

COUNTY POLICY COMMITTEE  
NOVEMBER 19, 1998

Members Present: Chairman Rollin Shaw  
Commissioner J. Lee Warren, Jr.  
Commissioner Johnnie Evans

Others: Cliff Strassenburg, County Manager  
James Martin, Deputy County Manager  
Neil Yarborough, County Attorney  
Grainger Barrett, Senior Staff Attorney  
Carlton Person & staff from Animal Control Department  
Don O'Donniley, Planning Department Director  
Roger Stancil, Fayetteville City Manager  
Linden Speer  
Marsha Fogle, Clerk to the Board

1. Approval of Minutes: October 15, 1998

**MOTION:** Commissioner Warren offered a motion to approve.

**SECOND:** Commissioner Shaw

**VOTE:** UNANIMOUS

2. Discussion of granting extraterritorial jurisdiction to Fayetteville in selected areas in return for Fayetteville providing matching funds for NCDOT for construction of sidewalks in the County.

Mr. Strassenburg, County Manager, told the Committee he had been working with the City Manager on this issue. He told the Committee the City would like for the County to grant them extraterritorial jurisdiction in specific area which they refer to as "donuts". In exchange the City would share in the local construction cost of sidewalks where Cliffdale Road widens into the 71<sup>st</sup> Township (along Rim Road close to several schools).

Roger Stancil, City Manager, noted the City is particularly interested in acquiring Extraterritorial Jurisdiction on Glensford Road. Mr. Stancil noted this area has not and cannot be annexed by the City because it does not meet standards for annexation, according to the General Statutes. He said the City is concerned about a drainage problem in that area and would like to be able to address it before development occurs. In addition, the City would be able to apply their ordinances dealing with trees, signs, etc. If the area is developed prior to the City annexing it or the County giving the city Extraterritorial Jurisdiction, then the area would probably be non-conforming in its development efforts.. It was noted that the land use is designated "farm land" on the County tax rolls.

The Planning Board considered this Extraterritorial Jurisdiction at their November 10 meeting. Their action was to recommend that the County not grant EJT to the City. They were concerned about the precedent that would be set if this happened. They supported the alternative of annexation of this property by the City.

Commissioner Warren said he had some of the same concerns stated by the Planning Board and could not support the request. Commissioner Evans said he also had some concerns.

Commissioner Shaw noted that even though that particular piece of property is not technically in the City, it really is as the City has annexed property around it. She said she felt it would be a good cooperative effort on the County 's part to allow the Extraterritorial Jurisdiction of this portion of land on Glensford. She said the City could have a positive influence on any future development of the land (zoned commercial).

It was noted that at some point the City may be able to use their annexation power to bring this property into the City.

Commissioner Evans asked if the owner of the property (the Riddle's) has been asked how he feels about this. Mr. Stancil, City Manager, stated the City had asked the Riddle's to request annexation, but they declined to do so.

**MOTION:** Commissioner Evans offered a motion to refer this to the Board of Commissioners without a recommendation.

**SECOND:** Commissioner Shaw

#### **SUBSTITUTE**

**MOTION:** Commissioner Warren to recommend to the Board of Commissioners that we follow the recommendation of the Planning Board which was not to support Extraterritorial Jurisdiction for the area in question in accordance with County policy and in order not to set a precedent for the future; and to support alternatives that have been available in the past to accomplish the goal of Extraterritorial Jurisdiction, such as annexation.

**SECOND:** Commissioner Evans

**DISCUSSION:** Neil Yarborough, County Attorney, pointed out that Extraterritorial Jurisdiction does not have to take place in order for the city to provide monies for construction of sidewalks. Commissioner Shaw pointed out that there were some statements made in the minutes of the Planning Board meeting that may not be correct. She asked Staff to research and clarify items that may be misleading when this issue is presented to the Board of Commissioners for consideration.

**VOTE:**           **FAVOR:** Commissioners Warren and Evans

**OPPOSED:** Commissioner Shaw

3. Update on Proposed Policy for adopting animals without paying a fee.

Mr. Strassenburg, County Manager, presented the following proposed criteria for consideration by the Committee:

1. Must be a not-for-profit organization whose primary purpose is to rescue and adopt out companion animals;

2. Must be located in Cumberland County, or a geographically contiguous county, and must adopt out a significant percentage of companion animals to Cumberland County residents;
3. Must provide and designate in writing to the Animal Control Director a single contact official with full authority to deal with the county on all matters related to or rising out of adoption and related matters, and who shall be the official point of contact for communications between the agency and the county;
4. Must adopt and adhere to a formal adoption process, including screening of recipients that provides reasonable assurance that companion animals are adopted out to appropriate homes; written copy of adoption process and procedures as in effect from time to time must be submitted to the Animal Control Director;
5. Must allow county representatives, with our without notice but at responsible times and and reasonable frequencies, periodically to inspect kennel and related facilities;
6. Shall not be a breeder, or supply companion animals to breeders, research laboratories, biological supply companies, pet shops or pet shop suppliers or otherwise be re-transferred for any kind of commercial purpose or as any kind of experimental subject;
7. Must (a) spay or neuter companion animals as a condition of adoption; and (b) vaccinate for rabies at the time or immediately after the companion animal leaves the Animal Shelter;

(Note: The County Manager told the Committee the County Ordinance will soon require #7 )

8. Any one qualifying agency can only obtain such maximum number of dogs and cats per month as the Animal Control Director may periodically by written directive establish, to the end that a reasonable number of dogs and cats shall remain available to the general county citizenry for adoption;
9. If a companion animal is adopted to a Cumberland County resident, the agency must provide the recipient's name to the Cumberland County Tax Administrator to assure registration of the companion animal for tax purposes:
10. Must maintain a registry of companion animals obtained from Cumberland County indicating the disposition of such animals to include at least the name and address of person(s) adopting the animal, date of adoption, or date of death if euthanized or died of other causes and nothing the cause of death.

Commissioner Evans said he had no problems with any of the above criteria except number 8. He said Cumberland County citizens should have an opportunity to adopt first. Following some discussion it was agreed that #8 should contain language that allows all citizens, organizations, etc. to adopt animals for a fee, following the initial 72 hour holding period, for a period of time to be determined, and after that period of time any adoptable animals designated to be euthanized may be picked up by organizations at no charge.

**MOTION:** Commissioner Warren moved to approve the criteria presented, noting the amendment to #8.

**SECOND:** Commissioner Evans

**VOTE:** UNANIMOUS

MEETING ADJOURNED