

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
OCTOBER 6, 2011 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe
 Commissioner Charles Evans

MEMBERS ABSENT: Commissioner Ed Melvin, Policy Committee Chair

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
 Amy Cannon, Deputy County Manager
 James Lawson, Assistant County Manager
 Rick Moorefield, County Attorney
 Sally Shutt, Communications and Strategic Initiatives
 Manager
 Dr. John Lauby, Animal Services Director
 Bryan Leonard, Fayetteville City Attorney’s Office
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES: SEPTEMBER 1, 2011 MEETING

MOTION: Commissioner Evans moved to approve the minutes as presented.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF PROPOSED REVISIONS TO ANIMAL CONTROL
 ORDINANCE

Commissioner Keefe called on James Martin, County Manager, who asked Rick Moorefield, County Attorney, and Dr. Lauby, Animal Services Director, to discuss revisions to the animal control ordinance.

Mr. Moorefield stated the basic ordinance provisions are still the same. Mr. Moorefield referenced the information below which lists the sections where substantive changes are proposed:

- Section 3-17.A – Clarifies that all hybrids of wild and exotic animals are to be included in the definition of wild and exotic animals. This would make the bear

at Jambbas Ranch subject to the ordinance. The existing ordinance also requires Jambbas Ranch to register and obtain a permit from the Animal Control Director for exemption as a zoo or zoological park. Unless Jambbas Ranch applies for a permit, it would be in violation of the permit requirement.

- Section 3-22 – Modifies the existing requirement for spaying and neutering dogs and cats released from the shelter to adoptive or existing owners. Requires that all released dogs and cats be spayed or neutered within a time limit established by the Animal Control Director. Does not require the animal control department to cause the animals to be spayed or neutered but makes the owner’s failure to do so a violation.
- Section 3-23.J – Requested by the Animal Control Board to regulate the transportation of animals in the beds of pickup trucks.
- Section 3-25(c) – Clarifies that the Animal Control Director is to determine what level of training is appropriate for Animal Control Officers using firearms.
- Section 3-51.B – This section is essential to avoid double taxing anyone who listed and paid tax for 2011.

Commissioner Evans stated he would like to see a stipulation on the size of the container that houses bears at any facility. Commissioner Keefe stated he feels it would be difficult to single out cage requirements for one breed. Questions and discussion followed. Mr. Moorefield stated it is critical to get a good working ordinance on the books. Mr. Moorefield further stated he can modify the language in the ordinance to give the animal control director the discretion to make reasonable requirements for the housing of zoo animals; the committee agreed this would address their concerns. The consensus of the committee was for Mr. Moorefield to modify the language in the ordinance to give the animal control director the discretion to make reasonable requirements for the housing of zoo animals.

Questions and discussion followed in reference to Section 3-22. Commissioner Edge stated he did not agree with Section 3-22.B. Commissioner Edge further stated he does not feel pet owners should have to spay or neuter their animal if their animal accidentally gets loose from their yard and is picked up by Animal Control; the committee agreed. Mr. Moorefield suggested they eliminate Section 3-22.B completely and re-word Section 3-22.D to read “the failure of any owner adopting an animal to comply with this Section shall constitute a violation of this Section”.

Mr. Moorefield stated Section 3-23.J is a new section requested by the Animal Control Board that regulates the transportation of animals in the beds of pickup trucks. Dr. Lauby stated animal control officers are not police officers and do not have the authority to stop trucks driving down the road. Commissioner Keefe stated it would be very difficult to enforce this section and he does not want to agree to an ordinance that is not enforceable.

Commissioner Edge agreed with Commissioner Keefe. The consensus of the committee was to remove Section 3-23.J from the ordinance.

Discussion and questions followed in reference to Section 3-25(c). The consensus of the committee was to leave it as presented by Mr. Moorefield.

Mr. Moorefield referenced Section 3-51.B; he stated it makes it clear that anyone that listed and paid the pet tax in 2011 would not be subject to this additional pet tax. Discussion and questions on the pet tax followed. The committee asked for clarification on who will be responsible for collecting the pet tax at the next Policy Committee meeting.

Commissioner Keefe expressed concern about people living on an acre with three dogs and people living in an apartment with three dogs and stated it seems unrealistic to have the same set of standards in an apartment that you have in a single family home on one-half acre or even on one-quarter acre. Commissioner Keefe further stated he would like compatible zoning for the county and the city that mostly deals with multi-family homes so a limit can be placed on the number of animals. Mr. Moorefield advised the only way to address the concern is to place a limit on the number of animals in multifamily housing regardless of the zoning jurisdiction. Commissioner Keefe asked Dr. Lauby if he could enforce this. Dr. Lauby stated if it is a part of the ordinance, it would not be a problem. Mr. Moorefield explained this type of provision would have to be placed under the nuisance section because it is the same sort of issue as barking dogs. Mr. Moorefield stated although it would be difficult for Animal Control to enforce, it could be handled through the process in which the complainant has the option to take out a criminal summons.

Commissioner Keefe requested input from Bryan Leonard of the Fayetteville City Attorney's Office. Mr. Leonard stated the way the ordinance is currently drafted will allow it to be applied within the city limits.

The consensus of the Policy Committee was for all the revisions to be made and brought back to the next Policy Committee meeting on November 3, 2011.

3. OTHER ITEMS OF BUSINESS

There were no further items of business.

MEETING ADJOURNED AT 11:50 AM