

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MARCH 30, 2006

The Henderson County Board of Commissioners met for a special called meeting at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Shannon Baldwin, County Manager Steve Wyatt, County Attorney Russ Burrell, and Clerk to the Board Elizabeth Corn.

Also present were: Deputy Clerk to the Board Amy Brantley, Fire Marshal Rocky Hyder and Animal Services Director Morgan Woodward.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. The purpose of the meeting was a public hearing and workshop on the draft Animal Control Ordinance.

ADOPTION OF THE AGENDA

Commissioner McGrady made the motion to approve the agenda. All voted in favor and the motion carried.

STAFF PRESENTATION

Rocky Hyder provided a brief presentation about the proposed Ordinance amendment. The amendment as written was designed to be enforced on a complaint driven basis. The animal services committee views the amendment as a tool to resolve problems, and allows staff the ability to do that. There are exceptions in the amendment for livestock control, hunting, exhibitions and kennel club activities, and law enforcement activities. The code enforcement cycle would begin with an opportunity to educate the public. The second offense would allow staff to give a civil penalty if circumstances warranted, and the third offense would allow staff to pursue equitable remedies, such as a court injunction. The rabies tag violation was an exception to these situations. If an animal were found without a rabies tag, staff would attempt to contact the owner and take measures to ensure the animal had the appropriate vaccination.

Chairman Moyer clarified that the ordinance applied to the unincorporated parts of the county, as well as those municipalities who wished to incorporate the ordinance.

PUBLIC INPUT

Commissioner McGrady made the motion to go into public hearing. All voted in favor and the motion carried.

- 1. Rick Livingston** – Mr. Livingston spoke with regards to hunting dogs, stating that hunting dog owners are very responsible as those dogs are quite expensive. He did not feel hunting dogs should be held to the same standards as other dogs.
- 2. Stephanie McNabb** – Ms. McNabb expressed concern about the complaint driven nature of the ordinance, and the enforceability of the ordinance given the number of staff at animal control.
- 3. Sara Huggins** – Ms. Huggins stated that she looked forward to getting some relief from wandering animals. She was generally in favor of the ordinance, but did not feel that she should have to fence in her property if her animals stayed on her property.
- 4. Mitchell Redmon** – Mr. Redmon did not feel there was a need for a law to control animals in the County. He felt tax dollars would be better spent addressing crime in the County.

DATE APPROVED: _____

5. **Mary Rose** – Ms. Rose stated that packs of dogs run in her neighborhood, dig in her yard, prevent her from walking or putting out her garbage. She felt that caring pet owners would not allow their pets to roam free to be hit by cars.
6. **Diane Gilliland** – Ms. Gilliland questioned what the crime rate in the County would increase to if all dogs were confined. She also expressed concern about neighbors using this issue to settle old grudges. She felt that there were plenty of places for walkers or joggers, and the County should let homeowners associations deal with this issue.
7. **Linda Gilbert** – Ms. Gilbert felt that her dogs helped protect her horses and cattle. She was opposed to the ordinance.
8. **Tom Smith** – Mr. Smith stated that in his area, he was unable to walk without being chased and growled at by dogs. While most dogs in the neighborhood were well restrained, there was always one who would dig up the flower beds and the owner would do nothing. He was in favor of the ordinance.
9. **Diane Kucha** – Ms. Kucha felt that while there were valid arguments on both sides of the issue, it boiled down to irresponsible pet owners. She feared for herself and her dog with respect to loose dogs, which had attacked her while walking.
10. **Martin Spielsock** – Mr. Spielsock stated that he had recently moved to the County, and was struck by the number of dogs roaming unattended. He did not understand how people could feel comfortable knowing their dogs were just out roaming around.
11. **Amanda Pace** – Ms. Pace stated that her dog protected her, her children and her property. She felt that law enforcement should not be the ones to take calls about animals, and that animal control should enforce the laws already in place.
12. **Larry McKay** – Mr. McKay stated that the County just doesn't need another ordinance. If dogs are fenced or tied up, he expected that the crime rate in the County would rise. Each time the County passes an ordinance, in some way freedom is restricted.
13. **Rita Metcalf** – Ms. Metcalf stated that she had about 100 guineas and chickens, and had dogs to protect them. She had an acre fenced in for her dogs, but that still didn't satisfy some of her neighbors.
14. **Dorothy Freeman** – Ms. Freeman stated that she had dogs on her farm, and when she went down to plow her fields. Her dogs are her protectors. She did not feel that the ordinance was necessary.
15. **Suzanne Morton** – Ms. Morton stated that she was opposed to the ordinance for all the reasons mentioned by previous speakers.
16. **Robert Decher** – Mr. Decher was not present when his name was called.
17. **Pam Hodges** – Ms. Hodges stated that she had 60 acres, and did not feel she should have to fence in all her property if her animals stayed on that property. She also noted that there was a huge movement in the country to take away all freedoms, such as forcing spay/neuter and banning certain breeds. The number one way to prevent freedoms being further eroded was by having a leash law. She was in favor of the ordinance.
18. **Babs Newton** – Ms. Newton stated that she walked with a stick because she and her dog, which she walks on a leash, are frequently attacked by dogs when walking on public roads. She was in favor of the ordinance.

19. **Theron Maybin** – Mr. Maybin stated that when children play with dogs, it's hard to do when the dog is on a leash. He felt that dog owners and neighbors could work together in an honorable fashion.
20. **Judie Sloan** – Ms. Sloan stated that she'd had the experience of having a dog come in her yard and kill her cat, and her dog being attacked while on a leash. She'd also had the experience of having her dog fenced up and having walkers tease her dog. She did not feel that if a dog remained on its property, that it should have to be fenced or on a lease. The issue that had to be addressed was dogs off their own property causing a nuisance.
21. **Ron McNabb** – Mr. McNabb did not wish for people moving into the county to be able to change everything to suit themselves. He felt that animal control officers should be doing a better job to enforce the laws currently in place.
22. **Dick Baird** – Mr. Baird warned the Board to be aware of unintended consequences that were probable if the ordinance were enacted.
23. **Jae McLaughlin** – Mr. McLaughlin stated that he'd owned several dogs in his life, and the only one that lived long enough to die a normal death was one that he kept in a fenced yard. He felt that pet owners should be responsible to take care of their pets.
24. **Joann Turner** – Ms. Turner addressed an incident her mother had recently with a rabid fox, and the problems experienced with trying to get animal control to the scene.
25. **Jane Shelley** – Ms. Shelley felt the bite of the law should be on the owner rather than the dog. She asked that the Board consider responsible versus irresponsible pet owners.
26. **Jim Sherry** – Mr. Sherry agreed that owners need to be responsible for their dogs. He also felt that dogs must be under voice control or leash.
27. **Norah Schumacher** – Ms. Schumacher stated that she had recently moved here from Los Angeles to have some more freedoms. Neighborhoods that have bands of wild dogs should be taken care of, but she did not feel this ordinance would take care of that type problem.
28. **Linda Gilbert** – Ms. Gilbert commented on packs of wild dogs roaming. She felt those dogs could be trapped by animal control and dealt with by contacting their owners.
29. **Iradj Khalkhai** – Mr. Khalkhai stated he was tired of packs of dogs roaming his neighborhood. In many instances these dogs did not have tags, therefore the owners could not be contacted.
30. **Robert Kaufil** – Mr. Kaufil questioned the need for Section B of the proposed ordinance, which dealt with fencing, or restraining an animal on its own property.
31. **Deb Foster** – Ms. Foster had a poor experience with animal control recently concerning a dog she had adopted which her neighbor had reported for trespassing. She felt that animal control should have a means of trapping wild dogs that cause problems, rather than punishing responsible dog owners.
32. **Mitchell Redmon** – Mr. Redmon stated that there were already legal means to solve any problems that anyone had with animals. He felt those means should be pursued rather than enacting a leash law.

Commissioner McGrady made the motion to go out of public hearing. All voted in favor and the motion carried.

DISCUSSION

Rocky Hyder addressed the Board stating that he had concerns about the customer service issues mentioned. He requested that anyone who had concerns about customer service contact him following the meeting. He answered several questions from the Board about the current standard operating procedures employed at animal services. Morgan Woodward noted that when a call comes in, the complaint is logged on an investigation form. There is no tally taken of those complaints, and the information is not currently being incorporated with GIS. The forms are not numbered, but each complaint is filed by address. Staff tries to make contact with both the caller and the person whom the complaint was made against on each call.

Commissioner McGrady stated that a lot of information had been received, and he felt he needed to go back and take another look at the ordinance. If the Board does adopt an ordinance, he felt the Board should narrowly define what is being controlled. His concern with the present draft was that it could be over broad. He had trouble feeling that the ordinance should be applicable in an area like Green River, but did understand the need for it in the urban areas of the county.

Chairman Moyer agreed with the speaker who questioned Section B of the Ordinance. He stated that he would like to see an ordinance without Section B, but that the main issue was to be able to control dangerous dogs. He did not wish however, to create a problem whereby the County would spend time enforcing issues where there weren't really problems to the detriment of where there really are dangerous situations. He requested the County Manager and staff work on the draft in that light.

Commissioner Baldwin stated that though he grew up in the County and had dogs, the County was changing. There were more people in the County now, and more people and dogs per acre. There were also now different types of breeds that tended to be associated with a high risk of violent attack. In incidences involving this type of dog, he didn't feel there should be second chances. He also expressed concern that Section B was attempting to micromanage how people controlled their pets, and felt that section could be reworked.

Commissioner Young agreed that Section B could be reworked, but that there was a problem in the County. He felt the animal services should start keeping a good log on calls, and suggested delaying action on the ordinance for 90 days to allow time for an education program. If the education period worked, then he believed the community could work together. If it didn't though, he believed the Board needed to pass a strict ordinance.

Commissioner Messer stated that he felt the problem lay with the small percentage of residents that did not take responsibility for their animals. He requested that county residents work together to try to make the county a better place to live.

Commissioner McGrady stated that regarding some of the language in the draft, he did not wish to have a ferret ordinance or leash cats.

Steve Wyatt noted that the State legislature had set up a process to deal with dangerous dogs, but unfortunately it only dealt with incidences after the fact. He felt he was hearing the Board say they wished to look at a common sense approach to prevention. Staff will revisit the draft ordinance, and bring back to the Board the ramifications of the State's dangerous dog law for review.

ADJOURN

Commissioner McGrady made the motion to adjourn the meeting. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman