

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JANUARY 5, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman
 Commissioner Charles Evans
 Commissioner Jimmy Keefe

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge
 Commissioner Ed Melvin

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
 David Steinmetz, Senior Zoning Administrator, City of
 Fayetteville
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Melvin called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

MOTION: Commissioner Evans moved to appoint Commissioner Council as
 chairman of the Policy Committee.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (3-0)

2. APPROVAL OF MINUTES: OCTOBER 6, 2011 MEETING

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF PROPOSED REVISIONS TO ANIMAL CONTROL
 ORDINANCE

Rick Moorefield, County Attorney, referenced his memo, “Revision of Animal Control Ordinance”, which was given to the Policy Committee. Mr. Moorefield stated since the ordinance is so lengthy he will only provide a summary of the proposed significant changes listed below:

- *Sec. 3-1: Animal Control Department Established.* The name of the department is changed from Animal Services to Animal Control throughout ordinance.
- *Sec. 3-5: Dangerous Dog Appeal Board Established.* This section was moved from Article III. The Board consists of three members appointed by the Animal Control Board from its members, rather than existing full Animal Control Board. The quorum consists of only two members. The manner in which hearings are conducted is specified with director’s case to be presented by the county attorney.
- *Sec. 3-10: Definitions.* Terms no longer used in the ordinance have been omitted.
- *Sec. 3-15: Nuisance Animals; Complaint Procedures.* Nuisance complaints, such as barking dogs, are some of the most frequent complaints and officers typically cannot verify the complaint. The new ordinance provides that enforcement shall be solely by the complainant obtaining a criminal summons. These complaints have created public relations problem with citizens who are not willing to testify against their neighbors and will not accept that animal control officers cannot testify with only hearsay evidence.
- *Former Sec. 3-17: Dogs Prohibited from Park Trails.* This has been repealed because it has never been enforced and city provides scooper bags at the trails.
- *Sec. 3-17: Keeping of Wild or Exotic Animals.* The new ordinance expands the definition of wild or exotic animals to include all hybrids, otherwise, same as existing ordinance.
- *Sec. 3-22: Spaying or Neutering as Condition for Adoption of Dogs and Cats; Violations.* No changes other than length of post-adoption time period to obtain spay or neuter will be left to the discretion of the director.
- *Sec. 3-23: Keeping of Animals; Mistreatment, Abandonment Prohibited; Care; Restraining of Dogs; Exercise Area for Dogs.* Significant change in enforcement of anti-tethering provision which will allow Animal Control to seize a dog which has been tethered for fourteen (14) days after receiving notice of violation.
- *Sec. 3-25: Apprehension of Wild Dogs.* This establishes that the director must determine officers have adequate training to use firearms, otherwise, no significant changes.

- Sec. 3-26: *Regulation of the Number of Dogs and Cats which may be kept on certain Premises*. New provision which limits the number of dogs and cats which can be kept at residences with residential zoning classifications of R20 or less (less than one-half acre) and in any multi-family dwellings. No longer dependent on zoning regulations.
- ARTICLE III. *DANGEROUS DOGS*: This article was significantly changed by eliminating classifications of aggressive and vicious dogs which were in addition to dangerous dogs, lessening the severity of the injury required in a bite or attack to declare a dog “potentially dangerous,” and increasing the liability insurance requirements for owners of dangerous dogs from \$100,000 to \$200,000.
- Former ARTICLE V. *KENNELS; PET SHOPS*: was repealed because it was not being enforced.
- ARTICLE V. *LICENSING OF DOGS AND CATS*: Although there has been much discussion on going to a “pet license” approach like that in New Hanover County, the new ordinance continues the present privilege license. The only significant change is the elimination of the additional tax on keeping more than three dogs or cats. Dr. Lauby reports this additional tax was not understood and not enforced. The current ordinance language does give the Tax Administrator the flexibility to delegate some of the duties to the Animal Control Director. Animal Control has software in place which enables non-listed dogs and cats to be identified when they are vaccinated and is using this information to enforce additional listings and penalties. Dr. McNeil, the New Hanover County Director of Animal Control, reported that New Hanover’s program was successful because 90% of the pet license fees were collected by the veterinarians. Dr. Lauby reports that level of participation by the local veterinarians is not likely at this time.
- ARTICLE VIII: *MISCELLANEOUS*. No significant changes in this Article other than addition the last section at the request of City of Fayetteville.
 - Sec. 3-85: Provisions only applicable within the corporate limits of any municipality in which this ordinance is applied.

Brian Leonard, Assistant City Attorney for the City of Fayetteville, requested that the Board of Commissioners consider this draft without formally adopting it at this time to afford an opportunity for further input from the City Council once they have formally reviewed the final draft.

MOTION: Commissioner Council moved to approve the Animal Control draft as presented by the county attorney.
 SECOND: Commissioner Evans
 VOTE: PASSED (2-1) (Commissioners Council and Evans voted in favor; Commissioner Keefe voted in opposition)

Commissioner Keefe stated he was voting against the proposed ordinance at this time due to the licensing and fees section. Commissioner Keefe further stated his concern is that the county was foregoing an opportunity to enhance revenue for the Animal Control department by not implementing the New Hanover County style of pet licensing.

4. PROPOSAL TO CONDUCT BACKGROUND CHECKS ON INDIVIDUALS WANTING TO ADOPT FROM SHELTER

Dr. Lauby stated Animal Control does not have the money to conduct background checks on individuals wanting to adopt from the shelter at this time. Dr. Lauby further stated he will look into a more extensive questionnaire for individuals interested in adopting pets and forming a volunteer group that can go out to individual's houses to make sure they are suitable for adopting animals.

5. APPOINTMENT OF A COUNTY ATTORNEY TO THE CAPE FEAR VALLEY HOSPITAL SYSTEM BOARD OF TRUSTEES

Commissioner Evans stated he would like to remove this item from the agenda, since it had been placed there at his request, and instead discuss another matter under Item 6.

6. OTHER ITEMS OF BUSINESS

Commissioner Evans stated he would like to see the Board consider having the chair of each committee provide a report at the following commissioners' meeting. Commissioner Evans also stated this would lend greater transparency to citizens who watched the televised board of commissioners meetings, and might be more informative for some of the individual commissioners. Discussion followed.

Commissioner Keefe stated he would like to see the individual committees re-established as a work session so all issues could be discussed by all commissioners.

Commissioner Council stated all committee meetings are open to the public and the press, and suggested placing the matter on the agenda for the Board's retreat for discussion by the full board.

MOTION: Commissioner Evans moved to recommend to the full board of commissioners that all committee chairs provide a full report to the board of commissioners at the next board meeting following the committee meetings.

Motion died due to lack of a second.

There were no further items of business.

MEETING ADJOURNED AT 12:10 PM