

Macon County



MACON COUNTY BOARD OF COMMISSIONERS FEBRUARY 13, 2018 AGENDA

1. Call to order and welcome by Chairman Tate
2. Announcements
 - A. Presentation of the North Carolina Division of Aging and Adult Services (DAAS) "Edward B. Busse Award" to Macon County Emergency Services for its Community Paramedicine Program by DAAS Assistant Director Hank Bowers
 - B. North Carolina Association of County Commissioners (NCACC) February 2018 update video
 - C. Update on proposed amendments to Sedimentation and Erosion Control Ordinance
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – **6:00 PM** – Proposed Amendments to the Macon County Animal Control Ordinance

NOTE: Immediately following the public hearing, the board may consider acting upon the proposed amendments.
6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
 - A. Cold for a Cause – Patrick Jenkins and Wenona Curtis
 - B. Update on Vaya Health – Shelly Foreman – Western Region Community Relations
10. Old Business
 - A. Discussion regarding Southwestern Community College (SCC) Fire Safety Training Complex

- B. Discussion of proposed revisions to Sedimentation and Erosion Control Ordinance.

11. New Business

- A. Discussion regarding method of electing commissioners – Commissioner Higdon
- B. Friends of the Library request to place a “Little Library” at the Parker Meadows Recreational Complex – Gene Young
- C. Vocational Building heating project at Franklin High School – Macon County Schools Superintendent Dr. Chris Baldwin

12. Consent Agenda – Attachment #12

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- A. Minutes of the January 9, 2018 regular meeting
- B. Budget Amendments #110-113
- C. Tax Releases for January 2018 in the amount of \$2,149.04
- D. Order Tax Office, per statute, to collect 2017 delinquent county taxes owed as of February 1, 2018
- E. Macon County Public Health Fee Additions/Changes
- F. Monthly ad valorem tax collection report (no action necessary)

13. Appointments

- A. Board of Equalization and Review (five seats)
- B. Library Board (one seat)
- C. Planning Board (two seats)

14. Closed session for the purpose of preserving the attorney/client privilege per NCGS 143-318.11(a)(3)

15. Adjourn/Recess

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY: NC Division of Aging and Adult Services

SUBJECT MATTER: Presentation of award

COMMENTS/RECOMMENDATION:

Hank Bowers, the Assistant Director for the North Carolina Division of Aging and Adult Services (DAAS), will be at the meeting to make an award presentation to the commissioners. Some background: prior to her retirement, Sheila Jenkins had submitted Macon County's Community Paramedicine Program to the Southwestern Commission's Area Agency on Aging for consideration for DAAS's Ewald B. Busse Award, in order to recognize the Community Paramedicine Program's impact on safeguarding the health of the county's seniors through direct related services. In November of 2017, Sarajane Melton with the Southwestern Commission learned that the county program had been selected to receive this award, and Ms. Melton will join Mr. Bowers at the meeting, along with Emergency Services Director Warren Cabe.

Attachments _____ Yes No

Agenda Item 2A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY: North Carolina Association of County Commissioners

SUBJECT MATTER: Update video

COMMENTS/RECOMMENDATION:

For the first time in several months, we have an update video from the NCACC.

Attachments _____ Yes _____ No

Agenda Item 2B

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY: Public Health

SUBJECT MATTER: Public hearing on proposed amendments to
Animal Control Ordinance

COMMENTS/RECOMMENDATION:

A copy of the Notice of Public Hearing is attached for you information. Also attached as a separate item to the agenda packet e-mail is a copy of the draft amended ordinance as distributed by Public Health Director Jim Bruckner at the board's January 9, 2018 regular meeting. Once the public hearing has concluded, the board can consider adoption of the revised document.

Attachments 2 Yes No

Agenda Item 5

Notice of Public Hearing

Please take notice that the Macon County Board of County Commissioners will conduct a public hearing on Tuesday, February 13, 2018, at 6:00 o'clock, p.m., in the Commissioner's Board Room in the Macon County Courthouse located at 5 West Main Street, Franklin, NC 28734, on proposed amendments to the Macon County Animal Control Ordinance in order to make changes to the same and to restate the same, and to afford public comment regarding the same. The public is invited to attend and make comments.

This the 23rd day of January, 2018.

Derek Roland, County Manager and
Clerk to the Macon County Board
of County Commissioners

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY:

SUBJECT MATTER: Cold for a Cause

COMMENTS/RECOMMENDATION:

Patrick Jenkins, who does the annual "Cold for a Cause" event, and Wenona Curtis, a bus driver with Macon County Schools, will have a story to share with the board during Reports/Presentations.

Attachments _____ Yes X No

Agenda Item 9A

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY: Vaya Health

SUBJECT MATTER: Update

COMMENTS/RECOMMENDATION:

Shelly Foreman, Western Region Community Relations for Vaya Health, will be here to provide the board with an update on the agency's activities.

Attachments _____ Yes No

Agenda Item 9B

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY: Governing Board

SUBJECT MATTER: Consent Agenda

DEPARTMENT HEAD COMMENTS/RECOMMENDATION:

- A. **Minutes** – Consideration of the minutes from the January 9, 2018 regular meeting, per Attachment 12A.
- B. **Finance** – Consideration of budget amendments #110 through #113, per Attachment 12B.
- C. **Tax releases** – Consideration of tax releases for January 2018 in the amount of \$2,149.04, per Attachment 12C.
- D. **Order tax office to collect 2017 delinquent taxes** – Consideration of this request per the attached memo (Attachment 12D) from Tax Collections Supervisor Teresa McDowell.
- E. **Macon County Public Health Fee Additions/Changes** – Consideration of fee additions and changes, per Attachment 12E.
- F. **Ad valorem tax collection report** – No action is necessary. Attachment 12F.

COUNTY MANAGER'S COMMENTS/RECOMMENDATION:

Attachments X Yes No

Agenda Item 12 (A) (B) (C) (D) (E) (F)

MACON COUNTY BOARD OF COMMISSIONERS
JANUARY 9, 2018
MINUTES

Chairman Tate called the meeting to order at 6:00 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

ANNOUNCEMENTS: Pat McConnell presented surprise awards to Macon County Veterans Services Director Leigh Tabor and Assistant Veterans Services Officer/Administrative Assistant Christie Black. Mr. McConnell said that he would "put Leigh and Christie up against anyone in the state" and praised their efforts on behalf of the county's veterans. The inscription on each award read as follows: "Your care, concern, dedication and professionalism are a direct result of the best service our veterans in Macon County receive."

MOMENT OF SILENCE: Chairman Tate asked those in attendance to observe a moment of silence.

PLEDGE TO THE FLAG: Led by Commissioner Higdon, the pledge to the flag was recited.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE MACON COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE: Chairman Tate, speaking to a boardroom full of people, noted that the public hearing was the reason that most of those in the audience were in attendance. He told them, "We hear you, and we take your thoughts into consideration." He called the public hearing to order at 6:06 p.m. and reminded those who had signed up to speak to maintain "civil discourse" and to abide by the three-minute time limit for each speaker, adding that it was in his discretion to "fudge a little bit" as needed. He then asked the County Manager to provide some opening comments. The County Manager provided an overview of the amendment process up to this point, as well as an outline of the next steps. He also attempted to clarify some comments and questions he had heard regarding the amendments. He closed by stating, "We've done nothing to change the purpose of this ordinance," pointing out that it has been in place since 2008. Commissioner Higdon raised some questions about exclusions and exemptions

in the amendment and what qualifies as a "land disturbing activity," to which the County Manager responded. Jack Morgan, the county's director of Planning, Permitting and Development, then offered his comments on the planning board's work in producing the proposed amendment, stating that this work was "not done in the dark, not done overnight." Commissioner Beale then gave a brief history of the circumstances that prompted the ordinance in the first place, with Commissioner Higdon saying the initial program was never enforced. Prompted by questions of where the ordinance would be applied, Mr. Morgan explained that the Town of Highlands has its own program, and that the ordinance would be applicable within the Town of Franklin unless officials there adopt their own. The County Attorney said that he believes the board would hold another public hearing on the amendments prior to final approval. Chairman Tate then opened up time for public comments, beginning with **Howell Jacobs**. Mr. Jacobs questioned the need to "come to the courthouse and get permission to do something" and directly asked Commissioner Higdon how the amendments "will benefit Howell Jacobs in Nantahala." He also questioned why the "old ordinance" didn't work. **Danny Smeltzer** questioned the need to sign an affidavit in order to do work on his property. Pointing out that signing the affidavit would prevent him from selling his property for one year, Mr. Smeltzer said he doesn't have a clue what will happen in the next year, adding his belief that this provision will not "stand up" in court. He also questioned how the county would ensure that if people from neighboring counties do grading work in Macon that they will take the test and obtain the grading license. **Randy Shook** told the board that he has several major concerns about the amendments, and that the more he read the document the more confused he became. "I'm very concerned about what I can do on my own property," he said, adding, "I think we're going a little bit overboard. He said the affidavit provision is "ridiculous." **Kathy Tinsley**, the vice chair of the Macon County Planning Board, thanked the County Manager for providing the audience with the background on the amendment process. She said that during that time, as the planning board members talked with contractors, the feeling was that the contractors were in favor of "more bite" in the ordinance, but she also said that the planning board may need to go back and review the definitions. **Betty Cloer Wallace** read from a prepared statement, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes. During this, she posed many questions regarding the amendments, and then said, "This proposal, however, as now written, is a solution in search of a problem." She later stated, "This proposal needs to be scrapped, or at least seriously rewritten, clarified and refocused as to purpose and implementation in a manner that respects and protects the personal property rights of our citizens." **David Culpepper** raised questions about the applicability of the ordinance amendments as well as some of the definitions, at times asking the board to have the County Attorney address his questions. He told the board that the proposed amendment was "not well written" and suggested that the

commissioners enforce the existing ordinance. **Ben Laseter** said that MainSpring and other organizations before it had worked to preserve the county's streams and to minimize sediment input, and he encouraged the county to continue taking steps "to protect our clear mountain waters." **Angela Moore** expressed concerns about some of the wording in the amendments, noting that the term "grading" is not defined, and said she opposed the affidavit requirement. After offering one remaining opportunity for those in the audience to speak, Chairman Tate closed the public hearing at 7:12 p.m. and requested nine e-mails that he and other board members had personally received on this issue be included in the minutes of the meeting. Those e-mails are collectively attached as Attachment 2 and are hereby made a part of these minutes. Chairman Tate then opened the floor for continued discussion among the board members, and started by saying that the hearing "opened my mind a little bit" and described portions of document as "vague," which he said causes confusion. Commissioner Beale said some very good points were brought up, including those offered by Mrs. Wallace. He noted that the initial intent of the ordinance was to "protect your neighbor," and added that the board really needed to think about the affidavit provision. Commissioner Shields said there were "a number of things that made me perk up a little bit," including residents from counties working in Macon needing to have the grading license, as well as the affidavit issue. He also questions, "Is the writing clear?" Commissioner Higdon said that the board is an "occupational licensing authority," but that the ordinance and its proposed amendment "is of no value to anyone." He said it was never an adequate program, and that "I trust in the knowledge of the individual property owner that he is not going to damage his property." Commissioner Gillespie expressed his thanks to Mr. Morgan and the members of the planning board for the work on the amendments, and his thanks to those who came out and commented. He encouraged them to attend meetings of the planning board to hear this type of work discussed and to have this input "early on." He said a lot of great points were brought up, and that we "need clarity of language." In closing, Chairman Tate said the only new regulation adopted in recent memory by the board was to make the county's recreation parks tobacco free, and with that, he closed debate on the matter at 7:28 p.m. and allowed time for those who wanted to leave the boardroom to do so.

PUBLIC COMMENT: **Howell Jacobs** addressed the board regarding the recycling center and public buildings in Nantahala, and asked, "Has anybody been to Nantahala to address anything I talked about?" Regarding what he called a "muddy site" at the community's convenience center, he told the board that "it doesn't seem like anyone cares. Macon County Solid Waste Director Chris Stahl responded that he wished all of the county's centers were paved, noting five were and six were not, adding that Nantahala is not getting picked on. This led to continued discussion between Mr. Jacobs, Mr. Stahl and the

board members about how to improve conditions at the site. Commissioner Higdon also commented that the Nantahala community building's needs would be addressed through the county's upcoming Capital Improvement Program (CIP) process. **Jennifer Hays** asked what could be done about citizens leaving trash at the locked gates of the convenience centers. She said she had also spoken to Town of Franklin officials about this matter, and it came to her attention as her father works for the county's Solid Waste Department. "It's our community that is doing it to each other," she said. This led to further discussion between Ms. Hays, Mr. Stahl and Sheriff Robert Holland. **Ashley Streit** also addressed the same topic as her sister, and questioned what the county solid waste employee tasked with "enforcement" did. Mr. Stahl responded that this employee's role was more focused on illegal dump sites than littering. She said her objective was to raise awareness of the issue and asked the county to do more to "get the word out" to the public about the centers' hours of operation and other matters.

ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the agenda as adjusted, as follows:

- To add consideration of a resolution exempting surveying services for the South Macon School expansion project as the new Item 10C under Old Business, per the County Manager.
- To add discussion of an extension of the lease agreement with Southwestern Community College for the current burn building property as Item 10D under Old Business, per the County Manager.

AUDIT PRESENTATION FOR FISCAL YEAR 2017: Matt Braswell with the firm of Martin Starnes & Associates, CPAs presented a PowerPoint presentation of the county's annual financial report for the year ended June 30, 2017. Among the highlights of Mr. Braswell's presentation:

- The county received an "unmodified opinion," which is "clean" and the "best you can receive," along with his thanks for a "cooperative staff."
- The total fund balance for the general fund grew by \$772,124 to a new total of \$26,210,471, which serves as a measure of the county's financial resources available.
- The "available" fund balance position for 2017 was \$22,202,775, up from \$21,885,857 in 2016, an increase of \$316,918. Mr. Braswell noted that the county has roughly 5.5 months of financial "supply" on hand.
- In terms of the general fund summary, both revenues and expenditures were up in 2017 over 2016.
- The top three revenues in the general fund are ad valorem taxes, restricted intergovernmental and local option sales tax, with ad valorem taxes holding the biggest share at 56 percent. These three together

comprise 90 percent of the county's revenue, and all three sources saw increases over 2016 levels.

- The top three expenditures in the general fund were public safety, human services and education, and the three combined to account for 73 percent of total expenditures. All three categories also exceeded 2016 levels.

During the discussion and question period, Chairman Tate pointed out that there was a cost increase in the price of the audit every year, but Mr. Braswell noted that the procedures for the single audit are changing again, making a decrease in the cost unlikely. No action was taken.

COWEE SCHOOL ARTS & HERITAGE CENTER REPORT: Bob McCollum, representing the Cowee School Arts & Heritage Center, gave a mid-year review and progress report on events at the facility. Saying the center had "a great year," he noted that user visits were up about 2,000 from last year to 9,000. He said the center had received a large grant (\$47,500) from the Cherokee Preservation Foundation. In terms of income and expenses for calendar year 2017, he said the center was up almost \$4,000. Mr. McCollum asked for another meeting between county officials and members of the center's board, and that was tentatively set for the third Monday in March. He also asked the board for \$18,000 to continue operating the center for the remainder of the fiscal year. Following discussion, Commissioner Beale made a motion to approve the request and to take the \$18,000 from contingency. Commissioner Gillespie seconded the motion, and all favored. A copy of Mr. McCollum's handout to the board is attached (Attachment 3) and is hereby made a part of these minutes.

AMENDED TIRE RECYCLING CONTRACT WITH US TIRE: Mr. Stahl and the County Attorney provided a brief overview of the negotiations with US Tire regarding a tire recycling contract with the firm. In the end, both sides agreed to a five-year agreement with two, one-year renewal options. After further discussion, and upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve the agreement as submitted, with an initial five-year period followed by two, one year options for renewal. A copy of the "Recycling & Disposal Contract" is attached (Attachment 4) and is hereby made a part of these minutes.

MEMORANDUM OF UNDERSTANDING WITH MACON COUNTY BOARD OF EDUCATION: The County Attorney explained that the Macon County Board of Education has the right to select the architectural firm to prepare plans for the expansion of South Macon Elementary School. However, he also noted that the county has been administering the construction work on such school projects as these, thus presenting a bit of conflict. Thanks to the work of the commission's liaisons to the school system, the County

Attorney said the architectural firm will be evaluated by both parties, and with the Board of Education members happy with the chosen firm, it enables the project to move forward. After further discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve the "Memorandum of Understanding Between the Macon County Board of Commissioners and the Macon County Board of Education Re: South Macon Elementary School Project, a copy of which is attached (Attachment 5) and is hereby made a part of these minutes.

RESOLUTION EXEMPTING SURVEYING SERVICES: Following an explanation by the County Attorney and the County Manager, and upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve a "Resolution Exempting Surveying Services for South Macon School Classroom Expansion Project in Macon County, North Carolina, from the Provisions of Article 3D of Chapter 143 of the North Carolina General Statutes," a copy of which is attached (Attachment 6) and is hereby made a part of these minutes. The statute allows the county to exempt such projects where the estimated professional fee is less than \$50,000, and in this case, the fee is expected to be \$6,500 or less.

EXTENSION OF BURN BUILDING AGREEMENT: The County Attorney told the board that he would recommend an extension of the current lease with Southwestern Community College (SCC) regarding the property for the burn building for an additional five years. He also suggested a stipulation that either side can cancel the lease with 30 days' notice, and for the board to authorize the County Manager to enter into the agreement. Upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve the terms of the agreement as presented.

PROPOSED AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE: Macon County Public Health Director Jim Bruckner distributed copies of proposed amendments to the county's Animal Control Ordinance. He explained that most of the changes were "cosmetic" and centered on definitions and terminology. The proposed amendments have been reviewed by the Board of Health, and Mr. Bruckner told the board he was seeking their review of and consideration of the amended document at the next regular meeting. The County Attorney pointed out that the ordinance was amended when Animal Control was moved under Public Health after being a standalone department, but he said those changes were of the "band aid" variety. Commissioner Beale commented that the improvements are really good and that the ordinance is more readable. He also pointed out that there would be a separate ordinance for the dangerous dog board. Although

a public hearing is not required, Commissioner Gillespie requested one, and upon his motion, seconded by Commissioner Shields, the board voted unanimously to hold a public hearing on the proposed amendments at the board's February 13, 2018 regular meeting.

SATISFACTION OF SECURITY INSTRUMENT: Following brief comments from the County Attorney and upon the recommendation of Housing Director John Fay, upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve a Satisfaction of Security Instrument for Mary Estalee Bradley, a copy of which is attached [Attachment 7] and is hereby made a part of these minutes.

SCHEDULE DATE FOR MID-YEAR REVIEW AND BUDGET WORK SESSION: The County Manager asked the board to consider a date and time to hold a mid-year review and budget kickoff work session. He said that the budget calendar would be distributed at that meeting, and that the board would receive a presentation on a rough draft of the Capital Improvement Program (CIP). Following discussion, the board members agreed to hold the meeting on Friday, February 9, 2018 in the commission boardroom, beginning at 12 p.m., with lunch for the commissioners and staff to be available at 11:30 a.m.

CONSENT AGENDA: Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the November 28, 2017 continued session and the December 12, 2017 regular meeting; the following budget amendments: #98 to appropriate \$550 in foster care donations to the Department of Social Services and #99 for the Housing Department to move \$102,762 in budgeted funds into various line items; (Copies of the amendments are attached); tax releases for the month of December in the amount of \$54.92; monthly ad valorem tax collections report (no action necessary).

APPOINTMENTS: (1) ETJ Representative on the Town of Franklin Planning Board: Upon a motion by Commissioner Gillespie, seconded by Commissioner Beale, the board voted unanimously to reappoint Janet Greene as the ETJ (extraterritorial jurisdiction) representative on the Town of Franklin Planning Board for a term of one year to expire on January 2, 2019.

CLOSED SESSION: At 9:00 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to go into closed session for the purpose of preserving the attorney-client

privilege. At 10:06 p.m., upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to come out of closed session and return to open session. No action was taken.

RECESS: At 10:07, with no other business and upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to recess the meeting until Friday, February 9, 2018 at 12 p.m. in the commission boardroom on the third floor of the Macon County Courthouse, located at 5 West Main Street in Franklin, NC, for the purpose of holding a mid-year review and budget work session.

Derek Roland
Ex Officio Clerk to the Board

Jim Tate
Board Chairman

MACON COUNTY BUDGET AMENDMENT

AMENDMENT #

110

DEPARTMENT

114375

EXPLANATION

REPAIR FIRE MARSHAL TRUCK

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
113839	485000	INSURANCE	3345	
114375	556503	VEHICLE REPAIRS & MAINT.	\$ 3,345.00	

REQUESTED BY DEPARTMENT HEAD

[Handwritten Signature]

RECOMMENDED BY FINANCE OFFICER

APPROVED BY COUNTY MANAGER

ACTION BY BOARD OF COMMISSIONERS

2/13/18 meeting

APPROVED & ENTERED ON MINUTES DATED

CLERK

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # _____

FROM: FINANCE

111

DEPARTMENT: TRANSIT

EXPLANATION: Insurance claim check

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$ 3,674.00	
11-4935-5565-03	Vehicle repairs and maintance	\$ 3,674.00	

REQUESTED BY DEPARTMENT HEAD: _____ Kim Angel

RECOMMENDED BY FINANCE OFFICER: Kim Angel

APPROVED BY COUNTY MANAGER: _____

ACTION BY BOARD OF COMMISSIONERS: 2/13/18 meeting

APPROVED AND ENTERED ON MUNIS DATED: _____

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # 113

DEPARTMENT: TRANSIT
EXPLANATION: Appropriate grant funds that are in excess of original budget amount

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3570-4351-01	NCDOT - WORKFIRST/EMPL	\$ 1,223.00	
11-3570-4351-02	NCDOT - RGP	\$ 7,771.00	
11-3570-4351-13	EDTAP - MEDICAL TRANSP	\$ 5,356.00	
11-4935-5500-01	SALARY	\$ 9,234.00	
11-4935-5500-02	PT SALARY		\$ 5,620.00
11-4935-5502-01	MEDICARE/FICA	\$ 277.00	
11-4935-5502-03	HOSPITALIZATION	\$ 2,372.00	
11-4935-5502-06	LIFE INSURANCE	\$ 26.00	
11-4935-5502-07	RETIREMENT	\$ 703.00	
11-4935-5507-01	COUNTY 401K	\$ 185.00	
11-4935-5565-02	GASOLINE/FO/LUB	\$ 3,000.00	
11-4935-5565-03	VEHICLE REP & MAINT	\$ 3,000.00	
11-4935-5592-02	TELEPHONE EXP	\$ 1,173.00	

REQUESTED BY DEPARTMENT HEAD: *Kim Angel*

RECOMMENDED BY FINANCE OFFICER: Lori M Hall Digitally signed by Lori M Hall, DN: cn=Lori M Hall, ou=Macon County, ou=Finance, email=lori.hall@maconcounty.org, c=US, Date: 2018.02.27 13:05:18 -0500

APPROVED BY COUNTY MANAGER: _____

ACTION BY BOARD OF COMMISSIONERS: _____

APPROVED AND ENTERED ON MUNIS DATED: _____

CLERK: _____

Macon County Tax Office
5 West Main Street
Franklin, NC 28734



Phone: (828) 349-2149
Fax: (828) 349-2564
tmcowell@maconnc.org

TO: MAÇON COUNTY COMMISSIONERS

FROM: Macon County Tax Office
Teresa McDowell, Tax Collections Supervisor

DATE: February 5, 2018

RE: Releases

Attached please find the report of releases for real estate that require your approval in order to continue with the process of releasing these amounts from the tax accounts. Please feel free to contact me if you should have any questions regarding these releases. The report of the releases formatted in alphabetical order is attached.

AMOUNT OF RELEASES FOR JANUARY, 2018: \$2,149.04

Releases

Tax Collections
02/01/18

Detail Transactions by Group

RTC020303
Page 1

Group Number REL*18*01

Abatement

Effective Date 01/02/18

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Cde	Check Number	Trans Rev Descriptn
4	01/08/18	139560	17A139560.12	G01 F01	496.31- 77.51-	496.31- 77.51-	0.00 0.00		0.00 0.00				
***		CURRAHEE BREWING COMPANY			573.82-	573.82-	0.00	0.00	0.00	0.00	R	CLERICA	
2	01/02/18	53058	17A53058.12	G01 F01	174.66- 27.27-	174.66- 27.27-	0.00 0.00		0.00 0.00				
***		HANA EXPRESS			201.93-	201.93-	0.00	0.00	0.00	0.00	R	CLERICA	
10	01/31/18	99599	17A99599.05	G01 F10	43.92- 1.35-	43.92- 1.35-	0.00 0.00		0.00 0.00				
***		HN REAL ESTATE GROUP LLC			45.27-	45.27-	0.00	0.00	0.00	0.00	R	CLERICA	
6	01/10/18	52943	16A6595528653	L01	95.00-		0.00	95.00-	0.00				
***		HOLLAND, THELMA BAILEY			95.00-	0.00	0.00	95.00-	0.00	0.00	R	CLERICA	
7	01/10/18	52943	17A6595528653	L01	95.00-		0.00	95.00-	0.00				
***		HOLLAND, THELMA BAILEY			95.00-	0.00	0.00	95.00-	0.00	0.00	R	CLERICA	
3	01/02/18	125241	17A125241.01	G01 F02	25.12- 5.51-	25.12- 5.51-	0.00 0.00		0.00 0.00				
***		PIPE LINE			30.63-	30.63-	0.00	0.00	0.00	0.00	R	CLERICA	
5	01/09/18	7551	17A7551.08	G01 F05 L01	3.14- 0.61- 95.00-	3.14- 0.61- 95.00-	0.00 0.00 0.00		0.00 0.00 0.00				
***		POLEN, NANCY JANE & MARY MILLE			98.75-	3.75-	0.00	95.00-	0.00	0.00	R	CLERICA	
11	01/31/18	49807	16A49807.14	G01 F10 H01	157.06- 4.85- 73.79-	157.06- 4.85- 73.79-	0.00 0.00 0.00		0.00 0.00 0.00				
***		POTTS CONSTRUCTION COMPANY INC			235.70-	235.70-	0.00	0.00	0.00	0.00	R	CLERICA	
12	01/31/18	49807	17A49807.14	G01 F10 H01	142.78- 4.41- 67.08-	142.78- 4.41- 67.08-	0.00 0.00 0.00		0.00 0.00 0.00				
***		POTTS CONSTRUCTION COMPANY INC			214.27-	214.27-	0.00	0.00	0.00	0.00	R	CLERICA	
1	01/02/18	138246	17A7505323122	G01 F01	269.55- 49.87-	269.55- 49.87-	0.00 0.00		0.00 0.00				
***		SHORT, ELAINE S.			319.42-	319.42-	0.00	0.00	0.00	0.00	R	CLERICA	

8	01/12/18	15836	17A15836.08	G01	12.49-	12.49-	0.00	0.00
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Group Number REL*18*01

Abatement

Effective Date 01/02/18

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discnt Amount	Trn Cde	Check Number	Trans Rev Descriptn
				F05	2.44-	2.44-	0.00		0.00				
				L01	95.00-		0.00	95.00-	0.00				
***		SOUTHARD, TOMMY			109.93-	14.93-	0.00	95.00-	0.00	0.00	R		CLERICA
9	01/12/18	15836	16A15836.08	G01	14.83-	14.83-	0.00		0.00				
				F05	2.89-	2.89-	0.00		0.00				
				L01	95.00-		0.00	95.00-	0.00				
***		SOUTHARD, TOMMY			112.72-	17.72-	0.00	95.00-	0.00	0.00	R		CLERICA
13	01/31/18	129970	17A129970.03	G01	14.39-	14.39-	0.00		0.00				
				F04	2.21-	2.21-	0.00		0.00				
***		WILLIAMS, RAY			16.60-	16.60-	0.00	0.00	0.00	0.00	R		CLERICA

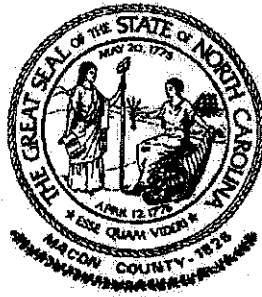
Tax Code Totals

F01*17- FR FIRE	154.65-	154.65-	0.00	0.00	0.00	0.00
F02*17- CL CH FR	5.51-	5.51-	0.00	0.00	0.00	0.00
F04*17- CULL FR	2.21-	2.21-	0.00	0.00	0.00	0.00
F05*16- WM FIRE	2.89-	2.89-	0.00	0.00	0.00	0.00
F05*17- WM FIRE	3.05-	3.05-	0.00	0.00	0.00	0.00
F10*16- HLDS FR	4.85-	4.85-	0.00	0.00	0.00	0.00
F10*17- HLDS FR	5.76-	5.76-	0.00	0.00	0.00	0.00
G01*16- GEN TAX	171.89-	171.89-	0.00	0.00	0.00	0.00
G01*17- GEN TAX	1182.36-	1182.36-	0.00	0.00	0.00	0.00
H01*16- HLD CITY	73.79-	73.79-	0.00	0.00	0.00	0.00
H01*17- HLD CITY	67.08-	67.08-	0.00	0.00	0.00	0.00
LQ1*16- RES FEE	190.00-	0.00	0.00	190.00-	0.00	0.00
L01*17- RES FEE	285.00-	0.00	0.00	285.00-	0.00	0.00

Total for Group REL*18*01 2149.04- 1674.04- 0.00 475.00- 0.00 0.00

*****	Totals By Tax Cycle	*****
Cycle	Current	Delinquent
A	0.00	2149.04-

**Macon County Tax Office
5 West Main Street
Franklin, NC 28734**



**Phone: (828) 349-2149
Fax: (828) 349-2564
tmcowell@macountc.org**

TO: MACON COUNTY COMMISSIONERS

**FROM: Macon County Tax Office
 Teresa McDowell, Tax Collections Supervisor**

DATE: February 5, 2018

RE: N.C.G.S. §105-369

North Carolina General Statute §105-369 states "in February of each year, the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property." The statute continues by stating that "upon receipt of the report, the governing body must order the tax collector to advertise the tax liens." This is a request for the Macon County Commissioners to order the tax office, per this statute, to collect any unpaid taxes owed to Macon County. The 2017 delinquent county taxes owed as of February 1st, 2018 is \$1,640,690.56.

Notice regarding this process will be sent to all taxpayers who have a delinquent tax account prior to the advertisement taking place.

Thank you.

The Macon County Tax Collections Office

MACON COUNTY MONTHLY
AD VALOREM TAX COLLECTIONS REPORT

Jan-18

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance
General Tax	4917531.27	9611.2	0	-218.09	4926924.38	-3324483.48	32928.08	5321.58	-3286233.82	1640690.56
Fire Districts	624833.42	1828.9	0	-34.89	626627.43	-401987.55	0	520.42	-401467.13	225160.3
Landfill User Fee	464015.32	668	0	-7.5	464675.82	-236286.99	0	292.59	-235994.4	228681.42
Totals	6006380.01	12108.1	0	-260.48	6018227.63	-3962758.02	32928.08	6134.59	-3923695.35	2094532.28

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance	Collection Percentage
General Tax	0	26905327.46	-16084.33	-1468.87	26887774.26	-25371080.25	100801.53	23195.02	-25247083.7	1640690.56	93.9
Fire Districts	0	3234669.08	-1925.93	-231.38	3232511.77	-3008724.55	1.76	1371.32	-3007351.47	225160.3	93.03
Landfill User Fee	0	2541063	-2755	-20.55	2538287.45	-2311491.62	0	1885.59	-2309606.03	228681.42	90.99
Totals	0	32681059.54	-20765.26	-1720.8	32658573.48	-30691296.42	100803.29	26451.93	-30564041.2	2094532.28	93.59

93.9% collected on 2017 general taxes, late listing penalty, discoveries and deferred taxes as of 1/31/18 as compared to 93.47% collected as of 1/31/2017

CPT Code	Description	Current Price	Proposed Price
90750	Shingrix (Shingles Vaccine)	NEW	\$148.00
99497	Advance care planning 1 st 30 minutes	NEW	\$180.00
99498	Advance care planning additional 30 minutes	NEW	\$180.00
86003	Allergen specific IgE quantitative or semiquantitative	NEW	\$36.00
90648	ActHIB	\$31.00	\$59.00
90676	Rabies Preventive	\$285.00	\$305.00
90691	Typhoid Vaccine	\$98.00	\$106.00
90620	Meningococcal B	New	\$145.00
90710	ProQuad – MMRV	\$198.00	\$210.00
90680	RotaTeq	\$86.00	\$92.00
90716	Varivax – Varicella	\$124.00	\$131.00
90670	Pevnar 13	\$174.00	\$189.00

MACON COUNTY MONTHLY
AD VALOREM TAX COLLECTIONS REPORT

Jan-18

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93.9% collected on 2017 general taxes, late listing penalty, discoveries and deferred taxes as of 1/31/18 as compared to 93.47% collected as of 1/31/2017

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

MEETING DATE: February 13, 2018

DEPARTMENT/AGENCY: Governing Board

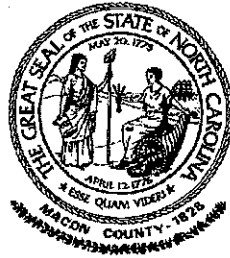
SUBJECT MATTER: Appointments

COMMENTS/RECOMMENDATION:

- (A) **Board of Equalization and Review** – Please see the attached memo from Tax Administrator Richard Lightner.
- (B) **Library Board** – Please see the attached e-mail from Karen Wallace and the accompanying application from Edward Trask.
- (C) **Planning Board** – Please see the attached applications from M. Carroll Poindexter and Glenn Hedden.

Attachments X Yes No

Agenda Item 13 (A) (B) and (C)



Agenda Item

February 06, 2018

Appointment of the 2018 Macon County Board of Equalization & Review as permitted by NCGS 105-322 and resolution dated February 12, 1991 adopted by the Macon County Board of Commissioners creating a separate Board of Equalization & Review.

Dwight Vinson	General Appraiser
Bill Martin	Retired FHA Director and real estate investor
Donald Holland	Businessman, Builder, Realtor, & Appraiser
Gary Drake	Residential Appraiser in Highlands
Kristine Flaig	Relator in Nantahala

Mike Decker

From: Karen Wallace <kwallace@fontanalib.org>
Sent: Tuesday, February 06, 2018 5:38 PM
To: Mike Decker
Cc: Pam Ledford; Lenny Jordan
Subject: Library Board appointment
Attachments: Ed Trask application.pdf

Hello Mike-

A seat of the Macon County Public Library Board of Trustees is due to expire later this month. Susan Lumpkin has served one complete term on the Library Board but will not be seeking reappointment. Susan lives in the Nantahala community.

The Macon County Public Library Board of Trustees values the participation of a board member representing the Nantahala community. Although not required in its Bylaws, the Board would like to continue to have a board member from the Nantahala community. In order to continue that engagement with Nantahala, the Board supports the application of Ed Trask. His application is attached for the consideration of the Macon County Board of Commissioners at their upcoming meeting.

Please let me know if you have any questions concerning the Library Board or Mr. Trask's application.

Karen Wallace, Director
Fontana Regional Library
149 Siler Farm Road
Franklin, NC 28734
(828) 524-3600 (voice)
(828) 524-9550 (fax)

OR

33 Fryemont Street
Bryson City, NC 28713
(828) 488-2382 x. 27 (voice)
(828) 488-2638
kwallace@fontanalib.org

www.fontanalib.org

"Opinions expressed in this message may not represent the policy of my agency. All e-mail sent to or from the Fontana Regional Library e-mail systems is subject to monitoring and disclosure to third parties, including law enforcement personnel."

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

Mail to: County Manager's Office
5 West Main Street or FAX to: 828-349-2400
Franklin, North Carolina 28734

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Macon County Public Library Board

Name Edward Trask

Address 828 Chimney Ridge Drive City Topton NC Zip 28781

Telephone: Home 828-321-3881 Work n/a

Occupation retired banker

Business Address n/a

Email Address ed_trask@yahoo.com

Briefly explain any anticipated conflict of interest you may have if appointed:
none

Educational Background
some college along with various banking schools (Univ. of FL), etc.

Business and Civic Experiences/Skills:
Banking related

Areas of Expertise and Interest/Skills:
banking and financenone

List any Authorities, Boards, Commissions or Committees presently serving on:
none

SIGNATURE: Edward Trask

DATE: Jan 6, 2018

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

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Franklin, North Carolina 28734

or FAX to: 828-349-2400

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Planning Board

Name M. Carroll Poindexter

Address 120 Ivy Rd.

City Franklin

NC Zip NC 28734

Telephone: Home 828 524 6751

Work 828 342 7108

Occupation General Contractor /Construction Consultant

Business Address 120 Ivy rd. Franklin NC 28734

Email Address poinent@yahoo.com

Briefly explain any anticipated conflict of interest you may have if appointed:

no conflict as I know of

Educational Background

2 yr Associates degree Business Adm.,

Business and Civic Experiences/Skills:

In in business approx. 15yrs. have 2 NC General Contractors Lic. Lic.NC Electrical contractor, Lic. NC Home inspector
Former Bld. Inspector, have taught part time cont. Ed. at southwestern Community College

Areas of Expertise and Interest/Skills:

construction Industry,Business law, Building Code,Accounting. Interest music, grandkids

List any Authorities, Boards, Commissions or Committees presently serving on:

None

SIGNATURE:

M. Carroll Poindexter

DATE:

2-8-2018

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

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5 West Main Street
Franklin, North Carolina 28734
or FAX to: 828-349-2400

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for:

Name

Address City NC Zip

Telephone: Home Work

Occupation

Business Address

Email Address

Briefly explain any anticipated conflict of interest you may have if appointed:

Educational Background

Business and Civic Experiences/Skills:

Areas of Expertise and Interest/Skills:

List any Authorities, Boards, Commissions or Committees presently serving on:

SIGNATURE:

DATE:



NEWS RELEASE

Media contact: Rachel Leonard-Spencer
Marketing and Communications Coordinator
rachel.leonard-spencer@vayahealth.com
828-225-2785, ext. 5197

FOR IMMEDIATE RELEASE

N.C. managed care organizations announce coalition

MCO leaders identify collaboration as key to responding to challenges and opportunities of Medicaid reform

Nov. 15, 2017 – Leaders of three North Carolina managed care organizations (MCOs) announced a new partnership to leverage strengths and expertise in response to Medicaid reform. The coalition will unite the efforts of three high-performing MCOs—Alliance Behavioral Healthcare, Trillium Health Resources, and Vaya Health—to address significant, statewide health policy issues that impact North Carolinians across the state. The coalition is in full alignment with the Medicaid Reform plan proposed by the NC Department of Health and Human Services.

The joint effort is not a merger or mandated consolidation. Each of the MCOs will continue to operate in their respective counties, keeping their names, board structure and staffing, in addition to working together as part of the coalition to leverage resources, experience and expertise on a statewide level. MCO leaders identify the collaboration as the most effective way to demonstrate to NC DHHS, the General Assembly and potential commercial healthcare partners that MCOs can successfully implement Medicaid Transformation in a way that advances high-quality care, improves population health, engages and supports providers and establishes a sustainable program with predictable costs (a four-prong approach known as the Quadruple Aim).

Through the formation of the coalition, the MCOs seek to have a stronger voice in preserving the role of the public behavioral healthcare system in Medicaid Transformation, helping ensure continued stability and continuity of care for the people they serve. The potential to establish a combined statewide provider network will enhance access to a diverse range of services and supports for people in both urban and rural areas of the state.

“The public MCO system has unique experience and expertise in addressing the behavioral health needs of North Carolinians,” said Brian Ingraham, Vaya Health CEO. “This coalition provides an opportunity to build on our track record of success and expand our contribution to the health of the people we serve.”

“Trillium Health Resources believes that this closer collaboration with our colleagues at Alliance and Vaya will allow us to better serve our members, regardless of where they live in NC, and will promote a stable environment for our provider partners,” said Leza Wainwright, Trillium Health Resources CEO.

“Alliance has a proven history of effectively serving individuals with multiple and complex needs through evidence based practices, community partnerships and a focus on the social determinants of health – the

environmental factors that impact peoples' health and quality of life," said Rob Robinson, Alliance CEO. "We are uniquely positioned to advance innovative, whole-person care as North Carolina transforms its Medicaid program, and this coalition will strengthen our ability to positively impact service delivery on a statewide basis."

The formation of the coalition does not affect the services and supports of any members of Vaya, Trillium and Alliance Medicaid health plans. Members who have questions should contact their MCO through the respective Access to Care lines.

About the Coalition

Alliance Behavioral Healthcare, Trillium Health Resources and Vaya Health are local management entity/managed care organizations (LME/MCOs) responsible for managing publicly-funded behavioral health and IDD services in three catchment areas that collectively span the State of North Carolina from the mountains to the sea. Together, they are responsible for managing more than \$1.375 billion in public funds and 610,000 Medicaid covered lives across 52 counties. More information about the coalition can be found at www.advancingncwholehealth.com.

About Alliance Behavioral Healthcare

Alliance Behavioral Healthcare is the managed care organization for publicly-funded behavioral healthcare services for the people of Durham, Wake, Cumberland and Johnston counties. Alliance works with a network of almost 2200 private providers to serve the needs of 471,000 Medicaid-eligible and uninsured individuals within a total population of 1.8 million. Alliance operates an Access and Information Center available 24/7 at (800) 510-9132. Learn more at www.AllianceBHC.org.

About Trillium Health Resources

Trillium Health Resources is a leading specialty care manager (LME/MCO) for individuals with substance use, mental illness and intellectual/developmental disabilities in 25 counties in eastern North Carolina. Trillium's mission is to transform the lives of people in need by providing them with ready access to quality care. We take a person-centered approach to health and wellbeing, coordinating care across multiple systems to achieve improved health outcomes, quality of care and efficient use of resources. Trillium is investing in innovation to meet the unique needs of the individuals and communities we serve, and remains focused on delivering the right services, in the right amount, at the right time. For more information, visit www.TrilliumHealthResources.org.

About Vaya Health

Based in Asheville, N.C., Vaya Health manages public funds for mental health, substance use disorder and intellectual or developmental disability services in 23 western North Carolina counties: Alexander, Alleghany, Ashe, Avery, Buncombe, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey. Access to care and crisis assistance are available 24/7 at 1-800-849-6127. Learn more at www.VayaHealth.com.

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Advancing NC Whole Health

What we are doing

Advancing NC Whole Health is a new partnership to leverage strengths and expertise in response to Medicaid reform. The coalition will unite the efforts of three high-performing MCOs—Vaya Health, Trillium Health Resources and Alliance Behavioral Healthcare—to address significant, statewide health policy issues that impact North Carolinians across the state. Advancing NC Whole Health is in alignment with the Medicaid Reform plan proposed by the NC Department of Health and Human Services.

Why we are joining together

Through the formation of the coalition, we seek to have a stronger voice in advancing the role of the public behavioral healthcare system in Medicaid Transformation, helping ensure continued stability and continuity of care for the people they serve. The combined provider network of the MCOs will enhance access to a diverse range of services and supports to people in both urban and rural areas of the state. It also has the potential to provide more seamless access to services to all of the entities that ultimately are part of North Carolina's evolved Medicaid landscape.

Our leadership identified this coalition as the most effective way to demonstrate to NC DHHS, the General Assembly and potential commercial healthcare partners that MCOs can successfully implement Medicaid Transformation in a way that advances high-quality care, improves population health, engages and supports providers and establishes a sustainable program with predictable costs (a four-prong approach known as the Quadruple Aim).

FAQs

What is the purpose of the coalition?

Coming together as a coalition will enhance our ability to respond to the challenges and opportunities of Medicaid reform, demonstrating to NC DHHS, the General Assembly, and potential commercial healthcare partners that MCOs are able to:

- Work together successfully, leveraging their strengths, experience and expertise, and utilize best practices to increase efficiencies
- Implement Medicaid Transformation in a way that advances high-quality care, improves population health, engages and supports providers, and establishes a sustainable program with predictable costs
- Support both Standard and Tailored Plan concepts to offer a proven, North Carolina-based solution that meets statewide and regional needs for MH/DD/SUD and other complex care populations.

For 24/7 access to care or crisis assistance, call 1-800-849-6127 | NC Relay 711

Serving individuals with mental health needs, substance use disorders or intellectual/developmental disabilities in Alexander, Alleghany, Ashe, Avery, Buncombe, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey counties in North Carolina

What does the formation of this coalition mean for the way Alliance, Trillium and Vaya currently operate?

Each of these MCOs will continue to operate in the North Carolina counties they serve just as they have been – they will keep their same names, leadership, Board structure and staffing – in addition to working together as part of a coalition to leverage their resources, experience and expertise on a statewide level.

Is this a merger?

No, this is not a merger or a mandated consolidation. It is a proactive, cooperative effort initiated by three high-performing MCOs to unite their efforts to address significant, statewide health policy issues that impact all members across the state, such as emergency department boarding, the opioid crisis, and the IDD wait list. The coalition is in full alignment with the Medicaid Reform plan proposed by the NC Department of Health and Human Services.

What value does the coalition bring to people who receive services managed by Alliance, Trillium and Vaya?

As a coalition, our MCOs will have a stronger voice in preserving the role of the public behavioral healthcare system in Medicaid Transformation, helping ensure continued stability and continuity of care for the people we serve. The potential to create a combined statewide provider network that will result from the coalition will enhance access to a diverse range of services and supports for people in both urban and rural areas of the state. We'll be able to leverage the strength of our combined provider networks to better promote the use of evidenced-based practices to ensure high-quality consumer care.

How will the coalition improve the experience for members of the provider network?

As the coalition evolves, we understand the importance of exploring ways to streamline processes and create system efficiencies to reduce the administrative burden on providers. In addition, the coalition supports the opportunity to create a local, regional and statewide provider network which can provide the opportunity for network members to expand their reach across the state and into integrated care.

Will other LME/MCOs be able to join the coalition?

There could be opportunity for other MCOs to partner once the coalition has a clear understanding of its business relationships with Prepaid Health Plans (PHPs) or Provider Led Entities (PLEs). At that point we'll assess gaps and identify strengths of other potential partners for the Tailored and Special Plans. If gaps exist, we'll explore partnerships with other entities, including MCOs, to fill those gaps.



Vaya Health is pleased to introduce Vaya Total Care and announce the launch of the Incedo™ software system.

Vaya Health recently introduced a new way of delivering care coordination to our members throughout western North Carolina. Vaya Total Care (VTC) is a care planning model that offers a team-based approach to integrated healthcare. This model makes navigating the healthcare system easier for our members while supporting enhanced collaboration among behavioral health and medical providers. With support from new business processes and software tools, such as Incedo™, we have increased our efficiency and are delivering better care to our members.

Who does Vaya Total Care serve?

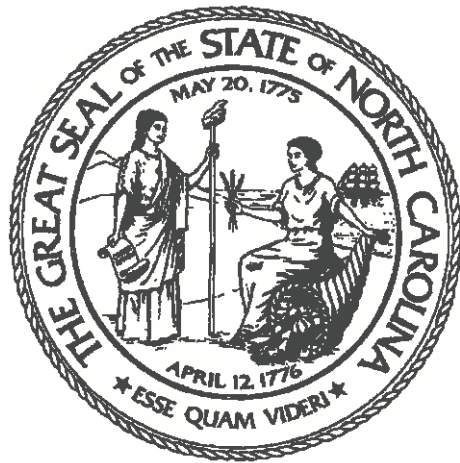
VTC began as a pilot project in McDowell County and is now available throughout western North Carolina. Individuals who are eligible for Medicaid services, live in one of Vaya's 23 counties and have a history of complex medical and/or behavioral health needs may benefit from this program. Our goal is to empower our members to take control of their health. We do this by identifying barriers to better health, building individual and family strengths and providing the tools that our members need to navigate the healthcare system successfully.

What is the benefit of Vaya Total Care?

When behavioral health and medical teams work together, members benefit. This is because better communication among providers means that members' healthcare plans can address the many parts of their lives that help shape the recovery journey. Members also tell us that they are more satisfied with the care that they receive when they know that their chosen providers are working together to support their healthcare goals. That is why our care coordinators have adopted Complex Care Management as our way of serving our members. Complex Care Management enhances traditional models of care coordination and equips members and their care teams with the resources they need to achieve better, more sustainable health outcomes. Using this model, members' full range of needs are addressed more effectively and more efficiently, moving us closer to achieving the Quadruple Aim of Healthcare.

What is Incedo™?

Incedo™ is a software system that improves access to medical, behavioral health and pharmacy information. Easier access to these important records means that members, providers, care coordinators and planning teams can work together more efficiently on behalf of the people we serve. Vaya worked closely with InfoMC, the developers of Incedo™, to design a product that allows the care planning team to share information more easily and communicate more effectively about member needs. This partnership resulted in the creation of a software product that was developed by care coordinators for care coordinators.



**JOINT LEGISLATIVE COMMITTEE
ON MEDICAID AND NC HEALTH CHOICE**

Medicaid Transformation

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Recap: Where We Are in the Transformation

- **Aug. 2017:** Published detailed Proposed Program Design
- **Nov. 2017:**
 - Released two Requests for Information (RFI)
 - Released a proposed PHP capitation rate setting methodology
 - Released concept paper with further detail on Behavioral Health I/DD Tailored Plans
 - Will soon submit amended 1115 waiver to CMS
- **Next 3-4 months:** Will publish several short, technical concept papers with more detail on specific topics
- **Feb. 2018:** Anticipated CMS approval of revised waiver
- **Spring 2018*:** Release Request for Proposal (RFP)
- **July 2019*:** Phase 1 of managed care goes live

* Assuming timely CMS approval and other activities

Pre-Paid Health Plan Procurement

- **Releasing RFIs was the first step in PHP procurement process**
 - Requested non-binding Letters of Interest
- **In spring 2018, intend to release a Request for Proposal (RFP)**
 - RFP will articulate standards PHPs are expected to meet across wide variety of program areas; e.g. plan administration, quality improvement, presence in NC
 - Potential plans will respond with detailed information on how they will meet these standards
 - DHHS will score results based on rubric established in RFP
 - DHHS will establish capitation rates that plans will be paid; all plans who win a bid will be paid using same formula

Behavioral Health Integration

- Consistent with principle of learning from best practices from other states while building on what is working in NC today
- Single point of accountability for care and outcomes; gives beneficiaries one insurance card
- Once managed care is fully implemented, Medicaid beneficiaries would receive coordinated physical and behavioral health services
- Most Medicaid beneficiaries would be enrolled in **Standard Plans**; a smaller number with significant BH or I/DD needs would be enrolled in **Tailored Plans**
- Time sensitive for NCGA action given timing of procurement process

Standard Plans

- **Standard Plans would cover most beneficiaries in Medicaid managed care, including adults and children**
- **Most Medicaid beneficiaries would ultimately be in Standard Plans**
- **Integrated plan providing both physical health and behavioral services**
- **Would be expected to ensure that beneficiaries can access a network of providers for routine and some crisis BH services in addition to physical health services**
- **Would include statewide commercial plans and regional PLEs**
- **Would be selected through a competitive process**
- **Anticipated for Phase 1 of managed care in July 2019**

Behavioral Health and I/DD Tailored Plans

- Specialized plans targeting ~120,000 beneficiaries with significant BH and I/DD needs; would have access to expanded service array
- Integrated plan providing both physical health and behavioral services
- Would be expected to ensure that beneficiaries can access a network of providers for the full, expanded array of BH and I/DD services (and physical health)
- Anticipate a phased rollout after launch of standard plans
 - Tailored plan population would temporarily remain in current arrangement (physical services in state administered fee-for-service, behavioral services authorized through LME/MCOs)
- Tailored Plans would be selected through a competitive process to ensure entities could meet requirements for both behavioral and physical health delivery
- Capitation rate setting formula will reflect enhanced risk of this population

Concept Paper on Behavioral Health and I/DD Tailored Plans

- **Overview of covered populations in Standard Plans and Tailored Plans**
- **Detailed lists of ICD-9 and ICD-10 diagnosis codes associated with each population that would be in Tailored Plans:**
 - Intellectual/Developmental Disability (I/DD)
 - Serious Mental Illness (SMI)/Serious Emotional Disturbance (SED)
 - Substance Use Disorder (SUD)
- **Detailed list of BH and I/DD services covered only by Tailored Plans and list of services covered by both Standard Plans and Tailored Plans**
- **Enrollment processes for Tailored Plans include:**
 - Processes for both legacy FFS beneficiaries and for new Medicaid applicants
 - Processes both before and after the launch of Tailored Plans
 - Mid-coverage year transitions and renewals

Behavioral Health and I/DD Services Available in Standard Plans and Tailored Plans

Covered by Both Standard and Tailored Plans

State Plan BH and I/DD Services

- Inpatient behavioral health services
- Outpatient behavioral health emergency room services
- Outpatient behavioral health services provided by direct-enrolled providers
- Partial hospitalization
- Mobile crisis management
- Substance abuse intensive outpatient program (SAIOP)
- Facility-based crisis services for children and adolescents
- Professional treatment services in facility-based crisis program
- Psychosocial rehabilitation
- Outpatient opioid treatment
- Ambulatory detoxification
- Non-hospital medical detoxification
- Medically supervised or alcohol drug abuse treatment center (ADATC) detoxification crisis stabilization
- Substance abuse comprehensive outpatient treatment program (SACOT)
- Research-Based Behavioral Health Treatment of Autism Spectrum Disorder (*pending CMS approval*)
- Diagnostic assessments

EPSDT

Covered Exclusively by Tailored Plans

State Plan BH and I/DD Services

- Residential treatment facility services
- Child and adolescent day treatment services
- Intensive in-home services
- Multi-systemic therapy services
- Psychiatric residential treatment facilities (PRTFs)
- Assertive community treatment (ACT)
- Community support team (CST)
- Substance use non-medical community residential treatment
- Substance abuse medically monitored residential treatment
- Intermediate care facilities for individuals with intellectual disabilities (ICF/IID)
- Diagnostic assessments

Waiver Services

- TBI waiver services
- Innovations waiver services
- 1915(b)(3) services

All State-Funded BH and I/DD Services State-Funded TBI Services

EPSDT

Further Work to Develop BH and I/DD Tailored Plans

DHHS intends to work closely with the NCGA to further develop additional components of Tailored Plans:

- **Governance structure for BH and I/DD Tailored Plans**
 - Non-Medicaid federal grant dollars will be managed by Tailored Plans; thus only non-profit or governmental (122C) entities will be able to offer them
 - Anticipate that some LME/MCOs would submit bids in partnership with a physical health plan to serve as a Tailored Plan
- **Number of regions**
- **Whether or not to procure a statewide Tailored Plan**

Supplemental Payments: Context and Approach

- Federal rules prohibit DHHS from making supplemental payments (other than DSH and GME) directly to providers for services covered under managed care
- DHHS is working closely with NC Hospital Association to design a payment structure within Medicaid managed care with the following goals:
 - Achieve cost-neutrality to the State
 - Result in similar reimbursement for hospitals
 - Continue direct DSH and GME payments
- Proposal uses hospital-specific rate floors to prevent disruption
- May need statutory authority from NCGA to implement
- Same rates will apply under managed care and remaining fee-for-service populations
- DHHS will release a white paper with technical details in next few weeks

AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS MAKING REVISIONS TO CHAPTER 90. ANIMALS, OF THE CODE OF ORDINANCES OF THE COUNTY OF MACON. NORTH CAROLINA

WHEREAS, the Macon County Board of Commissioners adopted a revised *Macon County Ordinance for the Regulation of Certain Animals* on October 13, 2008; and

WHEREAS, the Board of Commissioners did amend the same on January 10, 2010; and

WHEREAS, the Board of Commissioners did again amend the same on June 8, 2010; and

WHEREAS, the Board of Commissioners did again amend the same on October 15, 2015; and

WHEREAS, the Board of Commissioners wishes to make certain specific amendments to the Ordinance as recommended by the ~~Macon County Manager and~~ Director of the Macon County Health Department; and

WHEREAS, the Board of Commissioners wishes to revise the *Macon County Ordinance for the Regulation of Certain Animals* as set forth below; and

WHEREAS, the Macon County Board of Health have indicated that they approve of the revised Ordinance contained hereinafter and would recommend unto the Macon County Board of Commissioners the adoption and passage of this Ordinance; and

WHEREAS, the Board of Commissioners finds the same to be in the public interest and to promote the public health, safety and welfare pursuant to authority vested in it by North Carolina General Statutes Sections 153A-121, 153A-127, 153A-153, and 153A-442 and Chapter 67 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED by the Macon County Board of Commissioners that:

Section 1. Chapter 90, Animals, of the Code of Ordinances of the County of Macon, North Carolina, as heretofore amended, is hereby repealed in its entirety, and the following substituted in lieu thereof:

CHAPTER 90

ANIMAL CONTROL

Sec. 90-1. TITLE, PURPOSE AND AUTHORITY.

This Ordinance shall be known and may be cited as the *Macon County Animal Control Ordinance*. The purpose of this Ordinance is to promote the health, safety and welfare of the citizens of Macon County and to abate conditions detrimental to the peace and dignity of the County. This Ordinance is adopted pursuant to the authority contained in Sections 153A-121, 153A-123, 153A-127, 153A-131, 19A-45, 153A-153, and 153A-442 of the North Carolina General Statutes, Articles 1-5 of Chapter 67 of the North Carolina General Statutes; and Article 6 of Chapter 130A of the North Carolina General Statutes, as applicable.

Sec. 90-2. APPLICABILITY TO VETERINARIANS.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Chapter except for the provisions relating to cruelty to animals and rabies control.

Sec. 90-3. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to intentionally, knowingly, recklessly or negligently leave an animal at a location without providing for the animal's care.

Adequate food means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate shelter means that shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. For all animals, the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture.

Adequate water means a constant access to a supply of clean, fresh water provided in a sanitary manner.

Animal means any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish and reptiles.

Animal control officer means an individual designated to perform animal control duties described by this Ordinance. Animal Control Officers shall be certified rabies vaccinators and certified euthanasia technicians. Animal Control Officers shall not have the power to arrest.

~~Animal cruelty investigator means an individual appointed by the board of commissioners to assist the county in responding to cruelty and conducting investigations pursuant to NCGS 19A-45 through 49.~~

Animal shelter means a place provided and operated by the county directly or by contractual agreement, whether jointly with another governmental unit or independently, for the restraint, care, adoption and disposition of animals in accordance with this chapter.

Attack means to set upon in a forceful, violent, hostile, or aggressive way, with or without provocation. Attacks can involve animal to human or animal to animal interaction.

a. Provoked Attack: Are considered normal behavior and occur when a animal responds in an aggressive, violent, terrorizing, or unreasonably threatening manner to a perceived threat to its body (fear-induced), food, (possessive), territory, or offspring (protective).

b. Non-provoked Attack occur when an animal crosses neutral space and attacks for no reason (without being teased, molested, provoked, beaten, tortured or otherwise harmed).

At large means any animal off the property of its owner and not under the restraint of a competent person.

Bite means the act of an animal seizing the flesh with its teeth or jaws, so as to tear, pierce or injure the flesh.

Board of commissioners means the Macon County Board of Commissioners.

Cats means any and all domesticated felines.

Citation means a written notice served by an animal control officer siting a person for a violation of this ordinance

Civil penalty means a financial penalty imposed by an animal control officer for a violation of this ordinance

Competent person means a person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal and to persons, other animals, including but not limited to domesticated livestock, or property.

County means Macon County, North Carolina.

Cruelty, cruel treatment, and abuse as used in this chapter mean every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted or attempted to be caused or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully. Such acts or omissions shall include but not be limited to beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food, water and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission, lawful activities sponsored by agencies conducting biomedical research or training, lawful activities for sport, or other lawful activities under state law.

~~**Dangerous dog** means any dog that without provocation has killed or inflicted severe injury on a person or another domestic animal, any dog that is owned or harbored primarily or in part for the purpose of dog fighting any dog that is trained for dog fighting, or any dog that has been determined to be potentially dangerous pursuant to NCGS §67-4.1.~~

~~This definition shall not include dogs when exempted pursuant to N.C.G.S. §67-4.1(b)(1)–(b)(4).~~

Direct control means an animal is under restraint (excludes control by voice commands) and in the custody of its owner, or other competent person having possession thereof.

Dogs means any and all domestic canines.

Domesticated animal (non-livestock) means any such animal that is accustomed to live in or about the habitation of humans, including but not limited to cats, dogs, cows, fowl, horses or swine, but not to include any Wild Animal or Farm Animal or feral animals a defined herein.

Domesticated livestock means livestock raised for the production of meat, milk, eggs or fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits and poultry.

Exotic animal means an animal that would ordinarily be confined to a zoo, or is a species of animal not indigenous to this State. The term specifically does not include animals of a species customarily held in this State as ordinary household pets, animals of species used in the State as a domestic farm animal, fish, birds, non-venomous reptiles and species that are deemed inherently dangerous under this Chapter or regulated by the North Carolina Wildlife Resource Commission.

~~**Exposed to rabies** means an animal that has been bitten by or has otherwise come into contact with any animal known or suspected to have been infected with rabies.~~

Feral animal means a wild animal – non-domesticated or one, such as a dog or cat that has escaped and returned to live in the wild, but has some contact and experience with humans and/or for which no one claims ownership.

Harbor means to feed or shelter an animal by the same person or household for 72 consecutive hours or more.

Health director means the director of the county health department.

Identified animal means an animal with an identification tag, tattoo, microchip, or other marking on which is described the animal owner's name, address and contact information.

Impoundment means the placement of an animal in the custody of a person or animal shelter duly authorized by an animal control officer and/or the health director.

Lead Animal Control Officer means that person designated to perform animal control duties described by this Ordinance. And the Lead Animal Control Offices shall ~~be an animal control officer also be the individual who is appointed by the appropriate authority in the County as the County's Animal Cruelty Investigator and shall~~ and be a certified rabies vaccinator and certified euthanasia technician.

Microchip refers to a tiny permanent identification system, implanted under the animal's skin and read by a chip scanner which identifies the owners name and address and which is available on regional or national databases. Implantation is done with an injector that places the chip under the loose skin over the animal's shoulder.

Neutered male means any male which has been operated upon to prevent reproduction.

Owner means any competent person or group of persons owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner of an animal is responsible for the care, actions and behavior of his or her animal(s). This definition shall also apply to the term "ownership" as used in this chapter.

Owner's property means that area described in a deed of conveyance or the area described in a lease. In a situation involving townhomes or condominiums, animal control will treat the common areas as being owned by the homeowners' association. In a situation involving leased apartments, animal control will treat the common areas as being owned by the lessor. A motor vehicle is not a part of the owner's property unless it is physically located on the area described in a deed of conveyance or the area described in a lease. A motor vehicle that is physically located in or on the common areas of townhomes, condominiums or leased apartments, or other public areas shall be treated as being off of the owner's property.

Person means any individual, family, group of individuals, corporation, partnership, organization, trade or professional association, firm limited liability company, joint venture, association, trust, estate, non-profit corporation or any other legal entity or institution recognized by law as a person.

Public nuisance means any animal off the owner's property which without provocation habitually or repeatedly chases, snaps at, attacks or otherwise behaves in an aggressive manner to pedestrians, bicyclists or vehicles or turns over garbage cans, damages gardens (vegetable or flower), damages plant beds, damages public or private property or damages livestock.

Scratch means the act of an animal with its claws which results in and/or causes a narrow or superficial wound, scrap or other type of break in the skin of a human or animal.

Section Administrator Animal Services means that person responsible for the planning, organizing, coordinating, and directing of all county animal services activities (including animal control, animal shelter, and rabies control). The section administrator is responsible for the: Enforcement of state laws and this ordinances relating to animal services functions; the development of policies and procedures; impounding, care/treatment, and disposition of animals in the county shelter; development and implementation of programs and coordination with rescue groups and interested individuals to maximize the placement of abandoned and surrendered animals; and, minimize euthanasia of adoptable animals.

Security dog means any dog used, kept or maintained on the premises of its owner for the purpose of protecting any person or property. Any such dog shall be further classified as follows:

(1) **Patrol dog** means a dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

(2) **Sentry dog** means a dog that is trained or conditioned to attack or otherwise respond aggressively without command.

(3) **Watchdog** means a dog that barks and threatens to bite any intruder that has not been specially trained or conditioned for that purpose.

Secure enclosure means a place in which an animal is securely confined in order to provide for a safe, healthy, and humane environment for the animal; prevent escape by the animal; and protect and enhances the public's health and safety. A secure enclosure consists of a locked pen or structure suitable to prevent unauthorized entry and designed to prevent the animal from escaping. Such enclosure shall be: Constructed on a concrete pad; have an entry which protects the person entering and prevents the animal from escaping; have secure sides including the top; provide protection for the animal from the elements; and be of suitable size for the type of animal.

Spayed female means any female which has been operated upon to prevent conception.

Stray means any domestic animal that is wandering at large or is lost and (1) is not an identified animal, (2) the animal control officer does not otherwise know who the owner is, or (3) does not have an owner.

~~**Suspected of having rabies** means an animal that has bitten a person or another animal.~~

Under restraint means that an animal is under sufficient physical restraint such as (1) a leash, cage, bridle, or similar effective and humane device that restrains and controls the animal; (2) sufficiently near the owner to be under his or her direct control ~~and is obedient to that person's commands~~; (3) on or within a vehicle being driven or parked and secured in such a manner as to prevent the animal from escaping or causing injury to persons approaching or passing by the vehicle; (4) adequately contained by a fence or other secure enclosure; or (5) within the property limits of its owner. If any unattended animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation.

Veterinary clinic and/or hospital means any place or establishment maintained and operated under the supervision of a licensed veterinarian as a clinic and/or hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine for surgery, diagnosis and treatment of diseases and injuries of animals.

~~**Vicious animal** means any animal as defined in N.C.G.S. 130A-200. animal on or off the premises of its owner, security dogs excluded, which animal is three months of age or older and without provocation has bitten, killed, or caused physical harm through bites to a person who is not trespassing (as determined by the county health director pursuant to N.C.G.S. 130A-200) or has bitten or killed an animal that is not where its owner has been told such animal cannot be.~~

Sec. 90-4. JURISDICTION.

This chapter shall be effective in all areas of the County outside the corporate limits and extra-territorial jurisdiction of any municipality and upon all lands owned or controlled by the County used for recreational purposes whether or not such lands are located within the jurisdictional limits of any municipality in the County.

Sec. 90-5. ANIMAL SHELTER.

The county shall operate and maintain a county animal shelter for the purpose of impounding or caring for animals held under authority of state law, this chapter, or any other county ordinance. The county may contract for the operation of the animal shelter as it deems appropriate.

Sec. 90-6 CREATION OF AN ANIMAL SERVICES SECTION OF THE MACON COUNTY HEALTH DEPARTMENT.

There is created an animal services section of the Macon County Health Department which shall be responsible for the Animal Shelter Macon County and Animal Control Program hereinafter specified.

Sec. 90-7. ANIMAL CONTROL OFFICERS.

The Macon County Health Director may appoint one or more animal control officers. Any such officers shall be Macon County Health Department employees in the Animal Services Section of the Macon County Health Department. The Animal Services Section of the Macon County Health Department shall be supervised by the Section Administrator Animal Services, who shall also be an employee of the Macon County Health Department, who shall be the supervisor of that Section of the Macon County Health Department. The Section Administrator Animal Services shall report to and be under the authority of the Macon County Health Director. County animal control officers and lead animal control officer shall not have the power to arrest.

Sec. 90-8. ANIMAL CONTROL PROGRAM.

The county animal control program, as described in this chapter and as otherwise described in other county ordinances related to animals and as otherwise described in state laws, shall be administered by the Section Administrator Animal Services. Specifically:

(1) The Macon County Health Director shall designate employees or agents enforcing this Chapter as animal control officers and rabies control officers. Animal cruelty investigators may be appointed by the ~~C~~Board of ~~C~~ounty ~~C~~ommissioners as provided by law. In the performance of their duties, officers ~~and investigators~~ shall have all the power, authority and immunity granted under this chapter and by the general laws of this state to enforce the provisions of this chapter, and the laws of this state as they relate to the care, treatment, control or impounding of animals. All investigations of reported or observed animal cruelty or animal abuse shall be the ~~joint~~ responsibility of ~~and shall be jointly carried out by animal cruelty investigators and~~ the animal control officers of the county.

(2) Except as may be otherwise provided by law, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duty unless he or she acts with actual malice.

(3) It shall be unlawful for any person to interfere with, hinder or molest any animal control officer, lead animal control officer, Section Administrator Animal Services, Health Director, Animal Cruelty Investigator, or law enforcement officer while in the performance of any duty authorized by this chapter or the animal control program, or the laws of the state of North Carolina, or to seek to release any animal in the custody of any of those agents, except in the manner as provided in this section.

(4) Animal control officers, ~~and animal cruelty investigators~~ are not authorized to carry on their person firearms of any kind except as provided in this section. The animal control program may store at the animal services section of the Macon County Health Department and use firearms (as allowed by state law) when necessary to enforce sections of this chapter or under applicable law for the control of wild, vicious or diseased animals.

(5) The animal control program shall:

- a. Have the authority, along with the county health director and law enforcement agencies to enforce all state and local laws, including ordinances, regulations and proclamations of the county pertaining to the ownership and control of dogs, cats, and other animals, and cooperate with the county health director and all law enforcement officers in fulfilling this duty.
- b. Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control in cooperation with the county health director and local law enforcement officers.
- c. Be responsible, in consultation with the county health director or the health directors' designee, for the investigation of all reported animal bites.
- d. Be responsible, in consultation with the county health director or the health directors' designee, to issue a quarantine/confinement order to the animal owner that would require the owner to confine a biting animal for ten days pursuant to N.C.G.S. §130A-200, and for reporting to the county health director as soon as practicable the issuance of said order.
- e. Be responsible, in consultation with the health director or the health directors' designee, for the quarantine/confinement of any dog, or other domestic animal exposed to or suspected of having been exposed to another rabid animal and for reporting to the county health director as soon as practicable the occurrence of any such exposure and the condition of any confined animal pursuant to N.C.G.S. §130A-200.
- f. Be responsible for the investigation of reports or observations of incidents of harassment or injuries to domesticated livestock caused by dogs or other animals.
- g. Be responsible for the seizure and arranging for the impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this chapter or any other county ordinance or state law.
- h. Investigate reported or observed animal cruelty or abuse independently or with a duly appointed animal cruelty investigator.
- i. Make such investigations or inquiries as necessary for the purpose of ascertaining compliance with this chapter or applicable state statute.
- j. Keep, or cause to be kept, accurate and detailed records of:
 1. Seizure, impoundment and disposition of all animals coming into and/or leaving the custody of the animal control program.
 2. Any animal complaints made to animal services, and their investigation ~~Bite cases, violations and complaints, and their investigation, including names and addresses of persons bitten, date, circumstances and breed.~~
 3. Any animal bite cases, violations and complaints, and their investigation.
 4. Any animal cruelty cases, violations and complaints, and their investigation.
 5. Any violations of county ordinance and any investigation(s) there of conducted.
 6. Any other matters deemed necessary by the Health Director or Section Administrator Animal Services or that may be required by county policy or state law.

k. Be empowered to issue notices of violation, assess civil penalties for violations of this chapter, and issue citations when authorized by law.

l. Have employees who are trained to standards to be established by the Section Administrator Animal Services, which training shall include but not be limited to training as a Certified Rabies Vaccinator, Certified Euthanasia Technician, and in animal first aid taught by a licensed veterinarian.

m. Be responsible for monitoring the county animal shelter to ensure compliance with all Health Department policies and procedures, state laws, rules/regulations, and any and all contracts entered into by the county health department for the operation of the animal shelter.

n. Administer in consultation with the Section Administrator Animal Services, rabies vaccines to impounded, non-vaccinated animals pursuant to N.C.G.S. §130A-186, and assist the Section Administrator Animal Services in all scheduled rabies control clinics as required by state law.

o. Give every person a proof of rabies vaccination card at the time of adoption of a dog or cat if it is four (4) months of age or older. The card will be completed by a licensed veterinarian or certified rabies vaccinator as provided in this chapter.

p. Give owners of impounded animals an opportunity to provide proof of rabies vaccination prior to redemption or receive a vaccination by a certified rabies vaccinator prior to the animal being released from the shelter. under this section.

(6) The premises for all animal shelters operated by or for the county shall meet the standards prescribed by N.C.G.S. §153A-442, as amended by S.L. 2004-199, Section 39 (a), and as may be amended from time to time.

Sec. 90-9. RELATION TO HUNTING LAWS.

Nothing in this chapter is intended to be in conflict with the laws of the state regulating, restricting, authorizing or otherwise affecting dogs while used in hunting; but this exception applies only while the dogs are under the control of the owner or competent person and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations or ordinances. This chapter should be read and enforced consistent with any such law.

Sec. 90-10. NOTICE IN CASE OF INJURY.

It shall be unlawful for any person who causes injury to an animal, including but not limited to running over or hitting the animal with any vehicle, to fail to notify immediately at least one of the following:

- (1) The owner of the animal (if known or ascertainable with reasonable efforts made to locate the owner);
- (2) An animal control officer;
- (3) The sheriff's department; or
- (4) The animal shelter.

Sec. 90-11. MISTREATMENT OF ANIMALS UNLAWFUL.

The following acts or failure to act relating to the mistreatment of animals are unlawful and violations of this chapter:

(1) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel or abusive treatment or to deprive or cause to be deprived any animal of adequate food and water. With respect to domesticated animals or wild animals in captivity or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care.

(2) It shall be unlawful to restrain any animal except in a humane fashion.

(3) It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner, or to seize, molest or tease any animal while the animal is held or controlled by its owner or while the animal is on or off the property of its owner.

(4) It shall be unlawful for any person to abandon or forsake any animal within the county.

(5) It shall be unlawful for any person to leave an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal.

Sec. 90-12. CONTROL OF VICIOUS ANIMALS.

A. The purpose of this Section is to supplement the state laws governing vicious animals, and more specifically, N.C.G.S. §130A-200.

B. It shall be unlawful for any person to keep any vicious animal within the county, unless under restraint and on the premises of the owner.

C. Upon an animal control officer's observation of a vicious animal at large or off the premises of its owner and not restrained by a competent person, such officer shall immediately impound the animal and inform the county health director or the health directors' designee.

D. Upon an animal control officer's receipt of a complaint that an animal is behaving or has behaved viciously and is at large or off the premises of its owner and not restrained by a competent person, the animal control officer, in cooperation with the county health director or the health directors designee, shall investigate the complaint and, upon a finding that there is probable cause to believe a violation of this chapter or other applicable law or regulation has occurred, shall take any action allowed by this chapter or state law as the circumstances may require.

E. If an animal is impounded as vicious, authorization for reclamation after any required holding period shall be granted when the county health director, in consultation with the Section Administrator Animal Services, is reasonably assured that the animal is not vicious or that the vicious animal will be properly restrained on the premises of its owner.

Sec. 90-13. SECURITY DOGS.

A. All persons owning security dogs shall register such animals with the Section Administrator Animal Services; the owner of any dog that is classed as a patrol dog or sentry dog under this chapter shall place prominently a sign or placard on his premises noting "Beware of Dog" or other information noting the presence of security dogs.

B. It shall be unlawful for any person to keep any security dog within the county, unless under restraint and in the control of a competent person or under restraint and on the premises of the owner.

C. Security dogs are subject to all other provisions of this chapter while off the premises of their owner.

Sec. 90-14. IMPOUNDMENT OF ANIMALS.

A. An animal control officer, in consultation with the health director or the health directors' designee, is authorized to issue a confinement order to the animal owner that would require the owner to confine a dog or other animal pursuant to N.C.G.S. §130A-198 or 130A-200. Failure to thus confine the animal would constitute a further violation subjecting the owner to appropriate criminal or civil penalties pursuant to N.C.G.S 67-4.2 and 130A-196.

~~AB.~~ A domesticated animal impounded under this chapter may be reclaimed by its owner according to the procedures of the animal shelter. The owner of an impounded domesticated animal shall be responsible for and shall pay all vaccination expenses, boarding costs, redemption or adoption fee(s) and costs associated with such impoundment prior to reclaiming the animal. If an impounded domesticated animal is not reclaimed Unless reclaimed, the impounded domesticated animal may be allowed to be adopted or humanely euthanized according to N.C.G.S 19A-32.1 state law and animal shelter procedures; provided, however, that domesticated animals impounded pursuant to this Section shall be held by the animal shelter for a period of Ten (10) days prior to adoption or euthanasia, as applicable. Exception to the ten day holding period: If a domesticated animal impounded under this chapter has been found by the Section Administrator of Animal Services or a veterinarian to be unadoptable due to injury or defects of health or temperament may be humanely euthanized in accordance with N.C.G.S 19A-32.1 (b) (1) and animal shelter procedures. The owner of an impounded domesticated animal shall also comply with any vaccination and identification directives and be responsible for the payment to the county of all civil penalties and costs imposed or associated with the animal's impoundment as prescribed in any citation or notice issued by the Section Administrator Animal Services or their designee. animal control director. Bite quarantined animals not reclaimed within 72 hours after the end of the quarantine period will be considered abandoned and will become the property of the county animal shelter and disposed of according to standard animal shelter procedures.

C. A feral animal impounded under this chapter that has been found by the Section Administrator of Animal Services or a veterinarian to be unadoptable due to injury or defects of health or temperament may be humanely euthanized in accordance with N.C.G.S 19A-32.1 (b) (1) and animal shelter procedures.

Sec. 90-15. HANDLING OF STRAY ANIMALS.

A. It shall be unlawful for any person, without the consent of the owner, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him, unless he has, within 72 hours from the time such animal came into his possession, notified an animal control officer or the animal shelter.

B. Any animal at large may in a humane manner be seized, impounded and confined in the animal shelter and thereafter adopted out or disposed of pursuant to procedures of the animal shelter and applicable state law.

C. An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Dogs may be at large in the course of hunting if under the control of the owner as otherwise provided in this chapter. However, this provision does not exempt an owner from otherwise complying with the provisions of this chapter, including identification of animals.

D. Upon impounding an animal, the animal control ~~department section~~ shall make reasonable effort to identify the animal, notify the owner, and inform such owner of the conditions whereby the identified animal may be redeemed.

E. Impoundment of such an animal shall not relieve its owner from any penalty that may be imposed for violation of this chapter.

F. Any animal seized and impounded that is badly wounded or diseased and has no identification may be euthanized pursuant to procedures of the animal shelter and applicable state law. If the animal has rabies or is suspected of having rabies, the body shall be disposed of in accordance with applicable state regulations. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner before euthanizing such animal; in any event, and except as may be otherwise provided by law, the animal shelter, animal control program, county health director and county law enforcement officers shall have no liability for euthanizing wounded or diseased animals when such action is taken upon the advice or recommendation of a veterinarian who has been advised of the animal's condition.

Sec. 90-16. PUBLIC NUISANCE.

It shall be unlawful for an owner to permit an animal to create or maintain a public nuisance as defined in this chapter; ~~or to maintain a public nuisance created~~ by an animal. Compliance shall be required as follows:

(1) When an animal control officer, lead animal control officer, Section Administrator Animal Services, or law enforcement officer observes a violation, the owner will be provided written notification of such violation and be given 24 hours or less to abate the nuisance.

(2) Upon receipt of a written detailed and signed complaint alleging that any person is maintaining a public nuisance, the Section Administrator Animal Services shall cause the owner of the animal in question to be notified that a complaint has been received, and shall cause the situation complained upon to be investigated and a written report to be prepared.

(3) If the written findings indicate that the complaint is justified, the Section Administrator Animal Services shall cause the owner of the animal in question to be notified in writing, and shall order abatement of such nuisance within 24 hours or such lesser amount of time, which shall be designated on the abatement order.

(4) If, after 24 hours or such lesser time as is designated in the abatement order, the nuisance is not abated, the animal creating the nuisance may be impounded and/or a civil penalty may be issued and/or a criminal summons may be issued.

Sec. 90-17. RABIES CONTROL.

It shall be unlawful and a violation of this chapter for any animal owner or other person to fail to comply with the requirements of N.C.G.S. §130A-184 *et seq.* and other laws of the state relating to the control of rabies.

Any animal reasonably suspected to have been exposed to a proven rabid animal, or animal suspected of having rabies that is not available for laboratory diagnosis shall be immediately reported to the animal control ~~department~~section and the county health director.

Sec. 90-18. BITES.

A. Every owner of a dog or cat that has bitten a human being, or any person bitten by a dog or cat, shall comply with the reporting requirements of N.C.G.S. §130A-196 or N.C.G.S. §130A-198 and other applicable laws concerning animal bites by notifying the county health director.

B. Animal control officers and lead animal control officer shall notify the county health director or the health directors' designee as soon as practicable or within 24 hours of animal bites reported. ~~to the animal shelter.~~

C. An animal that is confined to the animal shelter pursuant to the provisions of N.C.G.S. §130A-196, §130A-197 or §130A-198 shall become the property of the county if the owner does not redeem the animal within 24-72 hours following the last day of the ~~ten-day imposed~~ confinement period required by statute.

D. Animal control shall leave with the owner or affix to the owner's residence a notice or order from the county health director, as applicable, containing the beginning and ending dates of confinement and stating that the owner must redeem the animal within 24 hours of the ending date of confinement stated in the notice.

E. The owner of an animal confined at the animal shelter pursuant to this section shall be responsible for the costs of caring for the animal while at the shelter and all fees shall be paid at the time of redemption.

F. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding medical costs, penalties, and fees that have accrued as a result of the animal being confined at the animal shelter.

Sec. 90-19. RABIES TAG; IDENTIFICATION REQUIRED.

A. It is the purpose of this section to supplement the state law by providing a procedure for the enforcement of state laws relating to rabies control. All dogs shall wear a valid rabies tag except when the dog is confined in an enclosure on the owner's property. It shall be unlawful for any person to use a vaccination tag issued for a dog other than the one using the tag. In addition to all other penalties prescribed by law, a dog is subject to impoundment in accordance with the provisions of this chapter and state law if the dog is found not to be wearing a currently valid rabies tag. Pursuant to N.C.G.S. §130A-190, domesticated cats are exempted from wearing rabies tags. Owners of cats and dogs without tags shall produce proof of rabies vaccination upon request of an animal control officer, a law enforcement officer or the county health director.

B. All cats and dogs shall have an identification tag, tattoo, microchip, or other marking from which the animal owner's name, address and contact information may be ascertained.

Sec. 90-20. PENALTIES.

The following penalties shall pertain to violations of this chapter:

(1) The violation of any provision of this chapter shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in N.C.G.S. §14-4, by a fine not to exceed \$50.00 or imprisonment not to exceed 30 days, or other applicable law. Each day's continuing violation of this chapter is a separate and distinct offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his or her liability for fees or civil penalties imposed under this chapter.

(2) Enforcement of this chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to N.C.G.S. 153A-123(d), (e).

(3) In addition to and independent of any criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to civil penalties, costs and fees as follows:

a. Unless otherwise provided for in a particular section, Animal control is authorized to assess civil penalties in the following manner:

1. A civil penalty of \$25.00 shall be assessed for the first violation of any provision of this chapter.

2. A civil penalty of \$50.00 shall be assessed for the second or subsequent violation of this chapter.

b. Civil penalties may be assessed for each violation of this chapter. The Section Administrator Animal Services or their designee shall issue to the known owner of any animal, or to any other violator of the provisions of this chapter, a ticket or citation giving notice of the ~~alleged~~ violation and of the civil penalty imposed. ~~Tickets or~~ Citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. This civil penalty shall be paid to the Section Administrator Animal Services or their ~~his~~ designee within 14 days of receipt of the ~~ticket or~~ citation. This civil penalty is in addition to any other fees, costs or fines imposed that are authorized by this chapter.

c. Failure on the part of the owner of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of this chapter. If an assessed civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty.

Sec. 90-21. REGULATION OF DOMESTIC ANIMALS ON COUNTY RECREATIONAL PROPERTY.

Running at large forbidden. It shall be unlawful for any person to allow a domestic animal, including a dog or cat, within his or her possession, ownership, or direct control, to run at large within or upon any lands owned by or under the control of Macon County used for recreational purposes with the exception of dogs running within the designated, fenced dog park(s). Any domestic animal brought to or allowed to enter upon any county property used for recreational purposes shall, at all times, be kept within the direct control and/or under restraint by the owner or other competent person having the possession thereof.

Sec. 90-22. FOX HUNTING.

A. The fox is hereby classified as a game animal in Macon County and may be taken only with dogs at any time during the day or night throughout the county.

B. Foxes, or parts thereof, shall not be bought or sold, except live foxes may be bought or sold for the purpose of restocking.

C. Notwithstanding the prior provisions hereof, it shall be lawful for any person to take foxes committing or about to commit depredations to person or property.

D. This section shall be applicable and in force in all areas of Macon County outside the corporate limits and extraterritorial jurisdiction of any municipality.

Sec. 90-23. ANIMAL CONTROL ADVISORY COMMITTEE.

The board of commissioners shall have authority to create and appoint an Advisory Committee of such number and composition as they shall determine. The members shall serve terms as established by the board of commissioners.

Sec. 90-24. FALSE REPORTS OR FRIVOLOUS COMPLAINTS.

A. It shall be unlawful for any person to file a false report with the animal control ~~department~~section or to knowingly provide false information to an animal control officer involving investigation of any reported violation of this Chapter.

B. It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with the animal control ~~department~~section in order to intimidate or harass any member of the animal control ~~department~~section or any animal owner, or to otherwise hinder or interfere with the animal control program.

Sec 90-25. EFFECTIVE DATE OF THIS ORDINANCE

The Ordinance shall become effective on ~~November 1, 2015~~ February 1, 2018.

Upon motion made by Commissioner _____, seconded by Commissioner _____, this Ordinance was passed, adopted and ordained by the unanimous vote of the Macon County Board of Commissioners on this the ____ day ~~of~~ of _____, ~~2016~~ 2018, at the regular meeting of the Macon County Board of Commissioners.

~~Kevin Corbin~~ James P. Tate, Chairman

Attest:

Clerk of the Board of Macon County Commissioners