



Macon County  
Public Health

**MACON COUNTY BOARD OF HEALTH  
MINUTES  
8/24/2021**

**Members:** Mitchell Bishop, Engineer and Chair; Ross Dodge, General Public and Vice-Chair; Melissa Bell, Pharmacist, Nathan Brenner, Dentist, Teresa Murray, General Public; Vacant, Veterinarian; Paul Higdon, County Commissioner; Gosia Tiger, General Public; Vacant, Physician, Ellen Shope; Nurse Representative; Vacant, General Public

**Members Absent:** Melissa Bell, and Paul Higdon,

**Staff Present:** Kathy McGaha, Melissa Setzer, Jennifer Garrett, Jimmy Villiard, Jessica Baucum & Julie Rogers

**Guests:** None

**Media:** Jake Browning, The Franklin Press

**Call to Order:** Mitchell Bishop called the meeting to order at 6:22 pm.

**Presentations:**

Child Fatality  
Prevention Annual  
Report

Jennifer Garrett, stated that in July of 1993, every N.C. County was to establish a plan to develop a local Child Fatality Prevention Team (CFPT) to review *all* child deaths of children under age 18. The team was to be operational by July 1, 1995. The local Health Director or his/her designee was responsible for ensuring that a CFPT was established and continued to operate in each N.C. County.

The purpose of the CFPT is to:

- Identify deficiencies in the delivery of services to children and families by public agencies,
- Make and carry out recommendations for changes that will prevent future child deaths, and
- Promote understanding of the causes of child deaths.

The team sends findings of child death reviews and recommendations to the statewide Team Coordinator. The findings are reviewed, and then compiled with reports from all across the state. The goals of the recommendations are to:

- Prevent child deaths,
- Improve legislation, rules and policies,

- Increase support for local community agencies serving children and families,
- Increase public and professional knowledge of the needs within the community and state.
- District court
- County medical examiner
- Local day care
- Parents

#### Case Review Process:

To assess the opportunities for preventing child deaths in Macon County, the team requires detailed information from agencies that provided services to each decedent's family. G.S. 143-578 authorizes access to all medical records, hospital records and records maintained by the state, any county, or any local agency as necessary to review each child's death. The team follows strict confidentiality guidelines and preserves each family's right to privacy. The review process takes place approximately one year after the date of death.

#### Statistical Information:

We are currently in the 2020 review year and there have been two deaths to review to date. The fourth quarter report should be coming to us in Oct. 2021. \* Due to Covid 19 we did have one 2019 death that was added to the 2020 review year due to inability to meet. We have been meeting virtually due to the Covid 19 pandemic.

#### Analysis and Recommendations:

There were recommendations made based on the reviews. The deaths that occurred were addressed in an appropriate manner. The majority of the deaths were from non-preventable causes; however, there were some that we made recommendations for possible prevention.

#### Actions Taken/Conclusions:

- The team continues to keep the Safe Surrender Law as a primary topic of conversation. We are sensitive to the need to keep the topic out in the public whenever possible and publicize the number to call for information locally - 349-2279.
- Community Partners: Due to the Covid 19 pandemic, child fatality prevention events were put on hold.
- Legislative funds were spent by collaborating with OB Care Manager to purchase car seats and Pack and Plays. Parents who completed eight face-to-face visits with the Care Manager could choose either one of these items. Fire Dept or Law Enforcement officers, who were certified car seat checkers, checked the car seats once installed as part of the requirement of receiving the car seat. Pack and Play recipients received Safe Sleep education prior to receiving the Pack and Play.

- The CC4C Care manager is certified car seat safety.
- Child Fatality ranked child death trends for training. Based on feedback and options offered the ranking was as follows:
  1. Suicide prevention
  2. Safe Sleep
  3. Prematurity and perinatal issues
  4. Motor Vehicle safety
  5. Supervision of children
  6. Identifying system problems and recommendation
  7. Child death scene investigations
  8. Operations of the Medical Examiner's Office
  9. Effective team building

**Welcome/Intro:**

Mrs. McGaha announced that there have been several departures. Kyle Jennings and Justin Mintz from Environmental Health, and Harold Faircloth from Environmental Health will be retiring at the end of the month. Mrs. McGaha introduced new staff members; Jacob Elliott and Katelynn Roper to Environmental Health and Kaitlyn Ball to Clerical.

Recognitions; Mrs. McGaha along with MCPH staff congratulated Gosia Tiger and Julie Rogers on their graduation. Julie Rogers was presented a plaque for her dedication to the department.

**Public Comment:**

Tracey Dogan joined the meeting via Zoom in regards to the Macon County Animal Ordinance. Ms. Dogan spoke of a conversation that she has had with an attorney that has reviewed the NC laws regarding Animal Control. She also spoke about injunctions to remove animals, shelter hours and read a portion of a statement from Jon Baus. Statement from Jon Baus. "In the case of Sec. 90-8(5)(i), whenever an animal control officers observes or gets a report of animal cruelty, he s duty bound to investigate it. The ordinance makes no distinction concerning how the animal control officer might get the report, whether or not the report was reported anonymously. The officer might even here about the animal cruelty second or third hand, if the report is deemed to be credible, then the officer will investigate. There is no obvious legislative purpose to impose and identify requirement that is specifically contained in the ordinance. In fact, it is actually in the publics best interest to allow anonymous reports of animal cruelty. This is encourage so the public will report more incidents and not to be afraid of any retaliation by the person that has allegedly committed the act against the animals.

**Agenda Approval:** Nathan Brenner made a motion to approve the agenda. Teresa Murray seconded the motion. Motion passed unanimously.

**Approval of Previous Meeting Minutes:** Ellen Shope made a motion to accept the minutes. Nathan Brenner seconded the motion. The motion passed unanimously.

## Old Business:

### Animal Control Ordinance

Jimmy Villiard presented findings from the Animal Control Ordinance Committee.

- Macon County Animal Ordinance is a Board of Commissioners approved ordinance and was last update on October 13, 2015.
- Animal Control Ordinances from the Far Western North Carolina counties were reviewed.
- Eric Ridenour, Macon County Attorney was consulted regarding anonymous complaints and penalties.
- Lori Carpenter, Director, Macon County Finance Department was contacted concerning debt set off.
- Macon County Veterinarians were emailed for possible suggestion for additions or changes to ordinance. There was little response from those emails.
  
- Findings
  - “With regard to civil fines and penalties, Civil fines is all the authority that the State has afforded local governments and civil fines require another civil action to enforce. In general, anybody who repeatedly violates is aware that there are simply no teeth to the imposition of a civil fine, whether it is a local government parking ticket or a violation of animal control ordinances. “
  - “Macon County participates in the debt set-off program. -The debt set-off program allows the County to attach state income tax returns to satisfy debts of \$50 or more owed by a person. Debt set-off can be used to collect taxes or assessments for fees or fines or ANY obligation owed to a local government and is additional to all other collection remedies available to a local government. This includes animal violations.”
  - “Last, you referenced Buncombe County's ordinance. I have reviewed Buncombe County's ordinance and while I have no legal issues with Macon County adopting a similar model of levels for enforcement, I don't have any real belief that amending the existing ordinance will result in any greater compliance-- people who ignore local ordinances and payment of fines are going to ignore them whether they have various levels of compliance or not. “
  - “A criminal warrant is the biggest deterrent. Even if a conviction does not result, the fear of criminal charges, the cost and time to defend, and the penalties and fines that the State can impose, results in a much bigger deterrent than the threat or imposition of civil fines. Also, it is not uncommon for plea deals to be made wherein if the defendant comes into compliance on a non-abuse case, the charges can be dropped. Generally, on animal abuse cases, the District Attorney's office will have a stronger opinion on whether to prosecute or dismiss.”
  - Our current policy of not taking anonymous complaints is perfectly fine, and he does not know of any legal reasons that our current policy needs to change.
  - Complainant information is safeguarded while the investigation is ongoing, but is subject to the Freedom of Information Act when the investigation is completed.
  - “...my presumption is that you could probably keep the name of person making the complaint private until after the investigation. For example, when police are investigation a crime, the incident report and statements of witnesses are not public

record during the investigation. If you or your officers have the ability/authority to investigate crimes and file criminal charges, then the same reasoning about the names of the witness not being public record until after the investigation is over would apply.”

- The case is more likely to be pursued when there are credible witness willing to stand behind the report and, if necessary, testify in court.
- Lori Carpenter/June Cassada
  - Solid Waste uses DataMax and small claims court to recover delinquent accounts

## Proposed Recommendations to BOH

- A multilevel citation system similar to Buncombe County be proposed to BOC.
  - Citations are based on severity of infraction and repeat offenses
  - A financial ceiling be established for citations, and then if not paid within 90 days, they are turned over to debt set-off company. Suggest that the same company that is used by Solid Waste.
  - The main goal is not collection of money but correction of the problem.
- Current policy on anonymous complaints remain in place.
  - Freedom of Information Act
  - Complaints are confidential during investigation process
  - Legitimate sounding welfare complaints are looked into by ACO “Drive By’s”
  - Anonymous complaints are less likely to be pursued by DA
  - Anonymous complaints are often the result of neighbor disputes on other issues.
- Stricture County Standards for Food, Water and Shelter requirements for domestic animals
- Reduce stray animal hold time to State standard of 72 hours.
  - Increase adoption rate
  - Decrease shelter crowding
  - Less stress on shelter animals and staff
- Propose suspending adoption privilege for Owner Surrender clients for 6 months.
  - Slow down revolving door clients
- Propose charge for Owner Surrenders
  - No charge on first time
  - Proposed increasing charge for second time and subsequent times.
  - Address people who constantly get animals and then get rid of them when they are no longer convenient.
- Adopt a local leash ordinance
  - The state laws are far from comprehensive, many cities and counties have enacted local leash laws. Without a local leash ordinance, animal control officers have limited authority to pick up stray animals. They generally must rely on their rabies enforcement authority to pick up those stray cats or dogs that do not have vaccination tags. A few examples of local ordinances follow.
  - Any dog or cat that is not confined as provided in this article, and not under the actual physical control or restraint of its owner, leaseholder or keeper, shall be presumed to be running at large. Any animal control officer shall impound such animal at the animal shelter. It shall be a violation of this article for any dog or cat running at large away from owner's or keeper's property to bite any person so as to break such person's skin. A first offense shall subject

such owner or keeper to a civil penalty of \$250.00. A second offense shall subject such owner or keeper to a civil penalty of \$500.00. A third offense shall subject such owner or keeper to a civil penalty of \$1,000.00. (City of Fayetteville, § 6-77) It shall be unlawful for any owner to permit any animal belonging to him to run at large upon the streets of the city. (City of Winston-Salem, §6-2)

- It shall be unlawful for any person owning, keeping, possessing or maintaining a dog in this county to intentionally or negligently allow the dog to run at large.
  - If an animal control officer receives a first-time at large complaint and the officer does not personally observe the dog at large, the officer shall investigate the complaint. Upon finding probable cause to believe the dog was at large he shall issue a first civil penalty in accordance with section 4-9.
  - If an animal control officer personally observes a dog at large animal control may seize and impound the animal and shall issue the appropriate civil penalty in accordance with section 4-9.
  - Nothing in this article shall prevent a private citizen from bringing an action against the owner of an animal, which has caused injury to the private citizen or his property, for damages or any other loss resulting from an animal being at large. (Durham County, § 4-86 to -87).
  - Cities have specific statutory authority to enact local leash ordinances but counties must rely on their general ordinance making power.

**Note: If the citation enforcement proposed is not adopted, enforcement of current or proposed changes will remain difficult to enforce.**

Mr. Bishop asked if the multi-level citation would it be an assessment to the property tax. Mr. Villiard stated that it wasn't about the money, it was about solving the problem. Mr. Bishop asked about Animal Control officers doing a drive by on a complaint. Mr. Villiard stated that he will send an officer to do a drive by to see if there is a valid complaint. Mr. Villiard went on to explain that a lot of complaints come from a neighbor getting upset with another neighbor.

Mr. Bishop stated that he would like the board to have more information before the proposed changes are taken to the county commissioners, including for clarification on the proposed leash ordinance. Before they could vote to including the leash ordinance in the revisions they would need more input and clarification for the leash ordinance, hunting dogs and fees. Mr. Bishop asked each board members to speak about the proposed ordinance changes. All board members agreed that they would need more clarification before moving forward. Several board members were concerned with the leash law, due to most of Macon County being a rural area, where many owners let their dogs run lose. By the next meeting the committee should have a final draft of the proposed revisions for the Board of Health to vote. If the board approves the revisions it will then move onto the County Commissioners. Once the Board of Health presents the recommendations to the County Commissioners they would then come up with their questions and have a public forum.

#### COVID-19 Update

Kathy McGaha, Julie Rogers, Jennifer Garrett, and Jimmy Villiard gave an update on the COVID-19 pandemic within the county. Julie Rogers stated that within the school system there are 117 students out on quarantine, 28 of those are positive and 89 are quarantined

due to exposure. Students wearing masks in the schools has helped to keep a lot of children in the classrooms, without those masks more children would have been quarantined. She stated that right now it is in the best of the schools to keep children in masks. Mrs. McGaha stated MCPH will continue to meet with the school system and work with them on a daily basis. Ellen Shope asked if there was any testing being done by the schools or are they all done by the Health Department. Mrs. McGaha stated that the school system has a contract with a company to screen test, but Julie has not been given information by the schools to utilize the 3<sup>rd</sup> party testing.

Jennifer Garrett stated that this Thursday, MCPH will start giving the immunocompromised individual their booster shot. This is only for a specific group of people. There is a 28-day waiting period after the 2<sup>nd</sup> shot before an immunocompromised person can receive the booster. As of right now there is no booster available for the J&J vaccine. When individuals call to make an appointment they will have to attest to which vaccine they received initially. Due to the availability of the vaccine staff has had to drive to Hickory to pick up vaccine for the department. If they are able to get enough vaccine, regular boosters will start around the first of October. The regular boosters will be given 8 months after the 2<sup>nd</sup> vaccine was given. The information received so far, the nursing homes/assisted living will be contracting out through their parent company for the boosters.

Mr. Villiard stated that as of last night there was total 3812 cases, with 233 of them being active cases. They are averaging 20 new cases a day. Mrs. McGaha stated that the National Guard has been extended until December, and CCTO is still here and they still have temporary help in the call center.

#### Environmental Health Permit Update

Kathy McGaha, Health Director gave an update on Environmental Health. As it was announced at the beginning of the meeting Environmental Health has had departures this last month. As of this meeting they are approximately 7 weeks out for septic permits. One of the biggest challenge is finding staff due to the salary not being competitive with other counties. Another challenge is that if someone leaves another county to come here they lose their ability to have insurance when they retire. This is why ones that were grandfathered in through other counties will not come to Macon County.

#### **New Business:** Flu Season Plan

Jennifer Garrett, Director of Nursing presented the 2021-2022 Flu Season Plan. Due to COVID-19 all flu shots will once again be given through the drive through. All flu shots will be given at the Health Department through the drive through with the exception of two off site clinics. This has been found to be very efficient and convenient for the public. Due to giving COVID 1<sup>st</sup> and 2<sup>nd</sup> shots, booster shots and flu shots at the same time, clinics will each run a half day. COVID shots will be given in the mornings and flu shots in the afternoon. Appointments will continue for the COVID vaccine, but there will be no appointment required for the flu shot. Notice will go out to the public when the high dose flu shots are available. The only two clinics that will be held offsite will be the Senior Services Center and MCH. Flu shots will begin as soon as the vaccine is received.

Nathan Brenner made the Motion to go into closed session. Teresa Murray seconded that motion. Motion to adjourn passed unanimously.

Closed Session – No action was taken during this closed session.

Nathan Brenner made the Motion to come out of closed session. Teresa Murray seconded that motion. Motion to adjourn passed unanimously at 8:20 p.m.

**Discussion:** None

**Closed Session:** None

**Announcements:** None

**Next Meeting Date:** September 28, 2021

**Adjournment:** Nathan Brenner made the Motion to adjourn. Teresa Murray seconded that motion. Motion to adjourn passed unanimously at 8:21 p.m.

**Minutes Recorded by:** Melissa Setzer, MCPH Administration Assistant