

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MAY 5, 2011 –9:30 AM
SPECIAL MEETING MINUTES

MEMBERS PRESENT: Commissioner Ed Melvin, Chairman
 Commissioner Jimmy Keefe
 Commissioner Charles Evans

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
 James Lawson, Assistant County Manager
 Rick Moorefield, County Attorney
 Sally Shutt, Communications and Strategic Initiatives
 Manager
 Dr. John Lauby, Animal Control Director
 Candice White, Deputy Clerk to the Board
 Press

Commissioner Melvin called the meeting to order.

Commissioner Edge introduced Patrice Roesler, NCACC Deputy Director. Commissioner Edge stated Ms. Roesler actually came to attend the Finance Committee meeting but since that meeting had been cancelled, Ms. Roesler decided she would attend the Policy Committee meeting. Commissioner Edge stated staff at the NCACC are required to complete a certain number of training hours and as part of that, Ms. Roesler came to Cumberland County. Ms. Roesler stated she wanted to hear the county manager's budget presentation and also the public hearing on the budget, and appreciated the opportunity to follow the adoption of the Cumberland County's budget.

1. APPROVAL OF MINUTES: APRIL 7, 2011 MEETING

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS

2. DISCUSSION OF GUIDELINES FOR TEMPORARY HIRES AND PART-TIME EMPLOYEES

Rick Moorefield, County Attorney, advised Commissioner Evans had consented to rolling this item to the June 2, 2011 meeting of the Policy Committee. The consensus of the Policy Committee was to roll the item forward.

3. CONSIDERATION OF INCREASE IN SHELTER FEE SCHEDULE

James Martin, County Manager called on Animal Control Director Dr. John Lauby. Dr. Lauby stated the Animal Control department had compared its fees to fees being charged by equivalent counties across the state and fees charged by Cumberland County were considerably lower. Dr. Lauby stated the lower fees are costing the county a lot of money and the county should be receiving some remuneration from its citizens.

Dr. Lauby outlined the current and proposed fees as follows:

Current Spay / Neuter Fees:

Neuter Dog

Over 50 lbs. - \$50 / Total Adoption - \$68
\$93

Under 50 lbs. \$40 / Total Adoption - \$58
\$73

Spay Dog

Over 50 lbs. - \$75 / Total Adoption -

Under 50 lbs - \$55 / Total Adoption

Neuter Cat

Cat and Kitten - \$25 / Total Adoption - \$43
Adoption - \$58

Spay Cat

Cat and Kitten - \$40 / Total

Rabies Certificate - \$ 5.00

Microchip - \$6.00

County License - \$7.00

Euthanasia – No Charge

Recommended Spay / Neuter Fees:

Neuter Dog

Over 50 lbs. - \$65 / Total Adoption - \$93
\$117

Under 50 lbs. - \$58 / Total Adoption - \$86
- \$103

Spay Dog

Over 50 lbs. - \$89 / Total Adoption -

Under 50 lbs. - \$75 / Total Adoption

Neuter Cat

Cat and Kitten - \$40 / Total Adoption - \$68
Adoption - \$83

Spay Cat

Cat and Kitten - \$55 / Total

Rabies Certificate - \$10.00

Microchip - \$11.00

County License \$7.00

Euthanasia - \$20.00

Dr. Lauby explained the Public Health department was granted approval last year to increase the rabies vaccinations at the annual rabies clinics to \$10.00. Dr. Lauby also explained the shelter currently does not charge for requested euthanasia; however, it is a costly process when taking into consideration staff time and the drugs used for the procedure.

Dr. Lauby responded to questions regarding the fees and the associated services. Dr. Lauby stated the county has received multiple requests to raise its fees from veterinarians so they can recoup some of their losses, with the most recent request coming from the president of the local Cumberland County Veterinarians Association. Dr. Lauby also stated veterinarians have made this request over the past six to seven years and it has not been presented to committee members until now. Dr. Lauby stated he did not know the reason.

MOTION: Commissioner Keefe moved to approve the recommended fee increases at the shelter.
SECOND: Commissioner Evans
VOTE: UNANIMOUS

4. CONSIDERATION OF PROPOSED REVISIONS TO ARTICLES IV-X OF THE ANIMAL CONTROL ORDINANCE

With regard to Article III, Mr. Moorefield stated he had recommended to the Animal Control Board that the Appeal Board for Potentially Dangerous Dog declarations be reduced to three members, with at least one member being appointed by the Animal Control Board. Mr. Moorefield further stated if the Board wishes to defer to the Animal Control Board for the Appeal Board for Potentially Dangerous Dog declarations, it might consider having the Animal Control Board make all three appointments. Mr. Moorefield advised the composition of this appeal board remained an outstanding issue from Article III that must be resolved.

With regard to Article IV, Mr. Moorefield stated he had identified several sections that needed to be repealed because they were duplicative of the state statutes and regulations governing rabies control. Mr. Moorefield further stated he recommends leaving in only those sections that are specific to the county's rabies control programs since the county was responsible to enforce the state laws. Mr. Moorefield stated the article sets out that the Animal Control Director and the Cumberland County Health Director are also authorized to implement any reasonable administrative procedures necessary to enforce rabies control laws locally and the enforcement authority for this is in the general statutes. Mr. Moorefield stated rather than have the ordinance repeat what is in the general statutes, he is suggesting that Sections F – M be repealed. Mr. Moorefield stated there are no substantive changes other than removing the duplicative sections.

With regard to Article V, Mr. Moorefield stated his recommendation is to repeal the article in its entirety because kennels and pet shops are inspected and regulated by the State Department of Agriculture and Animal Control does not have the personnel to adequately inspect kennels and pet shops. Mr. Moorefield further stated the Animal Control officers have requested that the article be repealed because they do not perform this function.

Commissioner Keefe posed questions regarding what constitutes classification as a kennel. Mr. Moorefield explained the cross over from the Animal Control ordinance and the Zoning ordinance and stated within most zoning districts in the county, there is a limit on the number of pets, and if a residence goes over the limit, the residence has to be regulated as a kennel. Mr. Moorefield further explained the zoning district limitations have been working more effectively than the Animal Control ordinance because the ordinance only addresses licensing and permit requirements for kennels.

Commissioner Keefe asked whether there had been any consideration given to meshing the number of pet limitations in the zoning ordinance with the animal control ordinance. Mr. Moorefield responded that Article VI addresses the animal control aspect of the issue and explained that in addition to privilege licenses, there is a separate annual fee if an individual owns more than three (3) animals. Commissioner Keefe asked whether tying the numbers to zoning districts would make more sense. Mr. Moorefield stated the numbers are tied to zoning districts because the ordinance states “in any zoning district where the provisions of the Cumberland County Zoning Ordinance limit the number of pets to three (3) or less at a residence, the provisions of said Zoning Ordinance shall control”. Mr. Moorefield explained in some zoning districts if an individual owns more than three (3) pets, they will be regulated as a kennel under the Zoning Ordinance.

Commissioner Keefe asked Dr. Lauby whether the ordinance as written would be enforceable. Dr. Lauby responded it would be rather difficult as written and would not be enforceable. Dr. Lauby stated one of the biggest difficulties is in the city of Fayetteville because there is no limit established for the number of pets, although city residents think there is a set limit of three (3). Dr. Lauby stated the idea should be to adopt an ordinance that would set a limit such that it would not end up creating a nuisance for neighbors. Discussion followed. Mr. Moorefield stated he has not received any feedback from the City Attorney’s office regarding Articles IV-X. Discussion continued.

Mr. Moorefield stated he would prepare a table to better demonstrate and clarify the pet number of pet limitations in the county’s zoning districts. Mr. Moorefield further stated he feels the concerns as expressed have already been addressed because a resident can not have a permitted kennel in most residential districts. Mr. Moorefield also stated the same approach may be able to be applied consistently to both the city of Fayetteville and the county through their zoning districts, but he would have to check with the city regarding its zoning districts in order to confirm this. Mr. Moorefield stated one thing that needs to be kept in mind is that the county has a leash law and regardless of the number of pets, it

is still a violation if they are off of the owner's property. Mr. Moorefield stated there are also other controls contained within the ordinance.

Commissioner Keefe asked what constituted a kennel. Mr. Moorefield responded four or more animals. Commissioner Keefe asked whether an individual breeding and selling animals constituted a kennel. Mr. Moorefield responded only four or more animals constituted a kennel. Mr. Moorefield advised enforceability by counting the number of animals is easier than attempting to determine whether an owner is breeding and selling animals, which can be unclear at times. Mr. Moorefield clarified that when kennels are regulated under the ordinance, it does not mean that these are the same regulations as those from the State Department of Agriculture for breeding and selling pets.

The consensus was for Mr. Moorefield to provide further clarification during the June meeting of the Policy Committee.

With regard to Article VI, Mr. Moorefield stated he had just spoken with Dr. Lauby earlier in the day and Dr. Lauby had some good ideas about dropping Tax Administration from the enforcement of the licensing provisions. Dr. Lauby stated countywide there are approximately 27,000 to 29,000 licensed dogs in Cumberland County but there are still about 270,000 dogs not licensed; this results in over \$2 million in uncollected fees. Mr. Martin stated animals are supposed to be listed on a tax listing notice and after the animal is listed the first time, the owner will be sent a notice for the following years. Dr. Lauby stated this is based on trusting the honesty of citizens who own animals and there are tax revenues the county is not receiving because Tax Administration has no method to keep track of animals that are vaccinated or acquire tags in the county. Dr. Lauby stated Animals Control has the means and capability to do all of this with software they have implemented.

Mr. Moorefield clarified that Dr. Lauby wants to enhance the licensing system through veterinarians by having it tied to vaccinations. Mr. Moorefield stated there may be problems getting veterinarians on board but it would provide a broader way to pursue tax collections for animals. Dr. Lauby responded to questions. Dr. Lauby stated he envisions that within two to three years, Animal Control will be self sufficient and actually putting money back into the county, although the legal aspects still need to be investigated. Dr. Lauby explained tax listings would still occur in January each year but the rabies vaccine and county tag would be obtained at the same time through a veterinarian. Dr. Lauby further explained the veterinarians would collect the fees and send copies of the rabies vaccinations to Animal Control so the information could be input into their software. Mr. Moorefield advised by state law, veterinarians are required to report vaccinations to the Animal Control Director; however, there is little compliance at present and this would be the first hurdle to overcome. Dr. Lauby pointed out that raising the fees will provide some leverage for their cooperation. Mr. Moorefield stated he would have to look at the legal implications because as the statutes read, this a tax and typically a function of Tax Administration. Mr. Moorefield stated he would have to report back to the Policy Committee since this was just proposed to him earlier today.

With regard to Article VII, Mr. Moorefield advised conflicting provisions within this article created issues for the Animal Control officers and Animal Control has asked that this article be repealed because it is simpler just to enforce the leash law against owners who allow their dogs to run at large regardless of whether or not the dogs are “public hazard” dogs. Mr. Moorefield explained repealing the aggressive dog section and the public hazard dog section does not take any teeth out of the ordinance. Mr. Moorefield further explained the enforcement mechanism should be as simple as possible and this can be accomplished by going back to leash law violations, which is why his proposal is to repeal Article VII.

With regard to Article VIII, Mr. Moorefield stated there are no substantive changes proposed to this article.

With regard to Article IX, Mr. Moorefield stated there are no substantive changes proposed to this article.

With regard to Article X, Mr. Moorefield stated this article has been rewritten to establish a uniform system of penalties for both civil and criminal enforcement, to correct the stated punishment for criminal enforcement and to increase the maximum amount of the minimum civil and criminal penalties from \$50 to \$100.

Mr. Moorefield explained the primary enforcement mechanism used by the county has been through notice of violations and civil penalties, only some of which have been collected. Mr. Moorefield further explained that currently the only way to enforce civil penalties is through small claims court at a cost of \$90 and sometimes the penalties are recovered and sometimes they are not recovered. Mr. Moorefield stated if the penalties are not recovered, the county then becomes a judgment creditor because the ordinance does not provide a mechanism to address the problem.

Mr. Moorefield advised he proposes leaving in the civil penalty because sometimes it is the most prudent thing to do; however, he also proposes adding that any violation of the ordinance shall also constitute a Class 3 misdemeanor punishable by a fine of \$100 or less and imprisonment of not more than twenty days. Mr. Moorefield stated this corrects the number of days of imprisonment from the 2009 amendment and increases the fine amount. Mr. Moorefield also stated a Class 3 misdemeanor will be used as a measure of last resort for pet owners who have shown no cooperation. Mr. Moorefield explained violators will also be charged court costs and placed in a setting with a district court judge. Mr. Moorefield advised criminal enforcement is the most effective enforcement mechanism the county can have for continuing violations for which there are no other resolutions.

5. OTHER ITEMS OF BUSINESS

Discussion ensued regarding whether the Board of Commissioner’s committee meetings should all be noticed to begin at 8:30 am or as soon as the preceding meeting is completed because of variances in the length of the committee meetings.

Commissioners, media, staff, citizens and presenters were taken into consideration during the discussion. The consensus was to leave the regularly scheduled committee meeting times as is.

Mr. Martin advised that the Bladen County Board of Commissioners may have approved a bulk water purchase agreement with Cumberland County for the Southpoint subdivision. Mr. Martin stated pending the Bladen Board's approval, he would like to place the agreement directly on the Board's agenda without taking it through the committee first. Mr. Moorefield explained whether or not Southpoint will remain a part of the Gray's Creek Water and Sewer District will likely depend on the availability of the state's revolving loan fund. Mr. Moorefield stated the loan's availability should be known by the end of May so the agreement needs to be in place. Mr. Moorefield further explained if the loan is available, it will allow Southpoint to move forward ahead of the rest of Gray's Creek. The consensus was to approve Mr. Martin's request.

There were no additional items of business.

MEETING ADJOURNED AT 10:35 AM