

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MAY 3, 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 Marshall Faircloth
Commissioner Billy King

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications and Strategic Initiatives
Manager
Dr. John Lauby, Animal Control Director
Brian Leonard, City of Fayetteville
Brian Meyer, City of Fayetteville
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – APRIL 5, 2012

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

2. CONSIDERATION OF PROPOSED REVISIONS TO ANIMAL CONTROL
ORDINANCE

Rick Moorefield, County Attorney, stated at the February 21, 2012 meeting, the Board of Commissioners directed the following two changes to the draft animal control ordinance:

- (1) Section 3-20 – Should include a grandfathering provision for owners currently possessing more than three (3) dogs; and

- (2) Article V – on pet licensing should sunset at the end of 2012 with a New Hanover County style pet licensing system to become effective on January 1, 2013.

Mr. Moorefield stated these two changes have been made to the draft animal control ordinance. Mr. Moorefield further stated since the February meeting, several other recommendations for additional changes have been made and have been incorporated into the draft animal control ordinance as follows:

- Section 3-15: Nuisance Animals. Dr. John Lauby, Animal Control Director, has requested that this section of the proposed draft be completely re-written. The existing ordinance provides that Animal Control may take action to abate any specified nuisance caused by an animal. Enforcement is complaint driven. The existing nuisance is extremely difficult to enforce because by the time Animal Control arrives at the location of the complaint, there is no nuisance occurring and complainants have generally been unwilling to testify in any enforcement action. When the re-write of the ordinance was commenced in March of 2011, the county attorney recommended, and Dr. Lauby agreed, that nuisance enforcement should be the sole responsibility of the complainant. Dr. Lauby has now requested that nuisance enforcement be modeled after the system in Brunswick County. This makes nuisance enforcement the sole responsibility of Animal Control. This will require significantly more officer-time because the officer will have to make the nuisance determination from his or her own observations, not from the report of a complainant. Dr. Lauby reports that Animal Control now provides service twenty four (24) hours per day so it will be possible for officers to respond to the late night complaints and deal with the complaints directly, rather than responding hours later when the owner of the nuisance animal is not home.
- Section 3-19(e): Penalty for dog biting while at large. This section has been eliminated in the interest of streamlining the penalty provisions. The county attorney recommends, and Dr. Lauby agrees, that it is simpler and just as effective to cite for the underlying violation of the dog being at large.
- Section 3-26: Limits on the number of dogs kept on residential premises in zoning classifications of 20,000 square feet or less. All existing dogs which are in compliance with the existing ordinance are grandfathered under the new provision. Commissioner Keefe requested that cats be removed from the limitation.
- Section 3-35(h): Liability insurance requirements for owners of dangerous dogs. Existing ordinance requires \$100,000 liability coverage. Dr. Lauby recommended that this be increased to \$200,000 in the new ordinance. After checking with some insurance providers, Dr. Lauby believes that amount may simply not be available to most homeowners. Dr. Lauby and the county attorney recommend this limit be reduced to \$50,000.
- Section 3-40: Rabies control. Dr. Lauby requested that ferrets be included with dogs and cats for required rabies vaccinations and that the state law requirement that persons administering vaccines must provide vaccination certificates both be added to the draft.

- Article V: Pet licensing. Existing draft provisions will sunset on December 31, 2012 and New Hanover County style system will become effective on January 1, 2013.
- Section 3-75: City provisions. Final draft of provisions requested by City of Fayetteville is included in this draft. City staff states city does want single ordinance effective in both jurisdictions for ease of administration and enforcement. Assistant City Attorney Brian Leonard has been very involved in developing the ordinance.

James Martin, County Manager, asked Mr. Moorefield to explain the New Hanover County style system for pet licensing. Mr. Moorefield stated instead of citizens listing their pets on a listing form every January with the tax collector, they will be required to pay the pet license fee to their veterinarian when the animal gets the annual rabies vaccination. Mr. Moorefield further stated veterinarians will retain a portion of the fee as an administrative cost for taking on this responsibility. Mr. Moorefield stated the actual cost of the fee has not been adopted at this time. Mr. Martin asked if all of the veterinarians in the county have agreed to take on this responsibility. Dr. Lauby stated not all of the veterinarians have agreed to do this but several have. Dr. Lauby stated within five years New Hanover County had all veterinarians collecting the license fee voluntarily. Mr. Moorefield responded to a question by stating the new ordinance will require veterinarians to collect the pet license fee. Dr. Lauby stated once all the details have been worked out, he will communicate with the veterinarians in writing exactly what their responsibilities are.

Commissioner Keefe asked how the license fee would be collected if a pet is given the three-year rabies vaccination. Dr. Lauby stated at this time the veterinarian will only be responsible for one year of the pet license fee and Animal Control will be responsible for billing and collecting the second and third year pet license fee. Dr. Lauby stated pet owners will only be responsible for one pet tag instead of two pet tags. Dr. Lauby stated if a pet owner refuses to pay the pet license fee it will then be Animal Control's responsibility to address the situation, not the veterinarian's.

Commissioner Faircloth asked if the new pet licensing system would result in an increase in Animal Control revenue. Dr. Lauby stated he expects to quadruple the amount of money collected from the new system within five (5) years. Commissioner Council asked Dr. Lauby if Animal Control has enough personnel to handle the nuisance animals and the pet licensing. Dr. Lauby stated he does not have enough personnel at this time but has made the request for additional personnel to the Board of Commissioners.

Mr. Moorefield stated he strongly recommends this ordinance to the Policy Committee.

MOTION: Commissioner Keefe moved to accept the revisions of the Animal Control Ordinance as presented by the county attorney and to present the Animal Control Ordinance to the full Board for approval.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

3. OTHER ITEMS OF BUSINESS

Mr. Moorefield stated he received a request from Chairman Faircloth that he make a presentation to the Policy Committee about whether a policy should be put into place that would address an individual commissioner using county resources to promote their individual efforts and conducting activities, such as holding public meetings, which might be construed as representing the full Board's position on that issue.

Mr. Moorefield further stated he originally advised that this should be considered as an attorney-client matter in closed session because he was not sure what specifics might be discussed and whether this might involve discussion of any complaint by an employee that must be considered in closed session. Mr. Moorefield further advised that he was not sure what direction this discussion would take and he did not want to advise the Policy Committee in open session about the legal implications of any policy that the Committee might choose to recommend. Mr. Moorefield stated after hearing Commissioner Evans' concerns that this be discussed in open session, he agreed that this could be discussed in open session as long as the discussion did not involve a complaint by any specific employee. Mr. Moorefield cautioned the Policy Committee to remain aware of potential personnel issues during any discussion.

Mr. Moorefield stated the issue as he understood it was whether a policy should be put into place with regard to individual commissioners requesting staff time to work on their individual goals without the support of the full Board. Mr. Moorefield stated it would violate the Board's ethics policy for commissioners to ask staff to do things that are totally personal and unrelated to county business. Mr. Moorefield further stated staff may be put in the situation where an individual commissioner asks them to organize and attend a meeting for a purpose which staff knows is not the Board's purpose. Mr. Moorefield stated the Board needs to decide if that is an acceptable practice. Mr. Moorefield stated it puts staff in the middle if one commissioner directs them to work on something that another commissioner does not agree with. Mr. Moorefield stated there is a perception that because a commissioner is holding a meeting that it is a County Board of Commissioners' meeting. Mr. Moorefield further stated a single commissioner can not do anything on behalf of the Board of Commissioners, including the use of the county seal on any document. Mr. Moorefield stated if the Board sees fit, it could adopt a policy which addresses the use of county resources, such as staff time or the use of the courthouse. Mr. Moorefield stated if the Board would like to adopt a full policy he would need direction as to what the policy should include.

Commissioner Keefe stated the public tends to believe if one commissioner says something it automatically becomes the position of all the Board of County Commissioners. Commissioner King stated the commissioners need to use good judgment and common sense. Commissioner King stated they have never needed a policy in the past, but if it is a problem, it needs to be dealt with. Mr. Moorefield stated a good example of how the use of county resources might impact a small department, such

as the legal department, would be when an employee is asked to do work or attend a meeting by an individual commissioner, that work activity would create compensatory time off for the employee.

Commissioner Evans stated he does not make any commitments on behalf of the Board of Commissioners. Commissioner Council stated there is a lot of staff time involved in calling an individual commissioner's meeting. Commissioner Council further stated she does not feel it is appropriate for individual commissioners to use staff time to set up and prepare for meetings. Commissioner Council stated the commissioners should respect the Chairman as the Board's leader, and should run things by the Chairman and obtain his or her approval. Commissioner Keefe stated he feels if an individual commissioner wants to set up a meeting without going through the Chairman they should have an obligation to do their own mailings, to secure their own location, and not put it on staff unless there is a consensus from the full Board.

Commissioner Faircloth stated he is extremely careful not to speak for the full Board unless he knows there is a majority behind him. Commissioner Faircloth further stated this Board is a very close knit team of elected officials with a team spirit and team attitude. Commissioner Faircloth stated he felt the group needed to talk about this issue to keep the team together. Commissioner Faircloth stated if an individual commissioner has the need to do something individually, they should strive to keep the other commissioners in the loop. Commissioner Faircloth stated they need to be careful as individuals how they use county resources and county staff. Commissioner Faircloth stated he thinks a policy may be needed because some individual commissioners are using more staff time than other commissioners, and this may create an issue between the commissioners.

Commissioner Edge stated the main issue is staff's time and if every individual commissioner called a meeting, it would take up a significant amount of time. Commissioner Edge stated he does not feel an individual commissioner has the authority to call a meeting in the courthouse or any county owned facility. Commissioner Edge stated staff are always accommodating to all commissioners, but there needs to be control and understanding.

After further discussion, it was the consensus of the Policy Committee that this issue had been sufficiently discussed for each commissioner present to know that the individual activities of commissioners should be carefully considered so that actions do not reflect on the Board nor cause hardship for staff. The Policy Committee determined that no action was necessary at this time; however, the matter could be revisited should the need arise.

MEETING ADJOURNED AT 12:17 PM