08	1 st	Aug/11 8/31/11	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/08	2 nd	Sept/11 9/30/11	No
Dr. John Briggs (W/M) 2910 Hybart Street Fayetteville, NC 28303 867-1493	2/08	Initial	Feb/09 2/28/09	Yes
Terri Thomas (B/F) 508 Spaulding Street Fayetteville, NC 28301 988-7672/485-4765(W)	1/09	Initial	Jan/10 1/31/10	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/06	1 st	Feb/09 2/28/09	Yes
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	08/08	1 st	Aug/11 8/31/11	Yes
Teresa Rena McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648 x2226 (W)	8/08	1 st	Aug/11 8/31/11	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/09	1 st	Jan /12 1/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651 (C)	6/08	1 st	June/11 6/30/11	Yes
Lora L. Watson 1516 Chedington Road Hope Mills, NC 28348 485-3558/824-0993	4/07	2 nd	April/10 4/30/10	No

CONTACT: Andrea Wright-Valdez, Mid-Carolina Area Agency on Aging
P. O. Box 1510, Fayetteville, NC 28302, (Phone: 323-4191, ext. 25)

Quarterly, 3rd Monday (March, June, September & December) at 1:00 PM - at various nursing homes in the county.

APPLICANTS FOR
NURSING HOME ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADEYEMI, TOLULOPE (-/M) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9408/487-3959	US ARMY FT BRAGG	MASTERS – HEALTH ADMIN, PR, BS – ZOOLOGY, LIBERAL ARTS
BOOTH, YVONNE (B/F) 4568 TURQUOISE RD FAYETTEVILLE, NC 28311 488-7260	STUDENT	MEDICAL/ EDUC CNA MED TECH, PHLEBOTOMY TECH
	SERVES ON THE ADULT CARE HOME ADVISORY BOARD	
DEANE, ELIZABETH (W/F) 727 DUCK COURT #43 FAYETTEVILLE NC 28314 867-2873/689-0150 (W)	ADMISSIONS/MARKETING COORD HAYMOUTN REHAB & NURSING CENTER	AS – EDUCATION AND MARKETING/RETAILING
EBRON, SANDRA (B/F) PO BOX 65306 FAYETTEVILLE, NC 28306 424-3932/(919) 922-9446 (C)	UTILIZATION MGT SPECIALIST MENTAL HEALTH – LUMBERTON	MASTERS – SOCIAL WORK
	SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE	
EDMONDS, SONYA M. (B/F) 709 COMMERCE STREET FAYETTEVILLE, NC 28305 485-1394/(919)566-4676	RESEARCH SCIENTIST WYETH VACCINES	BS – BIOLOGY MS – BIOTECHNOLOGY MGT.
HACKETT, MARIAN J. (B/F) 4184 FERNCREEK DRIVE FAYETTEVILLE, NC 28314 323-3060/672-2129	RN – LECTURER FSU	MASTER – NURSING
	SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE	
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 728-0175	SELF EMPLOYED	PURSUING MBA
	SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE	
McLAUGHLIN, CENITRA (B/F) 6220 BIRCHBROOK DRIVE HOPE MILLS, NC 28348 868-4966/229-6441	REAL ESTATE AGENT WEICHERT REALTORS	HS; SOME COLLEGE
MORALES, OCTOBER R. (W/F) 1917 DAPHNE CIRCLE FAYETTEVILLE, NC 28304 (831) 601-7217/689-0150	ACTIVITIES DIRECTORS HAYMOUNT REHAB & NURSING CENTER	BA – MIDDLE EASTERN STUDIES
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6

NURSING HOME ADVISORY BOARD, PAGE 2

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
RODRIQUEZ, DANIEL (H/M) 2634 FRANCISCAN DRIVE FAYETTEVILLE, NC 28306 425-2746/432-9701 (W)	OPERATIONS OFFICER US ARMY, FT BRAGG	BS – HEALTH SVS MS – HEALTH SVS ADMIN
TOMLINSON-KNOELL, REV. NANETTE 609 TALLSTONE DRIVE FAYETTEVILLE, NC 28311 339-2201/489-2198	PASTOR	BA – ELEMENTARY EDUC. MASTER OF DIVINITY
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588	RETIRED - FAYETTEVILLE POSTAL CU	HS; SOME TECH COURSES

****SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE****

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
MARSHALL FAIRCLOTH
JIMMY KEEFE
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MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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ITEM NO. 4B

January 9, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Senior Citizens Advisory Board

The Senior Citizens Advisory Board has the following vacancy:

Eleanora Ashby – resigned due to family health issues. Fill the vacancy.

I have attached the current membership list and applicant list for this Board.

PROPOSED ACTION: Make nomination to fill the vacancy

pc: James McMillan, Special Projects Coordinator
City of Fayetteville

Attachments

Celebrating Our Past... Embracing Our Future

SENIOR CITIZENS ADVISORY COMMISSION
 (Joint Fayetteville/Cumberland County)
 2 Year Term
 (County Appointees)

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For</u> <u>Reappointment</u>
Eleanora Ashby (B/F) 6529 Senator Drive Fayetteville, NC 28304 860-1017	2/07	1 st	Feb/09 2/28/09	Yes
Eleanor Ayers Hairr P.O. Box 220 Stedman, NC 28391 323-1892	11/08	2 nd	Nov/10 11/30/10	No
Rebecca Campbell (W/F) 7027 Darnell Street Fayetteville, NC 28314 487-1555/432-6393	10/08	1 st	Sept/10 9/30/10	Yes
Sara Jean Hicks(W/F) 2303 Morganton Rd. #2 Fayetteville, NC 28305 417-9072/483-8309 (W)	10/08	1st	Sept/10 9/30/10	Yes
George Hatcher, Sr.(C/M) 3534 A.B. Carter Road Fayetteville, NC 28312 483-5896/818-8263(Cell)	11/08	2 nd	Nov/10 11/30/10	No
E. C. (Chip) Modlin (W/M) 2811 Millbrook Road Fayetteville, NC 28303 485-5262(H)	9/07	2 nd	Sept/09 9/30/09	No
Dineen Morton 5835 Pettigrew Drive Fayetteville, NC 28314 635-9287(W)	9/07	2 nd	Sept/09 9/30/09	No
Annette Renteria (_/F) 7130 Ashwood Circle Fayetteville, NC 28303 964-5352 (C)/907-9705 (W)	9/08	1st	Sept/10 9/30/10	Yes

Senior Citizens Advisory Commission, page 2

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For</u> <u>Reappointment</u>
Carolyn Tracy (W/F) 718 Southview Circle Fayetteville, NC 28311 323-4191, x26 (W)	9/08	2 nd	Sept/10 9/30/10	No
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624(W)	11/08	2 nd	Nov/10 11/30/10	No

Contact: James McMillan, Special Programs Supervisor, City of Fayetteville.
Phone: 433-1560 - Fax: 433-1560 – Email: jmcmillan@ci.fay.nc.us
Mary Brymer – Senior Citizens Center Director – Phone: 433-1574

Commissioner Liaison: Commissioner Marshall Faircloth

Regular Meetings: 2nd Tuesday of each month at 2:30 PM
LaFayette Room – City Hall

*NOTE: This Board was expanded in 2006. The City & County agreed to expand from 10 to 20 members. The BOC had responsibility to appoint 2 new members to a 1 yr. term & 3 new members to a 2 yr. term.

APPLICANTS FOR
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ATKINSON, DEBORAH J. (B/F) 217 ANDOVER ROAD FAYETTEVILLE, NC 28311 822-5441/494-1288 (C)	RETIRED (STATE GOV'T)	BA – SOCIOLOGY MSW; MRC
BRIGGS, DR. JOHN G. (W/M) 2910 HYBART STREET FAYETTEVILLE, NC 28303 867-1493 **SERVES ON THE NURSING HOME ADVISORY BOARD**	RETIRED PLASTIC SURGEON	DR OF MEDICINE BS – BIOLOGY
BURGESS, PAUL F. (??) 5620-C CHASON RIDGE DRIVE FAYETTEVILLE, NC 28314 864-2186	RETIRED MILITARY	AS – BUSINESS MGT AS – CRIMINAL JUSTICE
COGDELL, EDNA A. (B/F) 734 ASHBURTON DR FAYETTEVILLE, NC 28301 488-4582 **SERVES ON THE JOINT APPEARANCE COMMISSION**	RETIRED EDUCATOR	MASTERS – LIBRARY SCIENCE, BS – ENGLISH
DOUGLAS, BRENDA (B/F) 6109 GARDEN COURT FAYETTEVILLE, NC 28311 717-0123/677-2965 (W) **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	SOCIAL WORKER III DEPT. OF SOCIAL SERVICES	BA – PSYCHOLOGY
EBRON, SANDRA (B/F) PO BOX 65306 FAYETTEVILLE, NC 28306 424-3932/(919) 922-9446 (C) **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	UTILIZATION MGT SPECIALIST MENTAL HEALTH – LUMBERTON	MASTERS – SOCIAL WORK
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE** 728-0175	SELF EMPLOYED	PURSUING MBA
LAVOIE, MARY ELLEN (W/F) PO BOX 53295 FAYETTEVILLE, NC 28305 257-5529	SOCIAL WORKER BIBLICAL COUNSELING	MSW – SOCIAL WORK
MORALES, OCTOBER R. (W/F) 1917 DAPHNE CIRCLE FAYETTEVILLE, NC 28304 (831) 601-7217/689-0150	ACTIVITIES DIRECTORS HAYMOUNT REHAB & NURSING CENTER	BA – MIDDLE EASTERN STUDIES
TOMLINSON-KNOELL, REV. NANETTE 609 TALLSTONE DRIVE FAYETTEVILLE, NC 28311 339-2201/489-2198 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	PASTOR	BA – ELEMENTARY EDUC. MASTER OF DIVINITY

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WATSON, WILLIAM J. (B/M) 1881 GOLA DRIVE FAYETTEVILLE, NC 28301 488-6600	RETIRED TEACHER	BS & MASTERS – SCIENCE
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588	RETIRED - FAYETTEVILLE POSTAL CU	HS; SOME TECH COURSES

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
MARSHALL FAIRCLOTH
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Clerk to the Board

MARIE COLGAN
Deputy Clerk

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January 9, 2009

ITEM NO. 4C

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Workforce Development Board

The Workforce Development Board will have the following vacancies on February 28, 2009:

Private Sector

Wendall Troy - completing second term. Not eligible for reappointment.

Community Based Organization

Dr. Robin Jenkins - completing second term. Not eligible for reappointment.

I have attached the current membership list and applicant list for this board.

PROPOSED ACTION: Make nominations to fill the two (2) vacancies.

Attachments

pc: Geneva Mixon, Director
Workforce Development

Celebrating Our Past... Embracing Our Future

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD
(FORMERLY, PRIVATE INDUSTRY COUNCIL)
3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Alicia R. McLean (B/F) Fayetteville Kidney Center 5058 Summer Ridge Drive Fayetteville, NC 28303 487-0390/323-5288 (W)	9/08	1 st	Sept/11 9/30/11	Yes
Gwen Holloman (B/F) VA Hospital 721 Edgehill Road Fayetteville, NC 28314 868-1691/822-7968 (W)	9/08	1 st	Sept/11 09/30/11	Yes
Loleta L. Wilkerson (/F) Pentagon Federal Credit Union 1800 Skibo Road, Suite 320 Fayetteville, NC 28303 487-3404/868-5594(W)	10/08	2 nd	Oct/11 10/31/11	No
Rosie G. McMillan (B/F) FSU 1972 Culpepper Lane Fayetteville, NC 28304 864-0158/671-1105 (W)	9/08	1 st	Sept/11 09/30/11	Yes
Brad Loase (W/M) 815 Stamper Road Fayetteville, NC 28303 583-3682/437-5959 (W)	6/08	1 st	Feb/10 2/28/10	Yes
		serving unexpired term		
Michael Karaman (W/M) 4424 Bragg Blvd. # 101 Fayetteville, NC 28303 860-1000	2/07	1 st	Feb/10 2/28/10	Yes
JoLeita Evans (W/F) 2974 Evans Dairy Road Fayetteville, NC 28312 483-9065/484-5972(W)	11/08	2 nd	Nov/11 11/30/11	No
Dina Simcox (W/F) 3628 Heatherbrooke Drive Fayetteville, NC 28306 717-2448/868-7668 (W)	4/08	1 st	Apr/11 4/30/11	Yes

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Wendall Troy (B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2 nd	Feb/09 2/28/09	No
Charles A. Richter (/M) Piedmont Natural Gas 1069 Wilkes Road Fayetteville, NC 28306 321-2982 (W) / 308-1168 (C)	10/08	2 nd	Oct/11 10/31/11	No
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1 st	June/09 6/30/09	Yes
John Davidson (W/M) Carco Group, Inc. 674 Glenda Street Fayetteville, NC 28311 482-4338/308-3255	8/08	1 st	June/09 6/30/09	Yes
<u>Public Sector:</u>				
Social Services Representative: Richrd Everett (W/M) Dept. of Social Services 408 Mirror Lake Drive Fayetteville, NC 28303 484-0432/677-2360 (W)	9/08	1 st	Sept/11 9/30/11	Yes
<u>Rehabilitation:</u>				
Ellen Morales (/F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06	(unlimited term - replaced by state agency)		
<u>Community Based Organization:</u>				
Esther Acker (W/F) 301 Coolee Circle Fayetteville, NC 28311 488-1402/323-3192 x32 (W)	9/08	1 st	Sept/11 9/30/11	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 87830 Fayetteville, NC 28304-7830 433-1116	2/06	2 nd	Feb/09 2/28/09	No
J. Carl Manning (B/M) Kingdom CDC PO Box 1402 Fayetteville, NC 28302 630-1000/484-2722	5/08	1 st	May/11 5/31/11	Yes
<u>Economic Development:</u> Catherine Johnson (W/F) FCCCC 524 Deerpath Drive Fayetteville, NC 28311 822-4809/484-4242 x247 (W)	8/08	1 st	Aug/11 8/31/11	Yes
<u>Employment Service:</u> Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02	(unlimited term - replaced by state agency)		
<u>Labor:</u> Joseph M. Smith (W/M) Goodyear 6005 Loudon Circle Hope Mills, NC 28348 424-6238/488-9295 x321 (W)/578-9933 (C)	9/08	1 st	Sept/11 9/30/11	Yes
<u>Education:</u> Dr. Joe Mullis, (/M) FTCC PO Box 35236 Fayetteville, NC 28303	8/07	1 st	Aug/10 8/31/10	Yes
Emily Dickens (-/F) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	11/08	1 st	Nov/11 11/30/11	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Representative:</u> Juanita Pilgrim Deputy County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	7/93	N/A	N/A	N/A

Contact: Geneva Mixon, Director, CC Workforce Development Center (323-2498, X2126 or Lorria Troy X1225 – fax # 323-5755)

Regular Meetings: 2nd Tuesday, every other month, noon, Job Link Career Center
(Name Changed to Cumberland County Workforce Development Board, November, 1995)

APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADEYEMI, CHRISTIANA (-/F) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9339/583-9408	COUNSELOR HEAD START/CCAP	MASTERS – INTER. LAW/ COUNSELING; BA – ENGLISH
CAMPBELL, DR. REBECCA M. (-/F) 7027 DARNELL STREET FAYETTEVILLE, NC 28314 487-1555	RETIRED JFK SPECIAL WARFARE	DOCTORATE – TEACHING & SPECIAL EDUCATION
COLEY, TIAWANNIA A. (B/F) 6115 LAKE TRAIL DRIVE FAYETTEVILLE, NC 28304 860-4872/321-6794 (W)	SUBSTANCE ABUSE COUNSELOR- MENTAL HEALTH/TASC	BS – COMPUTER SCIENCE AA – MATHEMATICS WORKING ON MASTERS -
HICKS, SARA JEAN (W/F) 2303 MORGANTON RD #2 FAYETTEVILLE, NC 28305 417-9072/483-8309 (W)	ACCOUNTANT ABERDEEN/ROCKFISH RAILROAD	BS/BA – ACCOUNTING MBA
MARSHALL, BARBARA SUMMEY (B/F) 7640 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-2615/977-2303 (W)	VOLUNTEER/ADVOCATE RETIRED MILITARY	MASTERS - RELIGIOUS EDUCATION
McALLISTER, MEREDITH (B/F) 553 HOLLYBERRY LANE FAYETTEVILLE, NC 28314 867-8564/222-8751 (W)	CERTIFIED PERSONAL FINANCE COUNSELOR CONSUMER EDUCATION SERVICES, INC.	BUSINESS – UNC AT CHAPEL HILL
OKHOMINA, DR. DON A. (B/M) 494 DUNLOE COURT FAYETTEVILLE, NC 28311 868-1618/672-2148 (W)	ASST PROFESSOR OF MANAGEMENT FSU	BS – BUSINESS ADMIN MBA, PHD – MGT.
OWENS JR., HUBERT (B/M) 4836 DURANGO COURT FAYETTEVILLE, NC 28304 339-9592/(719)433-9684	DISTRIBUTION WALMART DISTRIBUTION	HS; COLLEGE GRADUATE IN MAY 09
PILSON, RONNIE (W/M) 625 MONTCLAIRE ROAD FAYETTEVILLE, NC 28314 619-2606	SELF EMPLOYED PILSON PROPERTIES, INC.	HS
TALLY, WILLIAM LOCKETT (W/M) 414 VISTA DRIVE FAYETTEVILLE, NC 28305 489-3533/483-4175	ATTORNEY TALLY & TALLY	BA-POLITICAL SCIENCE JD-SCHOOL OF LAW

****SERVES ON THE SENIOR CITIZENS ADVISORY BOARD****

****SERVES ON BOARD OF HEALTH****

****SERVES ON BOARD OF ADJUSTMENT****

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WHITTEMORE, APRIL (I/F) 4823 REDWOOD DRIVE FAYETTEVILLE, NC 28304 977-7796	HUMAN RESOURCES NATIVE ANGELS	DOUBLE MASTERS – COUNSELING/HR

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ITEM NO. 5A(1)

January 13, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Air Quality Stakeholders' Committee

The Air Quality Stakeholders' Committee has the following vacancy:

County of Cumberland (Elected Official)

Due to the heavy duties and responsibilities of the Chairmanship, Commissioner Jeannette Council will be unable to continue to serve on this Committee. Fill the vacancy.

PROPOSED ACTION: Appoint the above vacancy.

pc: Rick Heickson, Planning & Inspections

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ITEM NO. 5A(2)

January 12, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Child Homicide Identification and Prevention (CHIP) Council

The CHIP Council has the following vacancy:

A Representative of the Cumberland County Board of Commissioners:
This position was vacated by Diane Wheatley. Fill the vacancy.

PROPOSED ACTION: Make appointment to fill the vacancy.

pc: Dr. Sharon Cooper

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ITEM NO. 5A(3)

January 13, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Criminal Justice Partnership Advisory Board

The Criminal Justice Partnership Advisory Board has the following vacancy:

County Commissioner:

This position was vacated by Diane Wheatley. Fill the vacancy.

PROPOSED ACTION: Appoint the above vacancy.

pc: Callie Gardner, Day Reporting Center
Elizabeth Keever, Chief District Court Judge

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ITEM NO. 5A(4)

January 12, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Joint Transit Study Committee

The above Committee has the following vacancy:

Board of Commissioners Representative

This position was vacated by Diane Wheatley. Fill the vacancy.

PROPOSED ACTION: Make appointment to fill the vacancy.

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ITEM NO. 5B

January 9, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: On January 5, 2009, the Board of Commissioners nominated the following to fill one vacancy on the Adult Care Home Community Advisory Committee:

Sonya Edmonds (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Andrea Wright-Valdez, Mid-Carolina Area Agency on Aging

Celebrating Our Past... Embracing Our Future

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE
Initial Appointment 1 Year/Subsequent Term 3 Years

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Marian J. Hackett (B /F) 4184 Ferncreek Drive Fayetteville, NC 28314 323-3060/672-2129	4/08	Initial	Apr/09 4/30/09	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	04/08	Initial	Apr/09 4/30/09	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	2 nd	Jan/12 1/31/12	No
Sandra Ebron (B/F) PO Box 65306 Fayetteville, NC 28306 424-3932/922-9446(C)	12/08	Initial	Dec/09 12/31/09	Yes
Herma Jean Bradley (/F) 714 Topeka Street Fayetteville, NC 28301 822-3689	6/06	1 st	June/09 6/30/09	Yes
Mexie Fields (/F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	1 st	Jan/10 1/31/10	Yes
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/08	Initial	Aug/09 8/31/09	Yes
Brenda Douglas (B/F) 6109 Garden Court Fayetteville, NC 28311 717/0123/677-2965 (W)	5/08	Initial	May/09 5/31/09	Yes

Adult Care Home Community Advisory Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dell Caramanno (W/F) 5578 Quietwood Place Fayetteville, NC 28304 423-2622	4/08	Initial	Apr/09 4/30/09	Yes
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/584-0358 (C)	10/06	1 st	Nov/09 11/30/09	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	8/07	1 st	Aug/10 8/31/10	Yes
Janet Pelley 18 Adams Street Ft. Bragg, NC 28307 497-4947	4/06	2 nd	April/09 4/30/09	No
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2 nd	June/09 6/30/09	No
Teresa R. McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648, Ext. 1109 (W)	2/08	1 st	Feb/11 2/28/11	Yes
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/08	Initial	Dec/09 12/31/09	Yes
Kim Howard (_/F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/08	1 st	Apr/11 4/30/11	Yes

CONTACT: Andrea Wright-Valdez, Regional Ombudsman, Mid-Carolina Area Agency on Aging,
P. O. Box 1510, Fayetteville, NC 28302. Phone: 323-4191, x 25, fax # 323-9330

MEETINGS: Quarterly: 3rd Monday (March, June, September, December) various adult care homes

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ITEM NO. 5C

January 9, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Cape Fear Valley Health System Board of Trustees

BACKGROUND: On January 5, 2009, the Board of Commissioners nominated the following to fill one vacancy on the Cape Fear Valley Health System Board of Trustees:

General Public: **John Henley, MD** (new appointment)

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above vacancy.

Attachments

pc: Mike Nagowski, Chief Executive Officer

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CAPE FEAR VALLEY HEALTH SYSTEM
BOARD OF TRUSTEES

1/08

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Medical Society Rep.</u>				
Dr. David Goodman, MD Ferncreek General Surgery, PA 4140 Ferncreek Drive, Suite 601 Fayetteville, NC 28314 485-3880 (W)	01/08			
<u>Chief of Staff</u>				
Dr. Rueben Rivers, MD Cumberland Internal Medicine 1314 Medical Dr., Suite 102 Fayetteville, NC 28304 323-2503	10/06			
<u>Chief Elect</u>				
Dr. David Schutzer, MD Highland OB/GYN, P.A. 911 Hay Street Fayetteville, NC 28305 485-1191	10/06			
<u>Medical Doctor</u>				
Dr. Rakesh Gupta (co. appointee) 1880 Quiet Cove Fayetteville, NC 28304 323-2477(W)	12/04	2 nd	Jan/09 1/31/09	No
(10-16-07 extended one year to 1/1/09)				
Dr. Dickson Schaefer (co. appointee) 3308 Melrose Road Fayetteville, NC 28304 484-3114	12/05	1 st full	Jan/09 1/31/09	Yes
<u>R.N. Position</u>				
Mary B. Dickey (_ /F) 1002 Brook Street Fayetteville, NC 28305 484-4795/672-2182 (W)	1/08	1 st	Jan/11 1/31/11	Yes
Mary G. Buie(W/F) (co. appointee) 2623 Westchester Drive Fayetteville, NC 28303 484-0898	01/04	2 nd	Jan/10 1/31/10	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public (6)</u>				
Alice Stephenson (co. appointee) 464 Kingsford Road Fayetteville, NC 28314 864-2062/483-5009(W)	8/03	2 nd	Jan /10 1/31/10	No
Emmett Fogle (W/M) P.O. Box 278 Stedman, NC 28391 483-9579	12/05	2nd	Jan/09 1/31/09	No
Dr. Dudley Miller (/M) (co. appointee) 411 Forest Lake Road Fayetteville, NC 28305 484-8165	1/07	1 st	Jan/10 1/31/10	Yes
Ralph Mitchell (B/M) (co. appointee) 3149 Sids Mill Road Fayetteville, NC 28301 (term changed from 9/08 to 1/09 – see file) 485-7907/483-4116(W)	8/05	2nd	Jan/09 1/31/09	No
Don Porter (/M) (co. appointee) 1994 Penrose Drive Fayetteville, NC 28304 875-6113	1/07	1 st	Jan/10 1/31/10	Yes
Dr. John Griffin, Jr. (co. appointee) 3481 Thamesford Road Fayetteville, NC 28311 630-4346	12/07	2 nd	Jan/11 1/31/11	No

County Commissioners (7)

James Martin, County Manager - ex officio non-voting member (7/28/87)

Contact: Mike Nagowski, Chief Executive Officer (Anita Melvin – 609-6702)

Regular Meeting: Last Wednesday of each month
Dinner at 6:15 PM
Meeting held in the Board Room - 7:00 PM

*Five (5) additional positions added to the board in December 1999 (2 Doctors, 1 Nurse and 2 General Public Reps.) Terms were staggered initially.

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ITEM NO. 5D

January 9, 2009

January 20, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Mid-Carolina Aging Advisory Committee

BACKGROUND: On January 5, 2009, the Board of Commissioners nominated the following to fill one vacancy on the Mid-Carolina Aging Advisory Committee:

Volunteers: **Elizabeth Deane** (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: **Appoint the above vacancy.**

Attachment

pc: Carolyn Tracy, Aging Administrator
Mid-Carolina Area Agency on Aging

Celebrating Our Past... Embracing Our Future

MID-CAROLINA AGING ADVISORY COMMITTEE
3 Year Term

8/07

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Volunteers</u>				
Carolyn Owens (W/F) 205 Bobbie Street Fayetteville, NC 28306 425-8657/483-8442(W)	8/07	1 st	Aug/10 8/31/10	Yes
David V. McMillan (_/M) 632 Tokay Drive Fayetteville, NC 28301 488-7643	4/07	1 st full	Aug/10 8/31/10	Yes
Patty McArdle (W/F) 820-12 Sage Creek Lane Fayetteville, NC 28305 483-2060/261-5744(Cell)	8/07	2 nd	Aug/10 8/31/10	No
<u>Consumers</u>				
Daniel DeCriscio (_/M) 3604 Crampton Road Hope Mills, NC 28348 425-6365	8/07	1 st full	Aug/10 8/31/10	Yes
Eleanor Ayers (W/F) 6750 Clinton Road Stedman, NC 28391-8836 483-1875	8/07	2 nd	Aug/10 8/31/10	No
<u>Elected Official</u>				
Huell Aekins (B/M) Mayor, Town of Wade P. O. Box 232 Wade, NC 28395 485-3502	12/05	2 nd	Dec/08 12/31/08	No
<u>Veterans Hospital Rep.</u> vacant (vacated by Nina Davis)				

Contact: Mid-Carolina Council of Governments (Carolyn Tracy, 323-4191 x26) – F # 323-9330

Meetings: 1st Tuesday, 2:00 PM, Various Locations

Meetings are held the last month of each quarter.