

**DRAFT**  
**MINUTES**

**STATE OF NORTH CAROLINA**  
**COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS**  
**DECEMBER 11, 2007**

The Henderson County Board of Commissioners met for a special called meeting at 6:00 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 Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Communications Officer Pam Brice, Research/Budget Analyst Amy Brantley, Associate Attorney Sarah Zambon, and Animal Services Director Brad Rayfield.

**CALL TO ORDER/WELCOME**

Chairman Moyer called the meeting to order and welcomed all in attendance. He recognized Sarah Zambon to give an overview of the Animal Ordinance Amendments.

**OVERVIEW OF ANIMAL ORDINANCE AMENDMENTS**

Sarah Zambon gave a Power Point presentation as follows, giving more detail to many sections:

**Process**

- Staff drafted revisions in May
- Reviewed by Animal Services Committee in July
- Staff revised based on public input and Committee comments
- Re-reviewed by Animal Services Committee in October with focus on spay-neuter section
- Presented to Board of Commissioners in November

**Summary of Revisions and Additions**

- Definitions
- Public Nuisance
- Rabies Vaccination
- Mistreatment
- Purpose
- Role of Animal Services Committee
- Dangerous Dog
- Enforcement
- Livestock Article – NEW
- Spay-Neuter Program – NEW

Ms. Zambon explained that a lot of these changes were just clarifications or based on problems that Animal Services or the Sheriff's Office had seen in regard to animals.

**Non-Substantive Changes**

- Definitions S66A-1 (p.1-5)

DATE APPROVED \_\_\_\_\_

- Public Nuisance S66A-8 (p.7-8)
- Mistreatment of Animals S66A-11 (p. 13-14)
- Rabies Vaccination S66A-51 (p. 22-23)

#### **Clarifying Role of Animal Services**

- Purpose S66A-2 (C) (p.5)
  - Protect the public
  - Prevent AbuseBased on State Law
- Role of Animal Services Committee S66A-3 (p.5)
  - Makes recommendations on Ordinance, Animal Services Center and procedures

#### **Revision of Enforcement Measures**

- Dangerous Dog Provisions S66A-10 (p. 8-13)
- Impoundment S66A-14 (p. 15-16)
- Relinquishment S66A-15 (p. 17)
- Violations and Penalties S66A-19 (p. 17-20)
- Livestock Section S66A-94 (p. 33-34) This section is new and is based on problems that the Sheriff's Department has seen. It is also based on State Law and what other local ordinances do regarding livestock.

#### **Spay-Neuter Program S66A-59 (p. 27-30)**

- Applies to: Cats and Dogs 4 months old and older (p. 27)
- Three Components
  - Outreach, Education and Assistance (p. 28)
  - Adoptions (p. 27)
  - Enforcement (p. 29)
- Exemptions (p. 29)
  - Law enforcement
  - Service Animals
  - Herding/Guarding
  - Hunting breeds
  - Show dogs
  - Medically unreasonable

#### **Spay-Neuter Outreach, Education and Assistance**

- Outreach and Education: Advocacy, special events, and education by Animal Services Officers
- Assistance: Vouchers, boarding and partnership with Humane Alliance

#### **Spay-Neuter Program: Adoptions**

- Adoptions and Fosters (p. 27)
  - Henderson County Animal Shelter
  - Nonprofit Organizations
  - Requires proof of alteration
  - No public giveaways

- Impoundment (p. 27)
- Dangerous Dogs (p. 28)

### **Enforcement of the Program**

- Only enforced when there is another existing violation (p. 29)
- Three Strikes Policy (p. 29)
  - First Contact: Determination of exemption and education
  - Second Contact: \$100 fine
  - Third Contact: Impoundment and alteration

Ms. Zambon stated that the goal of this program is to focus on the animals that are problematic for the county and that animal services encounter time and time again. It is not to target against responsible pet owners. This is similar to what they have in Buncombe County.

### **Questions from the Board**

- Q. Chairman Moyer stated that there was a lot of concern from the Board (p. 27) concerning impoundment – that if a well behaved, not dangerous dog happened to get loose and get picked up, that you could not get it back unless it was spayed or neutered?
- A. Ms. Zambon stated that is how the ordinance is currently written; however, this Board would have options to change that. The Animal Services Committee has not revisited this issue.
- Q. Commissioner Messer asked her to talk a little bit more about the grant, how much is it, the length of the grant?
- A. Ms. Zambon stated that we applied for the grant approximately a year ago and the basis of the grant was to provide assistance to low income people to have their animals altered. Brad Rayfield said that the grant is for families with a combined income of \$25,000 or less. It has been in effect since July and up to this point we have only utilized \$1,250 of the \$10,000 grant that's renewed annually. He said that we are charged with some education and outreach in that respect. The grant is sponsored through Pet Smart.
- Q. Commissioner Williams asked about the livestock portion, stating that focus has been on the spay/neuter part of it. This is certainly part of the ordinance as well. Have others had an opportunity to look at that?
- A. Sarah Zambon stated that the Animal Services Committee did look at that section in its entirety and have not changed anything in that section. They looked at it at the July meeting. In addition, the Sheriff's Department has also looked at it and has also approved it. This was based on an impetus from the Sheriff's Department, based on problems they've had in different areas of the county.
- Q. Commissioner Williams also asked if it had gone before the Agriculture Advisory Committee?
- A. Sarah Zambon stated that it has not.

Selena Coffey stated this is based on State Law.

Chairman Moyer stated that with changes like this it is always good to run it by the proper committee or group that we have in the county that might be most affected by it, to get their input and it's possible that the Animal Services Committee would not have representatives that are familiar with raising livestock and there might be other points that would be of value. It might be good to do that as we move forward.

### **PUBLIC INPUT**

Chairman Moyer stated that the main purpose of this meeting is to hear public comments. Each speaker will be limited to three minutes. The purpose of this hearing is specifically on the amendments to the Animal Regulations and Ordinance. The more specific your comments, the better.

1. Duncan Fraser – Mr. Fraser is President of the Blue Ridge Humane Society, which is Henderson County's non-profit, member run, limited access, no-kill animal shelter. They are committed to proper animal care and spay and neuter education through the community. He stated that the Animal Ordinance is too lenient, it must require all animals to be altered within months of birth. Exceptions should be very narrowly defined. Enforcement must be proactive, not passive. Unaltered animals taken into the animal services care must be altered before return. He stated there should be significant fine levels for people who do not alter their animals.
  
2. Sara Huggins – Ms. Huggins believes that with the current leash regulation, it is possible for people to have unaltered animals if they are well cared for. If the proposed ordinance on spay/neuter is to reduce the number of adoptable animals that are destroyed by the county, then there are some changes and less invasive, more effective ways that we can accomplish this. She stated that all the animals released out of the shelter should be spayed/neutered and micro-chipped so that we can track them. Shelters should work with the breed specific rescue groups. These groups are set up to evaluate the individuals over a longer period of time, make sure that the new home is a forever home where the people know what to expect with the particular breed that they adopt. For those strays that are retrieved by their owners, the fee should be very high for intact animals. It should be high enough to where if somebody simply has a pet and they haven't gotten around to it, this is not an excuse. If they want to retrieve that animal intact the fee should be double or better what it would cost them to have that animal fixed. She felt the leash law should be amended to include cats, stating they make up at least half of the strays in the county and are a huge environmental blight. She suggested that in this county there be no pet shop sales of intact dogs and cats.
  
3. Meg Paton – Ms Paton has been a member of the Animal Services Committee for almost three years. She volunteers with local animal rescue groups and also volunteered at the county shelter. She stated that she could give 2,527 reasons why we need a strong spay/neuter ordinance, 2,527 animals were killed last year in the county shelter with the majority of those being adoptable pets including purebreds. The largest group of dogs destroyed are lab, lab mixes, hounds, and hound mixes. If a spay/neuter ordinance passes for 2008 it will still take years to show significant results. She favored a proactive spay/neuter ordinance. She suggested extending shelter hours, advertising, off-site adoptions, working with breed rescue groups, local rescue groups and a strong volunteer program. She stated that there is no good reason not to spay or neuter your pet unless they participate in competitions and doing so would disqualify them. Having AKC papers does not mean you have a show dog or that you should breed your dog. She further stated that there are three local agencies that offer low-cost to no-cost spay/neuter and the public needs to know these options are available. She stated that there are too many exemptions and contradictions in the current ordinance draft. She stated that the package that was presented to the Board of Commissioners on November 5 was not the package that the Animal Services Committee approved. She recommended that the entire ordinance go back to the Animal Services Committee for review.
  
4. Mary Cervini – Ms. Cervini is a Henderson County resident as well as the co-founder of Community Partnership for Pets that is a 501C-3 non-profit in Henderson County. She spoke in support of the spay/neuter ordinance for Henderson County. Spaying and neutering of pets

is the only way to address the pet overpopulation problem; however there are many pieces to the equation: first is a clear and easy to understand and enforceable spay/neuter ordinance, second is our community support that spay/neuter is really important and third is funding to support spay/neuter. She stated that a spay/neuter ordinance should require that any animal currently at the Henderson County Shelter be spayed or neutered prior to them being adopted or reclaimed by their owners. This would make an immediate significant difference in the number of unaltered animals being put back into our community. This is easy to do and easy to enforce. The spay/neuter ordinance as presented to the Board of Commissioners on November 5 is complaint driven which means that Henderson County residents will not be required to spay or neuter their animal unless the owner or the animal is in violation of another ordinance. This is fair in that if you are a responsible pet owner you are more than likely not contributing to the pet overpopulation problem anyway. Currently this version of the ordinance has a laundry list of animals exempt from the ordinance which seems only to complicate the simplicity of an ordinance. The final piece of the spay/neuter equation is funding and support. The Humane Alliance spay/neuter clinic in Asheville has been in business since 1994 and provides affordable spay/neuter surgeries to pets in and around our community. Community Partnership for Pets, Blue Ridge Humane Society, the Henderson County Animal Shelter and other agencies in our community have money from grants and private donations to help pay for the costs of spay/neuter for families who need assistance. She stated that the Humane Alliance has over \$25,000 available and their goal is to use it all. In 2006 they spayed and neutered 230 animals for the entire year. This year they will close out the year having done over 1,200 animals. She asked the Board to please consider all the pieces of a spay/neuter ordinance to make it clear, easy to understand, and enforceable.

5. Mike Cervini – Mr. Cervini is a resident of Henderson County and co-founder of Community Partnership for Pets. He stated that he supports spay/neuter. He stated that the Henderson County Animal Services has, over the past 11 years, impounded 39,754 dogs and cats and has destroyed 30,409 of them, 76.5%. Three out of every four that came into the shelter were destroyed. That equates to an average cost of \$160 per animal. The current FY 2007-2008 budget for Animal Services is \$633,000. He stated that recently All Creatures Great and Small has reached a consent order with North Carolina. Per that order All Creatures Great and Small can no longer accept any cats and dogs into their facility. The consent order also has All Creatures Great and Small vacating the facility in March of 2008. Over 15,000 plus animals, which are dogs and cats, will become an impact to the County. He stated that the impact to the Henderson County Animal Services budget would be \$239,000. As well as that budget increase, the euthanasia rates will jump to 84% at a minimum from the 76.5% that we have today. The rate is currently going down because of some of the options that are going on at the shelter. He stated that to offset a budget increase of this size there are some things we can do and we can reduce the destruction of the dogs and cats.

He proposed the following ideas for the Board's review: If we all partnership to promote county-wide aggressive adoptions to augment what we are currently doing today at the shelter, we will reduce the animals entering the shelter and thus reduce the costs. He stated that it does work in Madison County to have an aggressive adoption program. Madison County alone, over the last nine months, had a brand new Director and he reduced his euthanasia rate from 90% to less than 50% by having aggressive adoptions.

He stated that we also should allow the 501C3s (non-profits or adoption agencies) to pull from the shelter. There would be a cost avoidance to the shelter and thus other agencies

- would help with that cost. The agencies do provide spay/neuter before adoptions placing the animals in foster homes. The agencies also all provide required rabies and vaccinations for distemper in dogs and cats. They all provide testing for heartworm, feline leukemia, and feline aids and they also ensure all the animals are healthy prior to foster homes and adoptions. All these 501C3 agencies also provide animals with micro-chipping. Mr. Cervini stated that affordable spay/neuter coupled with the aggressive spay/neuter ordinance would let us achieve progressive animal welfare. All the animals must leave the shelter spayed/neutered and we need county wide support so the public can take advantage of the spay/neuter for their animal as stated here tonight. Mr. Cervini stated that every animal that is spayed means forty less animals on the average that will be born. That would significantly reduce the number in the county and thus significantly reduce the number entering the shelter. Buncombe County passed spay/neuter several years ago. Over the last few years, with the spay/neuter program and with the presence of the Humane Alliance clinic, the euthanasia rates in Buncombe County dropped 70%. He urged the Board to send the spay/neuter ordinance back to the Animal Services Committee to be revisited.
6. Virginia Turner – Ms. Turner addressed the spay/neuter requirement of the proposed ordinance, Section E. Item one states all dogs and cats in Henderson County must be altered except as specified in Section E3 below. She wondered why the Board would consider enacting into law something that sets the county up to fail. Feral cats alone constitute a major part of the problem. Item 3 – the exemptions - is a quagmire that would be unending according to Ms. Turner. There are many more valid dog performance events than are mentioned in the current proposed ordinance and new ones are being added all the time. AKC alone sanctions thirteen different events and there are many equally valid organizations sponsoring dog events. It's easy to be critical of any proposal. It's not so easy to come up with alternatives. "I would like to suggest an alternative. Delete items one and three and substitute something in the essence of the following – All impounded animals shall be micro-chipped and altered prior to release or adoption unless the owner elects the option of paying \$350 (or any such amount as may be deemed appropriate) to reclaim the animal intact. It's simple, it's clear. Complete the package by making spay/neuter available at a very low cost or free to those who qualify and educate the public. Your consideration of all the factions impacted by this ordinance is appreciated. We are all animal lovers. We want the best for the animals and the best for our county."
7. Susan Nation – Ms. Nation stated that even though it is alledged that this will only be enforced if there are other concerns, she finds it difficult to have legislation in the county that she is not in compliance with. If this is passed, it means she needs to alter her animals. Historically responsible dog owners have altered their animals, not only for pet population but because they felt they were medically doing the best thing for their animal. "However, I have submitted to you documentation that indicates negative health implications of spay and neutering, especially at an early age. This abstract is a composition of fifty reviewed veterinary research documents published by the Animal Science Center of Rutgers University. I ask that you review it before you make a decision. In brief I quote 'The traditional spay/neuter age of six months as well as the modern practice of pediatric spay/neuter appear to predispose dogs to health risks that could otherwise be avoided by waiting until the dog is physically mature or forgoing it altogether unless medically necessary. Across the Board recommendations for all pet dogs do not appear to be supportable from findings in the veterinary medical literature. The negative medical implications of neutering male dogs, if done before one year of age, significantly increase the

risk of osteosarcoma. This is a common cancer in larger breeds with a poor prognosis. It also increases the risk of cardiac hemangiosarcoma by a risk factor of 1.6, triples the risk of hypothyroidism, increases the risk of progressive geriatric cognitive impairment, triples the risk of obesity, quadruples the risk of prostate cancer, doubles the risk of urinary tract cancers, increases the risk of orthopedic disorders, and increases the risk of adverse reactions to vaccinations. The negative implications in female dogs if done before one year of age, significantly increases the risk of osteosarcoma, increases the risk of splenic hemangiosarcoma by doubling it, cardiac hemangiosarcoma by a risk factor of 5, triples the risk of hypothyroidism, increases the risk of obesity, causes urinary 'spay incontinence' in 4–20% of all female dogs, increases the risk of persistent or recurring urinary infections, doubles the risk of urinary tract tumors, increases the risk of orthopedic disorders and increases the risk of adverse reactions to vaccinations. One thing is clear – much of the spay/neuter information that is available to the public is unbalanced and contains claims that are exaggerated or unsupported by evidence. Rather than helping to educate pet owners much of it is contributed to common misunderstandings about the health risks and benefits associated of spay/neuter in dogs.' Please do not put my pet under a required spay and neuter agreement when research shows it can bring them at health risks. That decision needs to be made between the individual pet owner and the veterinarian without documenting medical need. What do we all want? We want responsible dog owners. That's responsibility to the community, it's also responsibility for me to be an advocate for my own pet."

8. Clint Pace – Mr. Pace is with the Appalachian Houndman's Association and represents a sporting dog group in the states of North and South Carolina. They are against a mandatory spay/neuter ordinance. They have been catching a lot of flack for their exemption in the spay/neuter law for hunting dogs or show dogs. He presented their rule books to the Clerk for the Board's review. They cannot participate in any of the field trials or bench shows with their hunting dogs if they are altered in any way. He stated that other problems with a mandatory spay/neuter law is that the final draft states if a dog is picked up by the Humane Society or the Pound and they went to retrieve their animal, that they would not have to have it altered before picking it up the first time at the Pound. They do hunt their dogs. If they field trial or hunt their dogs they are not within their seeing capabilities. They can be two miles deep in the woods. The dog can be picked up and taken to the Pound before they can get to them. The group has agreed to a micro-chipping program. If the animal is repetitively getting to the Pound then there is a problem that needs to be dealt with. Mr. Pace thinks all this has been taken a little far. He thinks the Animal Services Committee has formed all this to help the Sheriff's Department deal with problem animals and deal with the animals going into the Pound. The only people who are going to be punished by mandatory spay/neuter law are the people who aren't obeying the law in the first place. He stated that the only people who will follow a law like this are the responsible pet owners. He stated that this was shot down in the state of California. He read a statement – "The current law defines the animal as the property of the owner. The United States Constitution guarantees the fundamental right of property ownership. The ability of the property owner to make an important decision regarding their property is a fundamental element of property rights. The result of this Bill would be to eliminate the property owner' right to make a decision about their pet's care and give that right to the State and Local Government entities. This interference of the pet owner's right to make decisions about their pet violates the due process clause of the fourth amendment of the United States Constitution since the pet owner would be denied control over his property without any semblance of over-riding state interest in an outcome." That is the statement that

over-rode the mandatory spay/neuter law in the state of California that was in the news a few months ago.

9. Landen Gailey – Ms. Gailey, a resident of Henderson County, has been involved in dog training and assisting people with behavior issues in their dogs for a number of years. She has served on the Board (not in NC) of several different rescue groups. She has some problems with the current draft ordinance. She thinks that it is not as clear as it could be. She is concerned that pet overpopulation is a complex issue. Spay/neuter is a part of the issue but home retention is a larger part. Even spayed and neutered dogs get turned in for behavior problems. Spaying and neutering every dog does not guarantee that the dog will stay in its home. She is also concerned about the education side of the issue. She is not sure that the ordinance, as currently written, is the answer.
10. Waverly Sykes – Mr. Sykes is opposed to the spay/neuter provisions. He is a pet owner. He is retired and has chosen to be a citizen of Henderson County. He viewed Henderson County as a pet friendly location. He has two dogs that are pets that do tracking, they pull carts and they herd sheep. As they get a bit older they will probably be a therapy dog at either some of the schools or nursing centers/homes here. He stated that spay/neuter has its place but he is opposed to the mandatory spay/neuter of all dogs. He supports many of the comments that were made by Pam Rogers and Virginia Turner. He asked the Board not to punish the dogs and cats for the behavior of human beings. Two problems we have are pet overpopulation and bad behavior. The focus is placed on the dog and the penalties rather than the outreach and education of people beforehand. He feels that the owners/handlers should be penalized. He asked the Board to please put more focus on the education aspect. He asked that people be kind to their animals, be harsh with people with bad behavior, and demand more of the animal services group.
11. Kenneth Workman – Mr. Workman stated that the proposed legislation, in large measure, rewards the guilty and punishes the innocent but he commended the Commission and everyone who has worked diligently on this legislation. We do have a problem. He addressed two specific measures – for animals that are turned into the animal shelter, people should be encouraged to anonymously submit the reasons for the forfeiture of their animals. Unless we understand the problem, we can't address it. He would like to see strict enforcement or encouragement of anonymous reasons for forfeiture. He said that he could not stress education enough. More needs to be done in the local media on this issue. "As far as low cost or zero cost spay/neuter, I maintain that you should not have a financial requirement. A lot of people, quite frankly, are too cheap. Even if it costs them \$25.00, they'll say I don't want to spend the 25 bucks. They probably shouldn't have a pet in the first place but if it is a free spay/neuter regardless of the financial situation, (it seems there's a budget surplus right now anyhow) this might help in the elimination of unwanted pets. One other item that I think is perhaps a gap here. You say that there is an exclusion for show dogs and yet you also say at the age of four months dogs should be spayed or neutered. Having been around show dogs, you cannot tell at four months if it's going to qualify as a show dog. I just pose this as a dilemma that anyone that shows dogs knows it is an arduous process. There are health requirements, there are temperament issues. At four months you can't really st – or you can state but you don't have any credibility saying this is a show dog so I think that is a glaring fault in that show dogs are excluded and yet you spay and neuter at four months."



12. Pat de Lemos – Ms. De Lemos stated that she is a spayed female. She has no uterus nor ovaries. No doctor has told her that she will have more cancer or anything else because of her surgery. She was active in animal work in the 1960s. She stated that we killed 15,000,000 dogs and cats a year, we got down to 10,000,000, now we're euthanizing 5,000,000 dogs and cats throughout the United States. She is tired of being a tax payer, whether it's in the State of California or here in Henderson County. Why does she have to pay tax money to keep an animal shelter open because people are irresponsible pet owners. In order to deal with irresponsible pet owners, we have to have a strict law. She suggested that people listen to Mr. and Mrs. Cervini who have established a 501C3 to help the owners of dogs and cats in this county to get them spayed cheaply. She stated we have Humane Alliance in Asheville where you can get a dog spayed between \$55 - \$57 or you can get a cat neutered for \$35. They truck the animals in and truck the animals out. They do everything for the citizens of this county to get their animals spayed and neutered and reduce the euthanasia. "I have worked at all kinds of shelters as a volunteer. This animal shelter is a good shelter, it can be better but why do we as tax payers have to pay for irresponsible pet owners? I agree dogs need training as well as being spayed and neutered. They can still howl, bark, jump up on people, do all these things. We need dog trainers. We need obedience classes. As far as competing in agility, you don't have to be AKC. We have the USDAA." Last week she went to three days of the agility trials. She stated that the mutts sometimes do better than the purebreds. She stated that dogs are not eliminated from agility by being either neutered or not neutered. She asked for a strong ordinance.
13. Nancy Bober – Ms. Bober mentioned that she and a friend of hers kept finding a stray dog in the neighborhood. They put posters out. They finally found the owners only to find that they did not want the dog and kept letting it go. Her friend immediately adopted the dog on Monday, took it in on Friday and had him neutered and micro-chipped and is hoping to keep him as a very wonderful friend of the family. The first thing he wanted to do was get the dog neutered because he knew it would cut down on his wanting to stray when he would smell a female in heat somewhere down the road. She advised him to do this immediately. She said "it has to be done."
14. Pam Hodges – Ms. Hodges stated that she seriously doubted if anyone in the room had been responsible for an animal ending up in the shelter. She said that those who aren't responsible don't even know about this hearing. She said that the trick is to get the word out to those people. It won't be an easy job. She said the word needs to go out to where people of all economic stations hang out: WalMart, the tag office, the Hispanic Grocery Stores, etc. "If you say to somebody you do something wrong we're gonna get you, they're going to hide and you're going to see lower rabies vaccination compliance but if you say to people we're going to help you then they're going to come forward. When you have your adoption days you can have a rabies clinic. When you have your adoption days you can have a microchip clinic. Identification is a big problem with shelter dogs because most people quit looking after one week. Spay/neuter alone is not going to solve the problem. I keep hearing the word overpopulation. A major problem is owner retention. If you go out to the shelter and look at the cards on the doors you see all the reasons that people turned in animals: destructive, dog digs, dog doesn't get along, can't afford dog, landlord won't let me keep dog. We need to have programs in place to help people keep their dogs and we need programs to help people find out what they need to know before they even get a dog. Secondary enforcement, I believe, amounts to selective enforcement and exemptions are subjective. My shepherds keep the coyotes away... I'm unable to show my dogs right now because of time but does

- that mean that they're less valuable? So I would encourage people to spay/neuter and don't threaten them. Remind them that we have a leash law. If people don't let their dogs wander, they won't reproduce."
15. Jane Peck – Ms. Peck urged the Board not to accept the draft ordinance as it stands currently. "Spay/neuter will not result in a reduced number of animals in the shelters which has been proved in other areas. I am concerned that trying to enforce a fine on owners of animals who have been picked up and altered will cause an abandonment of that animal. This will cause more crowding and more euthanization to take place." She also stated that four months is too young to spay or neuter the animal. It is not sufficiently mature. There is a great deal of evidence to show that this will result in problems later in life, health problems. The decision to spay and neuter should be made between the owner and his or her veterinarian, not legislated. "I think the best solutions to our problems are enforcing the laws already on the books such as leash laws. We should start educating owners starting in the elementary schools and with continuing education. Making people aware of the spay/neuter services available in our county through the use of billboards and radio information, in both English and Spanish since the majority of these people who are causing the problem don't read our local newspaper. I think we should really try to give education and awareness a chance. Please don't punish those of us who are responsible and educated dog owners of which I am one. I try to promote education and responsibility through the organizations to which I belong. I am a member of Hendersonville Kennel Club, the Obedience Club of Asheville, Sandlapper Golden Retriever Club, FootHills Golden Retriever Rescue and Therapy Dogs, Inc. and I started the Therapy Dog Program here in Henderson County which has spread to Buncombe County and Polk County in 1992."
16. Jim Walsh – Mr. Walsh is an active member of the Blue Ridge Humane Society and he stands in support of mandatory spay/neuter. He commented that in his opinion we cannot out adopt the overpopulation of animals. As hard as we try, still the county puts down a huge number of animals yearly. He stated that the flood of animals that they get at the Humane Society on a daily basis do not come from responsible pet owners. He stated that the only way to combat this is a mandatory spay/neuter. The timing can be worked out but something has got to stop this flood.
17. Carol Vaseleski – Ms. Vaseleski stated that the one thing that bothers her the most about this is she is a dog owner and wants to be a good citizen and wants to be in compliance with the law but she hears things and sees things in the proposal that don't make sense to her. She brought up what she heard earlier – that this is enforcement driven and there has to be some other animal related concern before you can go after a dog? The way she read the previous draft was that there could be any concern with any part of Henderson County Code and that is a lot different. In other words "If I'm out driving my car and I'm over the speed limit in the City of Hendersonville and I happen to have an un-neutered dog with me, the guy that pulls me over can actually look at me and say you gotta go get that dog neutered. That makes no sense! Maybe I'm wrong but that's the way I read the original draft. Another thing that bothers me is the exemptions because I just don't think they're clear. It's a nice long list but then at the bottom it says the burden of proof is on the owner. It doesn't tell me what that burden of proof is. I have a show dog. She's neutered now because she's no longer a show dog but I'm gonna pretend that she wasn't. I used to just keep hand written notes of what shows I went to. If I take that into the shelter and say that's my show dog, is that going to be accepted? I don't know. I think if you're gonna have exemptions they have to be really clear.

- I'm just gonna draw a very quick analogy to the travel industry. There's a ban on liquids, gels, and aerosols being carried through checkpoints onto airplanes. There's an exemption to that ban that says it's okay if they're 3 ounces or less and they all fit within a one quart plastic bag. It doesn't say they have to be small and you get to prove to me whether they're small or not. It's very specific. I can understand it and because it's specific and I can understand it, it's fair to everybody. I might not like it but it's fair so please whatever you do, make sure that whatever you pass is clear enough to be understood by everybody. Look at the education, look at some of the other things these wonderful people have talked about but make sure it's fair, make sure it's consistent and make sure it's effective."
18. Eileen Wilson – Ms. Wilson stated that statistics show that approximately half the animals turned into the animal shelter are owner surrendered, not picked up by animal control nor found on the side of the road. The reasons animals are surrendered include the owner died, went to a nursing home, went to assisted living, owner is allergic, owner can't housebreak them, can't control them, barks too much, sheds, etc. This shows that people don't realize what responsible dog ownership is. Education is the key. It is very important for people to know what dog ownership entails. Responsible dog ownership includes keeping your animal at home, not procreating unless you remain responsible for the offspring, manners for the animal, and being a good neighbor. Education is a very important part of dog ownership. If you can find a way to educate people before they adopt a dog, that would be a very good thing to do. Ms. Wilson also stated that she didn't believe the three-strike provision is a good one. She doesn't believe that all animals that show up at the shelter need to be spayed or neutered.
19. Paige Henretta – Ms. Henretta is not a resident of Henderson County, she lives a few miles from the line. She stated that the State will not address this, they want the County Commissioners to address this problem. She felt it should be on a State level because this is a statewide problem, too many unwanted pets. She stressed that the current draft ordinance has too many exemptions and the exemptions are unclear, making it unenforceable. She has AKC registered labs. She loves her labs. She stated that it is very important to continue the bloodlines with the breeders. She asked everyone to participate. Solution = comprehensive spay/neuter program. She stated it is a multi-component program. It consists of education and public awareness. Shelter reform, aggressive adoption and foster programs are needed. Spay/neuter legislation is not the only solution here but it must be definable, enforceable, fair and effective. Community effort is the next component. We need to have everybody working together, not just a few. We must incorporate all these components to make a difference. She felt that everyone who has worked on this ordinance did a good job, just that it isn't complete yet. She felt it can be more effective and the exemptions should be limited for easier enforcement. She appealed to the Commissioners to consider tabling the present ordinance and perhaps have Mr. Rayfield spearhead a committee to work on the ordinance. She asked for the addition of a nominal unaltered fee and permit that is recognized for the lifetime of an animal, a fee that creates a new defined and fair ordinance and asks that all contribute to this problem, not just a few. This fee could be regenerated back into animal control services to be incorporated into a spay/neuter program.
20. Shelly Moore – Ms. Moore is a Henderson County resident and has worked in an animal shelter and animal control for about 23 years. She spent 10 years in a county-run government animal control agency and for the past 13 years she has been the executive director of non-profit humane societies with enforcement contracts so she has spent 23 years enforcing

animal ordinances and she understands the intricacies and the issues with them. She also serves on a 13 person appointed National Companion Animal Advisory Council that looks at issues such as pet overpopulation. She stated what is really unfortunate tonight is the Board has heard from 15 – 20 people that are responsible pet owners. They really care about their animal and really want to do the right thing. The reality is that there are tens of thousands of people living in this community that don't. That's really the population that needs to be reached. She was encouraged that the Board is looking at this issue, encouraged that they're looking at the whole animal control structure, and looking at something that attempts to address pet overpopulation. She had concerns about how the current ordinance is proposed with the biggest concern being due process. In Section 66A-14 "Impoundment" when you require that all animals entering your shelter are altered before they're returned to the owner you really don't give that owner the opportunity to appeal that or to have an alternative solution. There are several options you could have as an alternative, you could have a permit, you could have a second offense. She was concerned with the fact that any animal that shows up at the shelter has to be altered. It could be a prize show dog that accidentally got away or it could be the pet sitter and the owner is in California and the dog got away. She stated that is really an issue of due process for that owner. The requirement of spaying and neutering for animals that are adopted from the shelter – any responsible animal shelter program requires that any animal be spayed or neutered before it's released to the public. Her recommendation is to alter the animals before they leave the shelter when you're adopting them out. The State of NC allows shelters to have certified rabies vaccinators on staff. An animal should never leave the shelter unvaccinated for rabies if it's over the age of four months. She felt that the way the spay/neuter section of the ordinance is written is useless. The exceptions are unclear. She asked that the ordinance be reviewed and made a little cleaner.

21. Tam Cordingley – Ms. Cordingley is not a resident of Henderson County. She has been a dog fancier and an animal control officer, State Humane Officer, Animal Shelter manager, and so forth for better than fifty years. One of her issues with this was with data. A lot of the people who turn dogs or cats into the shelter give no reason why. There are no records kept of whether the animals were old, ill, injured, found along the road, etc. So the behavioral issues when they get ready to be adopted, when they finally go to an adoptive home, are not documented. This is very important because, for example an older woman comes in and wants to adopt a German Shepherd puppy or a Shepherd/Lab cross of which there are millions in the shelter and the dog has already been turned in once because it jumps all over Grandma and it broke her hip, it would be better if this owner knew this when she went to adopt. Another thing that's very important if we're discussing a mandatory alteration ordinance is where did these dogs come from to begin with? Is there a problem with a dog in the neighborhood getting bred and all these puppies out or is it that they're coming from flea markets. Is it that they're coming from backyard breeders? Is it that they're coming from out of the area all together in which case spaying every dog in Henderson County wouldn't make a bit of difference if they're all coming from the flea market in Anderson. Another thing is retention. AKC has a program in place called the Canine Good Citizen Program. I just shared the information on that with you. This Program educates the owners about what they're suppose to do, for both mixed breed and purebred dogs. It's readily available and there is an evaluator in town. She would like to see free Canine Good Citizen classes in every community, not only Hendersonville but every community to tell people what they're suppose to do, have them sign a pledge. Just signing a pledge is fairly important because they realize what they're suppose to do and the dog gets minimal training. She is concerned about the three strikes provision also because in actuality it is not a three strikes provision, it is a

- one strike provision because there's three time periods involved but it's still one strike. You get caught once, thirty days, if you don't have it altered you have a \$100 fine. Thirty days after that mandatory alteration. That's only one offense, that's not three offenses. There are dogs in this county that are worth many thousands of dollars and if one of them jumped the fence, bingo, that's it and that dog's value is gone.
22. Linda Monteith – Ms. Monteith is the Director of the Blue Ridge Humane Society. She has been with the Humane Society since December of 1995 and in that time she has been waiting on everybody to become a responsible pet owner and it hasn't happened yet. She stated that currently they are always at capacity. She said that for every animal that leaves their shelter there are at least twenty waiting to come in its place. She was at the county shelter about two months ago and at that time there were at least five female cats with litters of kittens there. She pulled two of the cats and litters and took them to their facility. She said every April, by mid April they are at capacity with kittens. The same thing with puppies. She stated it is a problem. She stated that the current draft ordinance is too vague. She thinks it should be clearer. She said something has to be put in place. She said that she is a responsible driver but it is mandatory that she wear her seatbelt, if it wasn't she would not be wearing her seatbelt. She said that she is so tired of waiting on people to become responsible. She said that our county shelter is putting down between 3,000 – 4,000 animals a year. Buncombe County is putting down about 7,000 per year. “To me, it has come time that we can no longer just rely on people to become responsible. No one wants to penalize people who are responsible pet owners. If you're a responsible pet owner, God love you. But it's those people who are not that we have to say no more, that we cannot keep footing the bill for it.”
23. Lee Goldman – Mr. Goldman lives in Flat Rock. Prior to moving here 3 ½ years ago he spent almost 40 years living in the Maryland suburbs of Washington, D.C. where he worked for the Federal Government. He knows something about government, having spent 38 years in Washington at its very highest level, working at both the National Institute of Health and the United States Senate. He knows a problem when he hears it and it's clear that Henderson County has a problem here. On the one hand there is a proposal that some folks think needs to be made much tighter with fewer exceptions and on the other hand there are intelligent people who have come before the Board tonight and said this thing is far too rigid, it targets the wrong audience, it's going to be too costly, and it's going to be counterproductive. That's the definition of a problem. Taking it back to the committee that probably has it's own agenda with respect to what the outcome ought to be and which has already gone through it a couple of times, probably only guarantees you you'll be back here in three months with the same issues back before you. “What I think you do not want to do, because it would make a bad situation worse, is to pass an ordinance which ends up targeting the people in this county who are working hard and successfully at doing the right things with their dogs and unleashing a county sponsored dog and cat police force against them. Whatever you do, don't do that or you will end up paying the price for it.”
24. Lisa Beddingfield – Ms. Beddingfield is a member of the Animal Services Committee. She wished to clarify a few things because a lot of people have questions about the hunting and the showing exemptions and the burden of proof. Ms. Beddingfield is a member and the Secretary of the Appalachian Houndsman Association. She does competition hunt and shows her hounds. She has three hounds at her house which are not spayed/neutered. She has two cats which are. She is a responsible pet owner and if her animals are not able to be competitioned, they would be spayed/neutered because she is a responsible pet owner.

However, the burden of proof that folks are searching for – if anyone does competition their animals, agility or any other ways, there are points and levels and grades of competitions that are awarded to animals at certain points. The AKC is used a lot. We're using AKC show dog. They start out as a registered animal. After they achieve so many shows they are granted a champion status. The next level is a grand champion and the next level is a supreme grand champion. They give certificates for each one of these levels where we do have the proof that we do show our dogs and they are show animals. There are receipts given at every competition when you place to show that you did receive the points so you do have a record. You are able to provide the burden of proof under AKC or UKC rules with the certificates and the classifications that our dog receives. She just wanted to let folks know that there is a way that animals which are competitioned under your nationally recognized kennel clubs are able to be proofed, the burden of proof is there to where we can show that those animals are used for those purposes.

On behalf of the Board, Chairman Moyer thanked everyone for coming out and for sharing their comments. The Board has received a tremendous amount of good information, some of which is very contradictory and difficult to wade through. He suggested to the Board that the Commissioners take under advisement everything that was heard and was received tonight and put this back on the agenda for next Wednesday, to give staff some direction as to how to proceed. The Commissioners were in agreement.

**Adjourn**

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

Attest:

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Elizabeth W. Corn, Clerk to the Board

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William L. Moyer, Chairman