

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
WORK SESSION  
JANUARY 21, 2014**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse, 1 Hillsboro Street, Pittsboro, North Carolina, 3:00 PM on January 21, 2014.

Present: Chairman Walter Petty; Vice Chairman Brian Bock;  
Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Budget Analyst, Lisa West; Lindsay K. Ray, Clerk to the Board; and Lisa Gentri, Deputy Clerk to the Board

*Work Session*

**CALL TO ORDER**

Chairman Petty welcomed those in attendance and called the meeting to order.

**PUBLIC INPUT SESSION**

There was no one present who wished to make public comments.

**BOARD PRIORITIES**

**13-0672      Vote on a request to adopt a Resolution by the Chatham County Board of Commissioners Requesting the North Carolina General Assembly to Direct the Department of Administration to Convey a Certain Tract of Land in the Former Town of Haywood, Chatham County, Belonging to the State of North Carolina and Formerly Used and Designated as a Public Square to Chatham County.**

Chairman Petty asked Commissioner Cross to give a summary of the item.

Commissioner Cross stated that the Town of Haywood was incorporated at one time and there was a five-acre tract of land set aside for a town park. The town is no longer incorporated. The Liberty Chapel Church owns all the land around that tract of land and they asked the Board to support a resolution asking the State to convey the property to the church. Commissioner Cross stated that the Board had supported that resolution; however, church and state issues came up so the State would not convey the property to the church.

Commissioner Cross stated that now the Board would like to ask the State to convey the property to the County. One of the neighbors has started clearing the land and putting up posts for fencing as if it is his own land and the other neighbors are upset. Commissioner Cross stated that if the State can convey the land to the County then they can ask the

neighbor to stop clearing the land and also decide how to convey the land to the church.

Commissioner Cross motioned, seconded by Commissioner Kost, to adopt the **Resolution #2014-01 by the Chatham County Board of Commissioners Requesting the North Carolina General Assembly to Direct the Department of Administration to Convey a Certain Track of Land in the Former Town of Haywood, Chatham County, Belonging to the State of North Carolina and Formerly Used and Designated as a Public Square to Chatham County.** The motion carried five (5) to zero (0).

### **13-0663 Presentation of 2013 Comprehensive Annual Financial Report.**

Shane Foxx with Martin Starnes presented the 2013 Comprehensive Annual Financial Report. Mr. Foxx stated this report is the most positive of the 20 reports he has done this year. He also stated he could not do the work he does without the outstanding work of Ms. Vicki McConnell, Finance Officer and her amazing staff.

Mr. Foxx reviewed some of the highlights of the report.

- The report was later than normal due to a DSS program through Child Care Networks and its audit was done later than normal.
- The Audit process is a year round process
- There was a positive increase of 1.8 million dollars in the fund balance. Available fund balance is the most important number to the State. 8% is the minimum number they look for and 31% is the available fund balance for Chatham County. That is almost four times what the State looks for.
- Property tax saw a positive increase
- Mr. Foxx reported that sales tax decreased across most of the counties he reports. He stated Chatham County had an increase which is positive and rare.
- Restricted intergovernmental saw a decrease due to the DSS federal grants the County receives. The decrease is due to the federal government minimizing the programs.
- Public Safety saw an increase due to increases in infrastructure and assets.
- Human Services saw a decrease due to grants being smaller than they have been in the past.
- Enterprise Funds were very positive. The most important number is cash flow provided by operations and there was a positive increase for 2012 and 2013.
- The Southeast Water District showed positive numbers. Mr. Foxx stated most water districts in the state have negative numbers therefore any positive number is a good thing.

Mr. Foxx said he would answer any questions for the Commissioners.

Vice Chairman Bock asked Ms. McConnell if the sales tax increase was due to the new Wal-Mart in the County. Ms. McConnell stated it was not.

The Commissioners thanked Mr. Foxx for the presentation and Ms. McConnell and her staff for their hard work.

### **CLOSED SESSION**

#### **13-0666 Closed Session to discuss matters within the attorney/client privilege.**

Commissioner Cross moved, seconded by Commissioner Stewart, to go out of the Regular Session and convene in Closed Session for the purpose of consulting with the County Attorney on matters within the attorney/client privilege under GS 143-318 11(a) (3). The motion carried five (5) to zero (0).

### **REGULAR SESSION**

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the Closed Session and reconvene in the Work Session. The motion carried five (5) to zero (0).

#### **13-0660 4th Quarter Employee of the Quarter: Courtney Goldston, Human Resources**

Carolyn Miller presented the Employee of the Fourth Quarter to Courtney Goldston.

Ms. Miller gave some background information about Ms. Goldston. She graduated from Guilford College and started working for the County in the Parks and Recreation Department and then moved to the Human Resources Department as the Human Resources Analyst. She is an active member of the Wellness Committee and has worked hard to grow the role of wellness in the lives of county employees.

Commissioner Petty presented the framed award to Ms. Goldston.

### **ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 3:48 PM.

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Walter Petty, Chairman

ATTEST:

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Lindsay K. Ray, Clerk to the Board  
Chatham County Board of Commissioners

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JANUARY 21, 2014**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse, 1 Hillsboro Street, Pittsboro, North Carolina, 6:00 PM on January 21, 2014.

Present: Chairman Walter Petty; Vice Chairman Brian Bock; Commissioners Mike Cross, Sally Kost, and Pam Stewart

Staff Present: Mr. Charlie Horne, County Manager; Mr. Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer, Lindsay K. Ray, Clerk to the Board; and Lisa Gentri, Deputy Clerk to the Board

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Cross delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

**CALL TO ORDER**

Chairman Petty welcomed those in attendance and called the meeting to order at 6:00 PM.

**APPOINTMENTS**

**13-0668 Appointment of Clerk to the Board:** Vote on a request to approve the appointment of Lindsay K. Ray to a one year term as the Clerk to the Chatham County Board of Commissioners.

Commissioner Kost motioned, seconded by Commissioner Stewart, that the Appointment be approved. The motion carried five (5) to zero (0).

**13-0667 Appointment of Deputy Clerk:** Vote on a request to approve the appointment of Lisa Gentri as Deputy Clerk to the Chatham County Board of Commissioners.

Vice Chairman Bock motioned, seconded by Commissioner Cross, that the Appointment be approved. The motion carried five (5) to zero (0).

**OATHS OF OFFICE**

**Clerk to the Chatham County Board of Commissioners, Lindsay K. Ray**

The Chairman of the Board, Walter Petty, administered the oath of office for Lindsay K. Ray. He congratulated the new Clerk and welcomed her aboard.

Ms. Ray thanked the Chairman and the Commissioners and stated it was an honor and a privilege to serve the citizens of Chatham County and to work with the Commissioners and the Staff. She also thanked her mother and her other family members for attending the ceremony.

The oath is attached hereto and by reference made a part hereof.

**APPROVAL OF AGENDA and CONSENT AGENDA**

Chairman Petty asked to table items 13-0332 and 13-0582 until the February 17, 2014 Regular Session Meeting.

Chairman Petty asked to add an appointment to the Environmental Review Advisory Committee under Board Priorities.

Commissioner Kost asked to add her resignation from the Board of Commissioners under Board Priorities.

Vice Chairman Bock moved, seconded by Commissioner Kost, to approve the Agenda and Consent Agenda (with the noted requests) as follows:

**13-0669 Minutes:** Vote on a request to approve the December 16, 2013 Work Session minutes and the December 16, 2013 Regular Session minutes.

The motion carried five (5) to zero (0).

**13-0574 Community Transformation Grant Project funds:** Consideration of a request to accept \$7,500 funds awarded to the Health Department from the Community Transformation Grant Project.

The motion carried five (5) to zero (0).

**13-0597 Birth Prevention Funds:** Consideration of a request to accept \$29,336 Birth Prevention Funds awarded to the Health Department.

The motion carried five (5) to zero (0).

**13-0599 Donation Funds for the Focus on Fathers Program:** Consideration of a request to accept \$2,742 Donation Funds for the Focus on Fathers Program.

The motion carried five (5) to zero (0).

**13-0608 NACCHO Mentorship Food Program Funds:** Consideration of a request to accept up to \$18,000 NACCHO Food Retail Program Standards Mentorship Program Funds.

The motion carried five (5) to zero (0).

**13-0620 Appointment to the Board of Health:** Vote on a request to appoint Lisa C. Duff, DVM to fill the vacant Veterinarian Seat on the Board of Health effective 01 21 14.

The motion carried five (5) to zero (0).

**13-0634 Fiscal Year 2013-2014 Budget Amendments:** Vote on a request to approve Fiscal Year 2013-2014 Budget Amendments.

The motion carried five (5) to zero (0).

**13-0645 Resolution to Apply for North Carolina Parks and Recreation Trust Fund (PARTF) for second phase of Briar Chapel:** Vote on a request to approve **Resolution #2014-02 to apply for North Carolina Parks and Recreation Trust Fund (PARTF) for second phase of Briar Chapel**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

- 13-0650 Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of Briar Chapel, Phase 9, consisting of 114 lots on 33.54 acres located off SR 1528, Andrews Store Road, Baldwin Township, Parcel #'s 87090 & 89827.**

The motion carried five (5) to zero (0).

- 13-0654 Tax Releases and Refunds,** attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

- 13-0657 Naming of private road in Chatham County:** Vote on a Request from citizens to approve the naming of private road in Chatham County as follows:

Viola Lynn Drive

The motion carried five (5) to zero (0).

- 13-0636 Appointments to the Joint Committee on Nursing Homes and Adult Care Homes:** Vote on a request to approve the appointments of the following members to the Joint Committee on Nursing Homes and Adult Care Homes, by the full Board, to a one year term expiring January 20, 2015

Leonard Zeller  
Brad Page  
Gerald Strobe

The motion carried five (5) to zero (0).

- 13-0659 Revised Commissioner Goals for FY 2015 Budget:** Vote on a request to approve the revised Commissioner Goals for FY 2015 Budget.

The motion carried five (5) to zero (0).

- 13-0661 Resolution Declaring February 2014 as African American History Month in Chatham County:** Vote on a request to adopt **Resolution #2014-03 Declaring February 2014 as African American History Month in Chatham County**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

- 13-0662 Budget Amendment Accepting and Expending Time Limited Family Reunification Services Funding:** Vote on a request to approve a budget amendment accepting and expending time limited Family Reunification services funding.

The motion carried five (5) to zero (0).

- 13-0665 Amendment to the Register of Deeds Records Retention Schedule:** Vote on a request to approve an amendment to the Register of Deeds Records Retention Schedule, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

- 13-0664 Resolution Designating February 2014 as Spay/Neuter Awareness Month:** Vote on a request to adopt **Resolution #2014-04 Designating February 2014 as Spay/Neuter Awareness Month**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Jon Spoon.** 4115 Chatham Church Road, Sanford, NC, spoke on behalf of the North Carolina Arts Incubator and asked the Board to reconsider its decision to prohibit arts groups from participating in the nonprofit funding process. He knows of 31 small businesses in downtown Siler City that are operating as current NC Arts Incubator artists or former artists. He stated they had a difficult time coming away from their partnership with Central Carolina Community College but he has managed to work out the finances and they are finishing in the black this year and will be able to replenish a significant part of their financial reserves. He is looking to expand their programming. He is disappointed with the Board's decision and that they are not willing to consider that. He stated he understood the reasoning to be that adding arts to the application process would be an administrative burden. He knew of two arts organizations that turned in applications last year and he didn't anticipate that there would have been many more this year and he did not consider that to be a significant burden. He believes this discredits to social impact that the arts has on the community. He stated they have live music events and that is the only time the lights are on after 5:30 or that people come to downtown Siler City. He feels the Board would appreciate the prudence in investing in the arts if they came downtown to Siler City to experience what they have to offer. He would like to do bilingual education but needs funding to do that. Investing in the incubator would be investing in the cultural welfare of the county.

**Randy Voller,** 21 Randolph Court, Pittsboro, NC, stated he agreed with everything Mr. Spoon said and asked the Commissioners to reconsider funding the arts as well. He stated he was actually present to express his appreciation for Commissioner Kost. Over the five years that their terms overlapped, Commissioner Kost served with honor, helped the Town of Pittsboro and the Community. He stated the people will miss her service. He wanted to congratulate the Board of Commissioners and the two former Commissioners in the audience, Dr. George Lucier and Tom Vanderbeck, for the work everyone did to get the Historic Courthouse finished. He also stated he was present to endorse a new local cigar business in Pittsboro.

**BOARD PRIORITIES**

- 13-0671 Resolution Naming 911 Center in Honor of Jack Dark:** Vote on a request to adopt **Resolution #2014-05 Naming the 9 1 1 Center in Siler City in Honor of Jack Dark.**

Chairman Petty read the resolution into the record then called for a motion to approve the resolution.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart that the Resolution be approved. The motion carried five (5) to zero (0).

Chairman Petty asked Tony Tucker, Emergency Management Director, to help present the resolution to the entire Dark Family.

### **Appointment to Environmental Review Advisory Committee**

Chairman Petty asked the Clerk if she had distributed the applicant's application to all of the Commissioners prior to the meeting. The Clerk stated she had not. The Chairman asked to table the appointment until the February 3, 2014 meeting to allow the Commissioners time to review the application.

### **The Resignation of Commissioner Kost**

Commissioner Kost asked to make a few comments.

Chatham County has been my home for nearly a decade. I love this community and it has been my honor to work with many local citizens in service to the community since being elected to this board in 2008.

Life is full of twists and turns, and my life has taken a big turn. My husband of 39 years, Tom, has retired from GSK, and with that retirement is pursuing a new business. We've sold our home and will relocate to Golden, Colorado. So, effective February 1, I am resigning my position as county commissioner.

I ran for office on the platform of open citizen-based government, building strong public schools, protecting our natural resources, promoting economic development and sound financial management. I am proud of my record, and I have stood firm on this platform.

As I leave this board, I know there is much work to be done. So in parting, I'd like to share a few thoughts on issues that still need to be addressed.

The budget process - You know that when we work through the budget, I ask a lot of questions. So when this board voted to approve the 2012 budget with no discussion about county programs, revenues or issues, I was stunned. I urge you to use the budget as an avenue to learn more about public needs, county operations, department issues and challenges, and ensure that we have recognized all efficiencies and opportunities to save precious county dollars.

Expanding broadband – The prior board had made this a high priority and worked diligently in tackling this difficult issue for a rural county. But the current board has made little progress. The lack of adequate broadband services in this community hurts our citizens, who need better access to the internet at home and for their small businesses. It also hurts economic development by holding back the development of new business, in some areas of our county. You have just starting talking about this issue, and I hope as you move forward you will make this a much higher priority.

Landfill –It is time to address a long-range solution to our trash disposal needs. Since January 2011, when this board stopped the landfill selection process, there has been no further public discussion. As the community grows, so does our need for a long-term solution. To not do so, will cost the taxpayers more. I urge this board to address a long-term solution and to implement as soon as feasibility possible co-mingled recycling to further reduce our waste stream.

Agriculture - It is past time to begin addressing the recommendations of the Agricultural Economic Development Plan and the Agricultural Land Use Plan. Some of these recommendations require resources, some do not. There was considerable community input in developing this plan and the plan had the buy-in of our farming community. Yet, although the plan is approved on the books, what have we done to implement it, including addressing the farm protection land use implications of this plan?

Fairness of the water availability fee - One of the many items for which I have advocated has been for a more fair water availability fee. Staff has told us there are implementation issues, but we are a smart county with smart people so we should be able to



figure out how to implement a fee so that a citizen with a two bedroom mobile home is paying a lower rate than a citizen with a much larger home.

Strategic planning - Long range financial planning will save the taxpayers in the end. This includes getting out in front of the need for new schools – having dialogue with the Chatham Park developers and resuming our land banking for new schools. The cost of real estate in Chatham, especially in the areas of higher growth, will only increase. And we know new schools will be needed. Let's work with the Board of Education and identify areas of the county where new schools are needed, and develop a plan to buy land before the costs escalate.

And speaking of the Board of Education. This board likes to talk about our strong working relationship with the school board, but we have had only one public joint meeting in three years. Perhaps some board members are working behind the scenes, but I believe it is incredibly important that the board of county commissioners' work with the board of education openly and in the public eye to develop a plan for better pay for teachers, lessen the impact of budget cuts on education, and address the need for new facilities.

Regional planning - The value of participating in the Metropolitan Planning Organization for transportation planning has been a hot topic for this board. And some of the questions raised are good. But not participating in the MPO for the past three years has done nothing but hurt this community. I strongly believe that participating in regional issues elevates Chatham County's status in this region. When I served on the MPO, I developed relationships with leaders in other communities and in return the citizens in Chatham had a much stronger voice in regional issues. I pushed for completion of the Farrington Road Corridor study. The notion that you can attend an MPO meeting only when there is an issue that impacts Chatham County directly is politically naïve and short-sighted. I urge this board to become involved in regional issues, promote our community in the region, and develop relationships with other elected officials in the area.

Public health - I know you campaigned on eliminating the health educator position that was needed to coordinate the efforts to combat the number one health issue in Chatham County – childhood obesity. You cannot just leave this to parents. When childhood obesity ends up costing the taxpayers, it becomes a public issue. I hope that you will take up this issue again, now that you have some experience under your belt, because these problems do not just solve themselves.

Fracking - When the chair of the environmental review committee presented the annual report of that committee, he was told that the Board of Commissioners didn't want the committee to make a recommendation regarding fracking. Fracking is not a partisan issue. I have been hard-pressed to find anyone who really wants it here. I urge you to get involved, ask our advisory committees to evaluate it, and take a stand to protect our water, air and people.

Economic development - Chatham needs good jobs. Whatever happened to the Economic Development Strategic Plan? Why did we abandon the industry cluster strategy that was recommended as the key recruitment strategy of that plan, which lined it up perfectly with the Triangle region's economic development strategy? If we have abandoned it, let's be upfront about it. A great deal of work went into that plan, but I do not see Chatham working to implement it.

Other issues that this board should address include: developing and implementing energy standards for public buildings; integrating the conservation plan and other plans into a comprehensive land use plan that includes a map; increasing the wages for our solid waste convenience center workers and the transit drivers; developing a real strategy for affordable housing; and making sure that the county Staff has the resources to do their jobs.

That's a tall agenda, especially for a Staff that is already over-burdened. So it means you need to be strategic and efficient.

It has been an honor to serve this amazing community. I am grateful to our Staff for

their dedication and professionalism. I'm also thankful for all of the local residents who speak out and volunteer their time to make this an even better place.

Your job is not easy, but our community expects you to address the tough issues, and to stand up for them.

I hope you will keep open doors and open minds, and work together with local citizens on these issues and more.

The Democratic Party will be meeting in February to discuss identifying my replacement. I urge you to respect the party's recommendation. This will re-enforce that you truly do believe what you have said, that diversity in opinion makes for better decision-making.

Thank you and thank you for allowing me to serve all of you.

Chairman Petty thanked Commissioner Kost and said he admired her dedication, commitment and service to the County. He stated that while they haven't always agreed on issues and how they should be addressed, they have found common ground on a lot of things.

~~**13-0332 — A request by the Board of Commissioners for the adoption of the proposed new Wireless Telecommunications Facilities Ordinance.**~~

This item was removed from the Agenda and tabled until the February 17, 2014 Regular Board of Commissioners' Meeting.

~~**13-0582 — A request by the Chatham County Board of Commissioners to amend sections 10.13, Table of Permitted Uses; 12.6, Applicability; and 7.2 Definitions of the Zoning Ordinance to further clarify telecommunication tower regulations and definitions, broaden the use table requirements based on telecommunication tower height, and clarify landscaping requirements for telecommunication support equipment.**~~

This item was removed from the Agenda and tabled until the February 17, 2014 Regular Board of Commissioners' Meeting.

**PUBLIC HEARING**

**13-0652 Public hearing request by F Properties, LLC to rezone the remaining acreage being approximately 1 acre of the 1.77 acre tract, Parcel No. 11515, from R 1 Residential to B 1 Business, located off Old US 1.**

Jason Sullivan, Chatham County Planning Director, reviewed the specifics of the request. He stated the request was to rezone the remaining acreage of the property that is currently split zoned. Mr. Sullivan stated that unlike conditional use or conditional zoning requests, the Board would not consider a site plan for this, nor would they be considering specific use or uses. The Board would, however, consider all of the uses of the B1 zoning district.

The Chairman opened up the floor for public comments.

There was no one present who wished to make public comments.

Commissioner Cross stated that the property requesting B1 zoning is directly across

from the Sprott Youth Center. There are several things permitted on a B1 list that he feels are not appropriate to be placed beside a youth center. Commissioner Cross asked if there was some other way the Board could deal with this or is this the only way they could approach it.

Mr. Sullivan stated the applicants could submit a request to rezone all or a portion of that property to a Conditional Zoning District but they chose to do the General Use zoning classification. That is what is under consideration tonight. He stated that through this process if there was another proposal for site specific site plan and specific uses then this plan would need to be withdrawn and then another one submitted. Mr. Sullivan stated that the only way to approach what the Board had before them tonight would be to consider all of the uses under the B1 zoning district.

Commissioner Cross stated the following businesses are allowed under the B1 zoning district: ABC Store, boarding kennel, boat storage, contract or storage yard, eating and drinking establishment, food processing, grading company, gunsmith, and recreational vehicle storage. He stated he did not consider this type of zoning appropriate next to a youth center. He stated his concern is there is no guarantee that if someone takes over the property later and it is zoned as B1 it could be used as another type of business. Commissioner Cross stated it is also a concern of many members of the community as well as members of the Sprott Board of Directors.

Mr. Sullivan stated if a site plan were submitted the property would be subject to the appearance commission standards prior to a building permit being obtained.

Chairman Petty asked if you can still use a classification and take exceptions to some of the things that are in that class. Mr. Sullivan stated only if they switch to a conditional zoning permit.

The Chairman closed the hearing and referred the item to the Planning Board.

**13-0651      Quasi Judicial public hearing request by Sandy Pond Ent., LLC  
dba Dogwood Veterinary Hospital for a revision to the existing  
conditional use permit for a modification in size of the existing  
monument sign located on Parcel No. 18637, 51 Vicker's Rd.**

Jason Sullivan, Chatham County Planning Director, reviewed the specifics of the request.

The Chairman opened up the floor for public comments.

There was no one present who wished to make public comments.

The Chairman closed the hearing and referred the item to the Planning Board.

**13-0653      Quasi Judicial public hearing request by Strata Solar for a  
conditional use permit on approximately 21 acres out of a 98.54  
acre tract being Parcel No. 18869, located at 151 Vicker's Rd., for a  
1.99 MW solar farm.**

Jason Sullivan, Chatham County Planning Director, reviewed the specifics of the request.

The Chairman opened up the floor for public comments.

The Chairman administered the oath to the applicants.

Ms. Katherine Ross with Parker, Poe, Adams and Bernstein stated she was present to

represent Strata Solar. She thanked the Board for moving so quickly and stated she felt the application could stand on its own as evidence to meet the findings of fact. She stated Brent Neiman, Civil Engineer with Strata Solar, was also present and prepared to testify as an expert witness. Rich Kirkland, MAI and appraiser, was also present and prepared to testify as an expert witness. She stated Louis Ionne, with Strata Solar, was present as well as the site developer and willing to testify at the Board's pleasure. Ms. Ross stated affidavits were in the application that summarized as to what these witnesses would testify. She offered to answer any questions from the Board.

The Board did not have any questions for the applicants.

The Chairman closed the hearing and referred the item to the Planning Board.

### **13-0656 Public Hearing and Vote on Animal Control Ordinance Amendments.**

Chairman Petty called on Mr. Layton Long, Health Director and Ms. Leigh Ann Garrard, Director of Animal Control, to review the specifics of the amendment changes to the ordinance.

Mr. Long stated he had worked closely with Ms. Garrard and the County Attorney on the amendments. The bulk of the amendments are technical and clerical clarifications. A lot of the language was redundant statutory language and is not needed. He stated the biggest changes are the tethering changes and the penalties, which have increased significantly.

Commissioner Kost stated the holding time is being decreased from five days to three days and feels that is more than a technical change. Mr. Long stated that time period is statutory.

Commissioner Kost stated the County can exceed statute. Ms. Garrard stated Animal Control could do a five day hold now but they are currently holding seven days because they hold Saturdays and Sundays. Therefore, the three day hold really is five days because they hold Saturdays and Sundays.

Commissioner Kost asked if Animal Control picks up an animal on a Monday it is held until a Thursday. Ms. Garrard said yes.

Chairman Petty asked if there were facility restrictions there. Ms. Garrard said yes.

Mr. Long stated if the animal is adoptable then they hold them longer.

Commissioner Kost stated maybe the Board should think about putting in the ordinance that it is a 72 hour hold but if the animals are adoptable they can hold them longer.

Chairman Petty asked the pleasure of the Board.

Commissioner Kost asked to hear the public comments first.

The Chairman opened up the floor for public comments.

**Marissa**, asked that only her first name be entered into the record and wished to submit the following written comments:

“Many updates in the new ordinance proposal appear promising in regards to the welfare of our companion animals. However, realistically, some suggestions are just not feasible as discussed in at least one previous meeting (e.g. enforcement of time limited tethering of dogs).

My opinion that unattended tethering of dogs is inhumane and dangerous is mainly based on the facts listed below:

According to a Special Report by the American Veterinary Medical Association "chained dogs are 2.8 times more likely to bite than unchained dogs".

The United States Department of Agricultural has clearly stated that "enforcing the Animal Welfare Act has led them (USDA) to conclude that continuous confinement of dogs by a tether is inhumane. Furthermore they elaborate that a tether significantly restricts a dog's movement and a tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

Karen Delise analyzed dog attacks which were documented over a 37-year time span including study results from previously documented studies by the CDC and pediatric doctors. Ms. Delise who is a licensed veterinary technician has worked with numerous government agencies as well as in animal hospitals. She has been praised by law enforcement, veterinarians and psychologists for her compilation and analysis of dog attacks. One of many of her statistical analysis showed that "25% of fatal dog attacks were inflicted by chained dogs". She further states that "chained dogs are more dangerous than free-running packs of dogs".

Most animal owners will agree that dogs are social beings which show affection, crave contact with their owners, are eager to be physically close to humans especially their owners, etc. Numerous studies have shown that dogs are highly social animals that long for contact with other dogs or the owner. Placing dogs in unnatural environments like chaining, no socialization, abuse, neglect, etc. can attribute to aggressive behavior.

This behavior in dogs was shown in numerous studies over the last few decades. One of the studies describes "the development of social skills in the dog by three reasons why they might predict that domestic dogs possess the capacity for social cognitive skills. First, they originate from wolves, a species that forms stable social bands and engages in co-operative behavior such as hunting; second, because some individuals may have been selected for such abilities during domestication and breed selection; and third, because they commonly live in a human social environment that may facilitate the development of such skills". Additionally, they cite studies that "the formation of strong social bonds are important in the behavioral development of the dog, resulting in a form of imprinting which can be seen both in situations where dogs are naturally protective of family members, and in the enthusiasm with which dogs greet familiar people".

Each year, nearly 4.7 million Americans are bitten by dogs. As many as 800,000 people, more than half of them children, require medical attention for dog bites annually, and about a dozen people die each year of dog bite injuries. "Children are frequently bitten on the face, which can result in severe lacerations, infection, or scarring," said ASPS President James Wells, MD. "Plastic surgeons, who have the training to preserve and rearrange skin and tissue, repair wounds from thousands of dog attacks every year. One of many recommendations in regards to dog bite prevention is states to "never tether or chain your dog because this can contribute to aggressive behavior".

A large number of children and adults have been killed in 2013 by chained dogs with one example being a 4-yr old girl. The county had an 8-hr anti-tethering limit which in this case did not save her life.

In conclusion, the proposed 10-hr limit tethering ordinance gives the wrong impression that it is a step into the right direction (especially to appease dog tethering owners); it is truly no step into the humane treatment of our companion animals and the safety of people. It will most likely be a tremendous cost to the county and tax payers giving the Animal Control department the resources to try to enforce a time limit tethering.

Owners need to be responsible for their animals. Ban unattended tethering of dogs. Allow a significant amount of time for residents to comply with the ordinance. No option is perfect or 100 % safe for everyone involved. Dogs will still be neglected regardless of what option is chosen. Stricter animal control laws should be considered for the future. For now, I urge you to decline both suggested options and

request the redrafting of the tethering ordinance as a complete ban of unattended tethering.”

**Debbie Tunnell**, wished to submit the following written comments:

“To the Chatham County Commissioners, the County Staff under their direction, and the citizens of Chatham County:

We want to strongly encourage you to join the other US States, towns and counties that have adopted a tethering ordinance to reduce the suffering of dogs who are continuously tied/chained/roped to something for their entire life. We humans, as stewards of animals, should help good dog owners care for their dogs and help cruel owners to change their behaviors. A tethering ordinance will give the county Staff & law enforcement agencies the tool to help tethered dogs in Chatham County find advocates with the power to make changes.

The proposed 10 hour limit is a fine place to begin. Do adopt a animal protection tethering ordinance. Help the dogs of Chatham County who need help by adopting a tethering ordinance.

We also encourage the County to continue to work towards the completion of an Adoption Center so that the high percentages of dogs and cats who are in need of finding homes will get the chance. This construction of an Adoption Center will also reduce the costs to the existing county shelter who euthanizes too many adoptable animals.

We are providing to you a copy of those US States and Communities who have already adopted a form of tethering laws (I will bring a printed copy this evening).

<http://www.unchainyourdog.org/Laws.htm>

Thank you.”

**Nicole Edwards**, a volunteer with Guardians of Angels asked the Board to table the tethering ordinance vote and consider further input and discussion. She asked to share some feedback from a commissioner after an animal welfare summit back in August. The comments from the commissioner resonated with her and it gave her hope and still gives her hope. “Education is key, compromises are necessary, a long phase in period is critical and partnerships with nonprofit groups are important. I believe that the data does support the argument for an ordinance governing un-attended tethering and that a reasonable time limit should be included in the ordinance. I have seen firsthand how dogs can be mistreated while tied up. I have seen how an otherwise good pet becomes aggressive and dangerous to children who happen to get to close. I’ve seen litters of unwanted puppies born to dogs who could not find protected shelter.” She stated these words were from Commissioner Vice Chairman Bock Vice Chairman Bock.

**Suzanne Kozel**, submitted the following written comments:

“Hello, my name is Suzanne Kozel. Thank you for the opportunity to address you today. My husband and I are 18 year residents of NE Chatham County, Williams Township.

You have my previous comments, copies of my research, and other resources I provided last summer at public sessions of your meetings. My comments tonight address the proposed ordinance revisions in the areas of: cruelty, holding periods, and tethering.

Cruelty

Under General Provisions, Section 91.001, Definitions of "Abuse and Neglect", I do not understand the removal of language listing abusive behaviors such as overworking, cruelly beating, torturing, mutilating and other atrocities that unfortunately exist. Similarly Section A, 91.010 under Cruelty to Animals. Given the recent machete case I would ask that

these deletions be re-visited and restored. I do support the additional language regarding food, water, shelter, protection, and medical attention.

Also under General Provisions, I oppose the reduction of the Holding Period from 5 to 3 days. Not everyone thinks to call the Shelter immediately when their pet escapes- they put up posters, post messages on Chatlist, and enlist the help of friends and neighbors.

It could easily be 3 days before an owner or pet sitter of a vacationing owner starts calling local veterinarians or the Shelter.

Under the provision requiring notice of an injured animal, I support the additional language regarding both contact with a vehicle and notification of occurrence.

#### Tethering

The guidelines for humane tethering are a definite improvement over no guidelines at all and the spay/neuter requirement incorporated under either option is awesome- thank you!

My preference is an ordinance that bans tethering altogether with provisions for approved humane tethering in defined circumstances. The goal is to prevent abuse not to punish those who tether short-term under humane conditions. As you are aware such ordinances have been passed successfully by numerous states as well as an increasing number of counties in NC.

Unfortunately, that is not one of the options before us. Without a no tethering ban as an option, I was prepared to support the 10-hour option; however, I discovered it is no longer a 10-hour limit per 24 hours as originally discussed. It has now been written in such a way that the dog gets a two hour "break" every 10 hours resulting in the dog still being tethered for 20 out of 24 hours! How is this solving the problem at hand? How is this meeting the intent of an ordinance to improve the conditions and treatment of Chatham County animals?

Placing a reasonable time limit is our only hope of preventing all of the negative circumstances that go along with 24/7/365 tethering.

For the last 7 months I have volunteered for Dogs Off Chains and now seen every nook, cranny and corner of Chatham County. I have gained a sincere respect for the expansive territory that our very limited animal control team has to cover. Unless you increase the number of officers, I do not believe it really matters whether the limit is 3 hours per 24 hour period which seems to be the standard or 10 hours per 24 hours as long as there is a limit to the total hours per 24 of 10- tethering exceeding this limit will be more obvious and provide an opportunity for investigation. 20 hours per day will not appear obvious or easily enforceable- who can track whether a dog gets a 2-hour break here and there especially after dark?

Finally, in closing, thank you for listening and I hope you will pursue modifications to the proposed ordinance to include: restoring cruelty language, restoring the 5 day holding period, and limiting humane tethering to a maximum of 10 hours per 24 hour period."

**Frankie Heath**, a resident of Guilford County, stated her County voted for total prohibition from tethering on December 21, 2013. Guilford County researched the different options over a three or four year period and worked intensively over the past year trying to put together the information. Counties and Jurisdictions across the country have passed this tethering ordinance in different varieties. Some have extended hours for tethering and others have total prohibition of tethering. There are now 167 jurisdictions across the country, about 25 states, and about 23 or 24 in North Carolina with Guilford being the last. Tethering is a community issue, it is a policy issue, and it is a legislative issue. A dog with no fence makes everyone in the community vulnerable. It also exposes the dog to dangers. It is also a humane issue. There are over 200,000 dogs chained in this country every year. You cannot socialize a dog or train a dog on a chain. The nuisance calls interfere with the quality of life in a community. She urged the Board to look at the time limit and reconsider the 10 hour limit. Many communities have gone to a three hour limit. She stated Chairman Petty wanted

an ordinance that is easy to enforce and the easiest way you do that is to say no tethering.

**Cabell Regan**, an attorney in Pittsboro for 10 years and his family has been in the County for almost 200 years. He spoke on behalf of the Guardians of Angels as a member and as their attorney. He stated there needs to be a total ban on tethering. Of the two options in front of the Board, he stated the 10 hour time limit option was certainly preferable to no time limit at all. There is a very high correlation between tethering and animal fighting and also between animal fighting and drug trading. It does not mean that every person who tethers an animal sells drugs but it does give our law enforcement a tool to go out and look for conditions they know are wrong. He strongly encouraged the Board not to allow a 3 day holding period for strays. Animal Control is only open from 11:00 AM to 4:30 PM. If you work you have to take a day off of work to see if your dog is at Animal Control. He stated he believed Animal Control is open on Saturday mornings. Why not hold dogs throughout the entire day on Saturday so working people, who also vote, can see if their dog is there. He also stated that as the ordinance is currently written, he believes it is in conflict with State law. Senate Bill 626 passed the last summer and became effective January 1, 2014. The bill has a provision that you have to hold a dog for at least three days. After the three day period is over you have to expose the animal for adoption. He stated the County ordinance is in conflict with that because after three days in the County ordinance the animal is euthanized. He asked how many issues has the Board seen with this much passion. He stated the Board has been looking at this issue for a year and asked that they consider looking at it a little longer. On behalf of the Guardians of Angels, he said they would be happy to present to the Board at a work session at their own expense. They would have longer than three minutes to not only present to the Board but to also have a discussion with the Board.

**Donna Kelly**, 553 Holly Glenn Road, Pittsboro, sent the Board a document which lists a lot of the research she has done with links a lot of resources. She stated a lot of the resources have been quoted here tonight, repeatedly as evidence that tethering is inhumane and should be completely banned. I was stunned when I actually looked up some of these references and read what they said instead of what was claimed what they had said. For instance it is often cited that the USDA banned tethering because it is inhumane. And it is used as evidence that it should be banned completely. The USDA ruling was directly in relation to animals in an institutional setting that are not part of a family that are very different from home owners and pet owners. What is never reported is the USDA went on to clarify what they meant. "This rulemaking was based on our experience in enforcing the Animal Welfare Act, which has shown that tethering can be an inhumane practice when used as a means of primary enclosure in facilities regulated under the Animal Welfare Act. Typically, this inappropriate use of tethering involves dogs that are permanently tethered without opportunity for regular exercise. This was the basis for our position that tethering is inhumane. However, we recognize that under other circumstances (intermittent use, dogs are vigorously exercised, pets are on running tethers, dogs have close oversight, etc.) the use of tethering may be entirely appropriate and humane. We did not intend to imply that tethering of dogs under all circumstances is inhumane, nor that tethering under any circumstances must be prohibited." That is very differently than what is repeatedly quoted and posted on hundreds of websites. There is no doubt that some animals that are tethered are abused. The problem is the abusive owner. You cannot blame an inanimate object for the abusive owner using it. What I am concerned about is everyone gets emotional about this, you want to do something to save the animals so you think you can pass an ordinance and you solve the problem. It does not solve the problem. How many tethered animals will now be moved to a basement or someplace where they cannot be seen? People talk dog fighting. How many of those people are going to move their animals indoors or even someplace less noticeable? There are consequences with unintended circumstances with all of these things and you have to consider those. It is not that I do not want to do anything. I have three dogs myself that were all rescued as strays. I knew that I could save them from an abusive owner and give them a chance. I cannot save them from a lot of people who brow beat and bully people into passing something based on emotion without looking at all of the unintended consequences and all of the alternatives.

Ms. Kelly also submitted the following written comments:

"While there is no doubt there are tethered animals that are abused and neglected,



there are also animals kept in pens, fenced yards, homes and allowed to run loose that are also abused and neglected. An inanimate object cannot abuse an animal unless it is used by someone either deliberately or unintentionally to do harm. To be effective education, outreach and enforcement must target the person actually abusing or neglecting the animal. Blaming a tool for the actions of the person who misuses it wastes valuable resources and unfairly limits the options of responsible owners. Individual dogs are unique as are the households they belong to. We require owners to keep their dogs on their property so they should be allowed to determine what works best for their dog and their household unless there is clear evidence their decisions are causing harm.

The provisions for Humane Restraint target the real problem of abuse and neglect. If properly enforced along with existing statutes against abuse and neglect should be sufficient for dealing with the problem cases that occur. Focusing on education and enforcement of reasonable guidelines will do more than passing an unenforceable compromise solution like the 10 hour limit being proposed. Just because a neighboring community enforces a complete ban or a short time limit does not mean any time limit can be enforced. Testimony by Animal Control professionals in numerous communities is that a time limit must be short to be enforceable and that a total ban is the easiest to enforce.

However enforceability does not necessarily equal effectiveness. In most cases, as is the case here, Animal Control does not know how many dogs are tethered nor how they are tethered. Without that information there's no way to determine if improper tethering is a significant problem. There is also no objective way to measure success after an ordinance is passed if you have no baseline data to compare it to but most communities that pass restrictions claim they are effective. Of course anything can be declared a success depending on how success is defined.

Although most of the discussion has focused on animals that are tethered 24/7 and ignored, that is evidence of neglect, not an inherent feature of a tether. The problem is that the animal is neglected, not that it's tethered. I've had too much experience with dogs that were properly tethered for limited amounts of time and seen too much evidence that some dogs can be safely tethered under the right circumstances to be able to blame the tether instead of the abusive owner using it. No method of restraint is appropriate for every dog in every situation but that does not mean it's inappropriate in all cases.

Many people have repeated the talking points that are posted on anti-tethering websites and that have been used to justify tethering bans in communities around the country. These points have been repeated so often that no one questions them and few take the time to read the actual sources of these claims. After all, who would misrepresent a statement by the USDA or the CDC when it could be so easily verified?

I've researched many of the claims posted on these websites and presented at previous meetings. In almost every case the claims are taken out of context, misleading, exaggerated or completely misrepresent the actual source of the claim. Here are a few examples.

The first claim on most websites is that the USDA banned tethering because it is inhumane and this is used as evidence that tethering should be banned in all cases. The quote usually cited comes from the initial proposal for a rule change for animals in industrial settings that are regulated under the Animal Welfare Act in 1996.

<http://www.gpo.gov/fdsys/pkg/FR-1996-07-02/html/96-16871.htm>

When the final rule was approved in 1997 it included a provision that allowed for temporary tethering in approved situations.

<http://www.gpo.gov/fdsys/pkg/FR-1997-08-13/html/97-21370.htm>

What's missing from all these websites is the fact that the USDA's ruling only addressed the institutional settings they regulate. More importantly they never include the USDA's clarification issued the following month:

“ This rulemaking was based on our experience in enforcing the Animal Welfare Act, which has shown that tethering can be an inhumane practice when used as a means of primary enclosure in facilities regulated under the Animal Welfare Act. Typically, this inappropriate use of tethering involves dogs that are permanently tethered without opportunity for regular exercise. This was the basis for our position that tethering is inhumane. However, we recognize that under other circumstances (intermittent use, dogs are vigorously exercised, pets are on running tethers, dogs have close oversight, etc.) the use of tethering may be entirely appropriate and humane. We did not intend to imply that tethering of dogs under all circumstances is inhumane, nor that tethering under any circumstances must be prohibited.”

<http://www.gpo.gov/fdsys/pkg/FR-1997-09-25/html/97-25482.htm>

When reading the whole statement in proper context, the USDA position is more supportive of an ordinance that includes conditions for Humane Restraint than a ban on tethering. Yet how many of the people who are convinced tethering is inhumane and should be banned have ever read the full the citation?

Another claim is that a CDC study showed dogs that bite are more likely to be chained or that chained dogs are 2.8 times more likely to bite. I'm sure most people assume this was a comprehensive study of dog bites that conclusively proved these statements. Actually, it was a study of a small percentage of dog bites in Denver for one year. While it was a novel attempt to use a specific type of statistical analysis to study some of the potential contributing factors in dog bite incidents it was certainly not comprehensive as the authors themselves point out in the paper. They also report the increased association of tethering and dog bites only reached borderline significance not that they proved tethered dogs are more likely to bite. They do not even mention tethering in their conclusion or the recommendations for what pediatricians can tell parents to help prevent dog bites in children. It's obvious the authors of this study did not find their results to be conclusive evidence that tethering causes dog bites so why are so many people who haven't even read the paper willing to make that claim?

The abstract of the study is available here:

Gershman KA, Sacks JJ, Wright JC. Which dogs bite? A case-control study of risk factors. *Pediatrics* 1994;93:913-7.

<http://pediatrics.aappublications.org/content/93/6/913.abstract>

Anyone with a Chatham County library card can use the <http://www.nclive.org/> website to access and read it for themselves. [Pediatrics. Jun94 Part 1 of 2, Vol. 93 Issue 6, p913] While the section describing the statistical analysis is rather technical most of the article describing how it was conducted and its findings is very straightforward and should raise many questions for anyone interested in what the study actually showed.

We've been told that one reason we need some sort of tethering restriction is to help deal with the pit bull and dog fighting problem in Siler City. If there truly is a dog fighting problem in Siler City a better solution would be a targeted approach of education, outreach and enforcement in Siler City. All aspects of dog fighting are a felony as are the most severe cases of animal abuse. Blaming a tool or specific type of dog will not stop criminals from abusing animals but will unfairly stigmatize responsible owners and family pets.

An interesting aspect of the CDC study cited above was that none of the bite incidents studied involved pit bulls. That is because Denver banned pit bulls in 1989 as a way of preventing dog bites. Obviously, dog bites still occur in Denver or the study could not have been done. In fact there's no evidence it's affected the overall number of dog bites. However, their program is considered successful because there haven't been any dog bites by a pit bull since it was passed. I doubt the families of the over 5000 dogs that have been confiscated because they were thought to be at least part pit bull would agree. I'm certain the 3500 dogs that have been killed to achieve this success would disagree as well.

This is an article about Denver's experience written in 2009 when the city reconsidered its ban.

<http://www.westword.com/2009-09-24/news/for-two-decades-pit-bulls-have-been-public-enemy-1-in-denver-but-maybe-it-s-time-for-a-recount/>

And this is a graphic depiction of the cost of Denver's policy.

[http://blogs.westword.com/latestword/2009/10/leaked\\_photos\\_of\\_dead\\_pit\\_bull.php](http://blogs.westword.com/latestword/2009/10/leaked_photos_of_dead_pit_bull.php)

Pit bull bans are based on the same irrational fears and lack of or misrepresentation of evidence as tethering bans. The most often cited evidence that pit bulls are dangerous is a study published in 2000 in the journal of the American Veterinary Medicine Association (AVMA) that examined dog bite statistics for 20 years. The study clearly stated that it could not be used as evidence that any one breed was more likely to bite than another and explained in detail the limitations of its data. The AVMA published a disclaimer reiterating this point which is included when accessing the article on their website. Despite these attempts to ensure the study is put in proper context, it is still being used to write articles about which dog breeds are more likely to bite. The issue is twofold and parallels the problem with the tethering claims. First there is no comprehensive database of dogs breeds in the US let alone given areas. Without that information there's no way to properly interpret any findings about the number of bites attributed to any breed in a specific area. Is a breed at the top of the list because it's aggressive or because it's the most popular breed in the area and even if only a small percentage of them bite it's going to be a significant number? Second, there's no definitive way to determine breed, especially since a large number of pets are mixed breed dogs. Despite claims to the contrary, there is no conclusive way to make claims about any breed's likelihood to bite. Similarly, without the underlying base data of how many households tether their animals and how they do so there is no way anyone can legitimately claim there is a tethering problem in Chatham County or anywhere else.

This is the study being misrepresented with the AVMA disclaimer:

[https://www.avma.org/Advocacy/StateAndLocal/Documents/javma\\_000915\\_fatalattacks.pdf](https://www.avma.org/Advocacy/StateAndLocal/Documents/javma_000915_fatalattacks.pdf)

Here's a link to the AVMA position statement on the role of breed in dog bite prevention

<https://www.avma.org/KB/Resources/Backgrounders/Pages/The-Role-of-Breed-in-Dog-Bite-Risk-and-Prevention.aspx>

Although the AVMA has position statements on many animal welfare issues they do not have a position statement on tethering. That is why those wanting to use the AVMA as an authoritative source against tethering use a quote from a 2003 press release "Veterinarians team up with plastic surgeons for dog bite prevention week - May 15, 2003" which includes tethering as the last item in a list of 10 Safety Tips for Dog Owners.

<https://www.avma.org/News/JAVMANews/Pages/030515n.aspx>

In addition to the disturbing misrepresentations of evidence against tethering I've found some compelling presentations on how tethering can be done humanely and actually be beneficial in specific circumstances. Here are a couple examples:

<http://www.betheleaddog.com/be-the-lead-dog-2/proper-dog-tethering-has-many-benefits/>

[http://www.colomtnmushers.org/PDF-Docs/tethering\\_NancyRussell.pdf](http://www.colomtnmushers.org/PDF-Docs/tethering_NancyRussell.pdf)

The National Canine Research Council (NCRC) gives a good explanation of the difference between effective and ineffective laws. Effective laws promote responsible pet ownership while ineffective laws divert resources from real solutions.

<http://nationalcanineresearchcouncil.com/dog-legislation/effective-v-ineffective-laws/>

Although I fully support clarifying the provisions for Humane Restraint there was one provision added that I have concerns about. The requirement that any tethered dog must be spayed or neutered could unnecessarily force someone to spay/neuter their animal. The ACO requires any intact female to be contained indoors or in some other manner so as not to present a public nuisance when in heat. Someone could follow that guideline and still tether the dog at other times, especially if they used tethering as a supplemental restraint rather than a primary restraint. The ACO also requires animals to be kept on their owner's property, so the only way for a tethered animal to be impregnated or impregnate is for two other provisions of the ACO to be violated. Dogs restrained by other methods would not be subject to the same requirement even though they may share a similar risk – fences can be jumped, an invisible fence or no restraint certainly allow access, so why single out tethered animals for additional restrictions beyond what is already required? While it may not seem like that important an issue, there are some serious concerns being raised about mandatory spay/neuter laws some of which are addressed on the NCRC website noted above. While spay/neuter should certainly be encouraged, like many other things there are exceptions and alternatives to prohibition.

Public policy decisions are much more complicated than the goals of single issue advocacy groups. Anti-tethering advocates do not have to worry about the unintended consequences because their goal is to save just one more dog from being abused while tethered. While most citizens are law-abiding and will follow the new rules, the people that are the real problem are less likely to comply or may make even worse choices.

Rather than saving dogs from abuse, restricting tethering may lead abusive owners or dog-fighters into more concealed locations making them even more difficult to find. A dog in a pen is less easy to see from the road so neglected animals forced into pens may be more easily overlooked.

Limiting options for people to safely restrain their dogs may lead to more problems with strays or force people to give up their pets. Does it make sense to limit the use of one type of restraint when the second highest Animal Control call is for strays? Stray animals can pose many risks to public health and safety so anything that may increase the risk of strays should not be taken lightly.

There is a price to pay anytime choices are restricted. While the intention is always to prohibit the misuse of an object, the result is that proper use will also be restricted and there may be consequences that are not easy to predict or measure. While it's easy to ignore that possibility it does not change the reality of the harm done to the victims of those effects. Denver was willing to kill 3500 dogs to prevent just one bite from a pit bull. What price is Chatham County willing to pay to protect just one more dog from a misused tether?"

**Valerie Broadway** Professional Dog Behavioralist, submitted the following written comments:

"I am Valerie Broadway, a professional dog behaviorist, who lives and operates my business in Chatham County. I have been involved in county animal issues since 1979. In the late-1980s I reorganized the Chatham Humane Society (now known as Chatham Animal Rescue and Education; CARE).

I have served on the Chatham County Animal Control Advisory Committee for several terms, and continue to attend the meetings as a member of the public. During my last term on this committee, several years ago, I initiated an update to the county's Animal Control Ordinance. The prior update was made in 1993. When I rotated off the committee the ordinance review was almost completed. To date, the ordinance has still not been completed or approved. It has now been in the revision process for nearly 7 years. Approximately, 6 months ago after the ordinance came to the commissioners for approval, there was suddenly an interest in including a dog tethering ban.

If it were up to me to initiate a controversial ordinance item, it would have been the

institution of mandatory spaying and neutering of all dogs and cats. However it came about, anti-tethering is the issue at hand.

Speaking on what is in the best interest of pet dogs, most tethered dogs live a harsh and lonely existence. People typically do not understand how dogs operate, both mentally and socially. Most people do many things wrong from the moment they get a puppy. Dog psychology and child psychology have a lot in common. Both need to be nurtured and given direction. Both are social beings and will not thrive in isolation. The average tethered dog is getting none of these needs met. If you want to create a mentally unstable dog chain it out and make it spend most of every day alone.

While attending a recent Board of Health meeting I was asked if there is a difference in tethering a dog or keeping a dog in a pen. My answer, psychologically speaking, no.

If a dog is tied or penned and is not getting at least an hour a day to run and play, to go places for socialization with other dogs and people, to receive basic training and manners work, you will find the results are usually the same. By the time these dogs are a year old they are frustrated and under-socialized. Many may appear to be normal in its environment to the owner, although probably hyper-excited when its owner comes near (out of desperation for attention). But try to take the dog away from where it lives, or introduce a person the dog has never met, and a very fearful dog will come to light. In dogs, fear may be exhibited by trying to avoid that which it is afraid, or the exact opposite. The dog may become very aggressive toward the object of its fear. Tied or penned dogs will likely be much more territorial of the area they live in.

Statistics show that dog bites in rural areas are four times higher than in more populated places. I think this is due to larger number of dogs who are chained and penned and thus under-socialized.

In addition to being under-socialized, chained dogs face additional issues:

- 1) They are extremely vulnerable to attacks by other animals, including humans.
- 2) Often the chains get caught around nearby bushes or trees and restrict the dog's movement, sometimes to nothing.
- 3) A person once told me their chained dog was mortally injured when the tree the dog was chained to was struck by lightning.
- 4) Unless the owner is vigilant, chains break, and collar hardware wears out. Most chained dogs unintentionally get lose from time to time. If the dog is aggressive this is a danger to humans and/or other animals in the area.

On average I report animal neglect or cruelty about once a month. Usual it is about emaciated dogs, or no shelter provided. In these cases about 90% of the time the dogs are tethered. Many times the call is about a dog on a short chain or tied by a short leash. In those cases it is 100% tethered dogs.

In most cases tethering is not good for dogs or humans. In a perfect world dogs would be an integral member of the family and be treated as such. A mentor of mine once said, "You can tell how much attention a dog gets by how far it is kept from the house." Sadly, I believe this is true. Most tethered dogs I see are far, far away from the house. Some dogs are tethered at abandoned houses.

An outright tethering ban would be beneficial to the dogs of Chatham County, and everywhere. But that is not something you can just start something like that without sufficient notice to the public.

If Animal Control does not have the Staff and resources to enforce ordinance Option II, the 10 hour ban, then it should not be put into place.

So if this is the case, given the choices, Option I would be my recommendation. The three things I would like to see changed though are:

1. In 91. (A), to remove the reference to keeping dogs in "outbuildings". This is potentially worse isolation than keeping a dog on a chain. And,
- 2- Listed somewhere in 91. (E), to include verbiage about not tethering dogs so

close together that they can become tangle with each other. (This has happened on animal control calls before,)

3- Include somewhere that dogs cannot be tethered on vacant property.

Thank you.”

Chairman Petty asked for a clarification about the holding period due to Mr. Regan’s comment that the County Ordinance was in conflict with the State law.

Mr. Long stated that Commissioner Kost was correct that the time could be expanded. The issue, however, is when you get a completely unadoptable animal you are held to that standard that you must hold for that period of time. Mr. Long went on to say that the Animal Control Staff does everything possible to find a loose animal’s owner. They post the animal’s picture on FaceBook as well as the website in hopes of find the owner.

Vice Chairman Bock asked if Staff could explain what unadoptable means. Mr. Long stated unadoptable means feral or not socializing.

Chairman Petty asked whether or not the shelter would hold an animal past the three day hold if the owner called and asked for extra time to come pick up the animal. Mr. Long said absolutely.

Vice Chairman Bock asked if there is any way to delineate what the shelter is holding for three days or five days in the ordinance. If it does not say feral, there is no way to hold a future animal control officer from interpreting that any way they want it. It does send a strong message to cut it from five to three days.

Mr. Long stated from a practical standpoint they make every effort to find the owner or another place for the animal.

Ms. Garrard stated some of that is addressed in policy already. Unadoptable may mean illnesses or sickness that is not recoverable or injuries that are not recoverable. Sometimes those make it more inhumane to hold them for the entire period.

Vice Chairman Bock stated currently the way the ordinance is written, the shelter has to hold the animal with an illness or injury for the entire five days. Ms. Garrard stated Bock was correct and they send them to a vet at the expense of Animal Control.

Vice Chairman Bock asked if, over the last twelve months, the shelter been forced to euthanize an animal to meet the five day hold requirement. Ms. Garrard stated they had not.

Vice Chairman Bock asked the question if the Board is addressing a problem that is not. Ms. Garrard stated she believed so. She stated that if Staff has any suspicion there is an owner for the animal then the shelter will hold them. If they are adoptable animals then they are going to hold them as long as they possibly can.

Ms. Garrard stated it is only a problem with space concerns and it is not just dogs. It is also feral cats that have to be held for five days. Mr. Long stated the State has created a problem by saying you have to hold them due to the space issues.

Vice Chairman Bock stated he would like to see feral and adoptable defined in the ordinance. He asked if the state had its own definitions. Ms. Garrard stated it did not.

Vice Chairman Bock asked if Staff could come up with its own definition. Mr. Long stated Staff could make it at the discretion of the Animal Control Division.

Commissioner Kost stated Mr. Regan talked about the Senate Bill SB 626. The bill established the County must hold an animal for three days but it must be put out for adoption. Commissioner Kost asked if that is not always the case. Ms. Garrard stated Staff can put it up for adoption during the 72 hours holding period.

Commissioner Kost stated the way the shelter is legal with the law is as soon as the animal comes in you put it out there for adoption. Ms. Garrard stated Staff puts the animal on the department FaceBook page as a new animal.

Commissioner Kost stated the Guardians of Angels have requested time on a work session. She would like to make sure they feel they have been heard and three minutes without any dialogue is not adequate.

Vice Chairman Bock stated he would like to go back to the five and three day holding period part of the discussion. He believes it does not sound like it has been a problem. He stated it has been a problem for the health director in the past for capacity issue because the state mandated it.

Vice Chairman Bock stated in order to make the Board feel comfortable, they needed a definition of adoptable in the ordinance.

Vice Chairman Bock asked Staff about appointing an animal cruelty investigator and for Staff to explain what they do and who they report too.

Ms. Garrard stated they report to you and you are the appointing authority.

Vice Chairman Bock stated he had met one of the two investigators.

Ms. Garrard stated if there is a concern they bring it to us and then we address it and they do criminal charges if necessary.

Chairman Petty stated that seems how it should be and then it comes to the Board if necessary.

Commissioner Cross asked if there was any liability appointing a volunteer to go out into the public

The County Attorney, Mr. Jep Rose, stated he did not think there is much risk of liability.

Commissioner Cross stated they are not an agent of the county, not an employee, we do not appoint any other volunteers in this capacity.

Vice Chairman Bock asked what authority they have.

Ms. Garrard stated the same as any other civilian.

Chairman Petty asked how the investigators had been accepted by the people they are investigating. Ms. Garrard stated their working relationship has gotten better. One resigned for personal reasons and the other is still working.

Chairman Petty asked if there had been any problems resolving any issues.

Ms. Garrard stated there had not been.

Mr. Long stated there had been some public comments on the cruelty provision. He said that provision could be found on page 13 under 91.020. Staff found 91.021 to be redundant as it is referenced by another statute so it was removed. However new language had been added to 91.020 that was not there before.

Chairman Petty stated they need to define adoptable animals and leave the holding period as five days so that future Boards and Animal Control Officers have a clear ordinance to follow.

Vice Chairman Bock stated a total ban was originally an option. The majority of the Board decided that was not an option they would support. So we asked staff to come back to

the Board with the other two options.

Chairman Petty stated he suggested leaving it up to the Animal Control officers' discretion as long as staff could define inhumane. He said he felt like the ordinance accomplished what they wanted it to accomplish in that we could do something about the animals that were being abused and it would be up to an individual to report it. Then an animal control officer could go out and investigate it and based on our definition could use their judgment. This would make it so that Staff could easily respond.

Vice Chairman Bock stated he pushed a little harder for a time limit. He suggested a three hour time limit but after much research found there is a wide range of opinions on total ban, three hours, ten hours, etc. There is no data that shows tethering as a tool is inherently bad. Responsible people do it properly and it is the irresponsible people we are trying to address here. Bock stated he is against doing something just to make it look like we are doing something. There was no magic number for ten hours. He said he does not know that a ten hours or three hour time limit is going to fix the people who are abusing their animals. He would like to see a case where a dog was tied up improperly that the humane restraint provisions in this ordinance would not have addressed. Humane restraint goes a long way to punish those who are not being responsible. Ten hours bothers him even though it was his number. Bock stated he has tied up my dog and he has done it responsibly.

Commissioner Cross stated he knows many people who crate dogs.

Ms. Garrard a responsible crate should be done indoors.

Commissioner Stewart stated this is one of the toughest things she has faced in the last three years. This County does not support animal cruelty. The Board wants to protect those who cannot protect themselves but also wants to protect the citizens. You cannot enforce this with all animals. You cannot go door to door and enforce this. We are not supposed to let our animals roam free. That is more inhumane than tethering in many situations. We can say no tethering and release a vicious animal to roam free. Who is going to be responsible when that animal hurts someone? Commissioner Stewart stated there are inhumane issues with crating, fencing, tethering. She would love to say no tethering but it will not fix the issues?

Commissioner Cross stated crates are normally inside. He asked Ms. Broadway for her input. Ms. Broadway stated that crating for long periods of time, such as, ten hours is inhumane. Puppies definitely could not do that. If you do it for short reasonable amounts of time, then the crate would be the acceptable answer. But you need to give the dog something to do in the crate. Ms. Broadway stated if you over crate, a dog it will not like the crate. But if you crate properly, they will like they crate. Overnight is an appropriate use of a crate.

Vice Chairman Bock asked Ms. Broadway based on what she said about ten hours in a crate being inhumane, what if Animal Control started going door to door looking for irresponsible crating. She stated she is worried people will go from tethering to crating.

Chairman Petty stated humane restraint covers everything. It gives the animal control officer the flexibility to enforce as they see fit and we do not have to define every single situation.

**Vice Chairman Bock moved, seconded by Commissioner Stewart, to approve the Animal Control Ordinance, with suggested changes with the exception of the five to three day holding period, and selecting Option One.**

The Chairman asked if there was any discussion.

Commissioner Kost stated the Board has heard from other places where a total ban is working.

Vice Chairman Bock stated to be fair he did not say it would not work; he said we should not do it.



Commissioner Kost stated she would have supported a complete ban.

Chairman Petty stated he believed if we see there is an ongoing problem we can take steps as necessary.

Vice Chairman Bock stated he would really like to see six months to a year from now to see the number of calls where a time limit would have been helpful.

Commissioner Stewart stated she would like to see documentation where inhumane tethering was happening.

Mr. Long stated they would do that. Ms. Garrard stated they had also added a complaint for water, shelter, etc. to track that data.

Chairman Petty asked Vice Chairman Bock if he would be willing to amend his motion, to pull out the spay and neuter portion so that the Board could address it separately.

Chairman Petty stated the responsible dog owners are not the problem. They are keeping their dogs in an electronic fence or on a trolley system and they may be a breeding dog. We should not be required to tell that responsible dog owner that their animal must be spayed or neutered because they are not in an enclosed fence. It is the dog running loose around the neighborhood that is the problem. Chairman Petty stated it would be wrong to penalize someone who is properly restraining their dog. He believes it is wrong to tie the spay and neuter to this part of the ordinance and it should be addressed separately.

Vice Chairman Bock stated he would amend his motion and they would vote on the spay and neuter topic separately.

**Vice Chairman Bock moved to amend his motion, seconded by Commissioner Stewart, to approve the Animal Control Ordinance, with suggested changes with the exception of the five to three day holding period, selecting Option One, and removing the Spay and Neuter section. The motion carried four (4) to one (1) with Commissioner Kost opposing.**

Ms. Garrard asked if the new Ordinance would be effective immediately.

Commissioner Kost stated that while you want things to move quickly, there does need to be some education.

Chairman Petty suggested implementing the ordinance immediately but setting a grace period to allow time to get the word out and to educate the public.

Commissioner Kost asked how much time it would take for Staff to train on the new ordinance.

Ms. Garrard said it would take quite a bit of time to get her staff trained.

Commissioner Kost suggested March 1, 2014 as the effective date so that staff would have a little over a month to educate themselves and the public. Mr. Long said it may take up to ninety days.

Commissioner Kost suggested April 15, 2014.

Chairman Petty asked for a motion for implementing the ordinance in 90 days.

**Vice Chairman Bock moved, seconded by Commissioner Stewart, that the implementation date of the ordinance be April 15, 2014, 90 days from approval of the ordinance. The motion carried five (5) to zero (0).**

Vice Chairman Bock stated he would like to see spay and neuter in the ordinance.

This issue is why we have a capacity issue. It is why we have a feral cat issue. Vice Chair Bock asked if there was a way to put a provision in the ordinance for breeders.

Chairman Petty stated he would like to find a way to encourage and support it instead of trying to legislate it. There are programs where it is free, there are coupons, and there are clinics. It is the owner that is irresponsible with his animal that is the problem, not the one who is responsible. Chairman Petty stated he could support an ordinance that stated every animal that runs loose must be spayed and neutered.

Ms. Garrard stated impounded animals are already required to have rabies shots and they could require it to be spayed and neutered as well.

Chairman Petty stated there would have to be some kind of grace issue with that as well. Some dogs jump the fence and if it happens multiple times then it is a problem. If it happens once or twice you wouldn't want that animal to be penalized.

Vice Chairman Bock asked if Chairman Petty would support that. Chairman Petty stated he would if Staff records the number of times it happens. If it happens once then he would not support that. If it happens over and over again then we have a problem.

Mr. Long stated Staff could bring back some language while they work on the adoptable definition. Ms. Garrard stated that on behalf of staff who has to euthanize due to irresponsible pet owners, she can say that spay and neuter is the way to keep the animals from coming into the shelter doors in the first place.

Chairman Petty asked to pass the ordinance as is and leave that section for more research and clarification.

Vice Chairman Bock asked if they could put a time limit on when Staff is going to bring back the ordinance. He suggested by the March 17, 2014 meeting and then the ordinance would take effect in April 2014.

Chairman Petty apologized for those who may be disappointed with the result of the vote. He said if there are ongoing problems, we can always take another step. He did not want to overstep the first move they made. If it needs additional attention we will address it.

**Terry Dorsey**, member of the Guardians of Angels, asked to address the Board. He stated he understood the Board struggled with the ordinance. He knew Mr. Long and Ms. Garrard struggled with it and had walked in to a difficult situation. Mr. Dorsey stated he had been through this with three sets of Commissioners and three Animal Control Directors. He stated that this had been the most discussion had with this issue ever. They were never stuck on tethering. He stated they brought up tethering because they wanted to discuss neglect and abuse. Commissioner Kost and Vice Chairman Bock have taken a lot of time on this issue. He stated that if they have a non functioning animal cruelty investigator, who was in charge of the Animal Control Advisory Committee, then that is a problem. Mr. Dorsey asked if the Guardians of Angels could talk to the Board further about dog fighting, cruelty and neglect, and education. He thanked the Board for its time and work on this issue.

### **MANAGER'S REPORTS**

There were no reports at this time.

### **COMMISSIONERS' REPORTS**

Commissioner Stewart wished Commissioner Kost well and much success on her new ventures. She stated the Board and the County would miss her. She always made the conversations lively and gave the other opinion which is important.

Vice Chairman Bock also wished Commissioner Kost well and said she will be missed by all.

Commissioner Kost stated it is difficult to leave the community that she is so passionate about but life goes on and she is looking forward to getting involved in her new community.

**ADJOURNMENT**

Commissioner Cross motioned, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:18 PM.

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Walter Petty, Chairman

ATTEST:

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Lindsay K. Ray, Clerk to the Board  
Chatham County Board of Commissioners