

MINUTES

November 25, 2003

The Davidson County Board of Commissioners met at 7:00 P.M., Tuesday, November 25, 2003, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regularly scheduled meeting and a scheduled public hearing.

PRESENT

Commissioners: Chairman Fred Sink, Vice Chair Priscilla Hege, Cindy Akins, Billy Joe Kepley, Don Truell, Dr. Max Walser, Sam Watford

County Attorney/Clerk to the Board Robert C. Hedrick, County Manager Robert Hyatt, Social Services Director Catherine Lambeth, Senior Services Director Kathryn Gentry and Donna Campbell, JTEC Director Pat Everhart, Davidson Vision CEO and President Ben Ross, Buck Yarborough, Rev. Lee Jessup.

A. CALL TO ORDER AND WELCOME

Chairman Fred Sink called the meeting to order and welcomed guests.

B. INVOCATION

Rev. Lee Jessup

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

Chairman Sink recognized Jim Kelly, representing the Davidson County Council of Chambers. Chairman Sink then called on Commissioner Max Walser for a special recognition.

Commissioner Walser informed the Board that the Economic Development Summit has resulted in the scheduling of a meeting for December 2, 2003 with CEO's and Human Resource Directors coming to Davidson County to offer information and assistance to the County for attracting industry.

Commissioner Walser then recognized Lee Jessup, Executive Director of United Way, and noted his involvement in the 211 Hotline project. Rev. Jessup then recognized Pat Everhart, Catherine Lambeth, Ben Ross, and Buck Yarborough for their participation in the efforts to bring the 211 line to Davidson County. Rev. Jessup apprised the Board of the efforts to bring the 211 line, a statewide system, as a source for information and referral for displaced workers, to Davidson County. He further informed the Board

that the total cost of the system is being handled by the United Way, Workforce Development Board and Davidson Vision, with no cost to the County.

E. REGISTER FOR PUBLIC ADDRESS

Chairman Sink noted the register for public address.

F. ADOPTION OF AGENDA

On a motion by Vice Chair Hege and a second by Commissioner Akins the Board voted unanimously 7-0 to adopt the agenda with the following amendments:

Add: J.1. Schedule Public Hearing for Industrial Revenue Bonds for Childress Winery

J.2. Consideration of Extension of Moratorium on Exotic Animals

Change Closed Session to Real Estate and Administrative Procedure (Exhibit 1)

G. PUBLIC ADDRESS

Gene Beck – inquired if Rick Lanier has been sent a bill for the motto committee to fund the insurance deductible in regards to the lawsuit on the national motto.

Chairman Sink – replied that the bill had been sent and the committee is raising funds to take care of it.

H. PUBLIC HEARING

Chairman Sink noted that the purpose of the public hearing is to receive comments from the public on the proposed ordinance and asked that everyone show respect for all speakers. Chairman Sink further noted that each speaker would be allowed three minutes.

On a motion by Vice Chair Hege and a second by Commissioner Walser the Board voted unanimously 7-0 to open the public hearing to consider the adoption of the proposed Davidson County Animal Control Ordinance in order to address the control and safety issues with animals within the County and receive comments relative to the proposed ordinance.

Those citizens speaking *in favor* of the ordinance were as follows:

Evon Lambeth, of Old Greensboro Road, had livestock that was killed by dogs running at-large.

Ron Cheek, noted his concerns with the number of dogs and cats in his neighborhood.

Ken Cupp stated concerns with dogs charging his family as they retrieve mail from their mailbox.

Thad Hartley, West Davidson area, advocated need for protection from dangerous exotic animals.

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Diane Crouse, Health Director, noted concerns for rabies cases and irresponsible pet owners.

Annette Isenhour noted her concern with a lion in her neighborhood, the owner's lack of proper education and experience in caring for the animal.

Bonnie Reid noted the need for pet owner responsibility, particularly installation of fencing for pets.

Kimberly Hall expressed concerns with the number of animals at-large and the lack of spaying/neutering.

Dell Patterson, Tyro resident, opposed the USDA license exemption and exotic pet breeding.

Debbi Patterson expressed concerns with having the lioness next door, the disruptions due to the roaring, the disruption of children's play, and the disruption in visitation from friends to her home.

Jeanne Michael noted the necessity to carry a big stick to her mailbox and the amount of veterinarian bills for her cat due to dogs running loose.

Jane Livengood advocated responsibility for pets by owners.

David Driver noted the disruption to family life and the fearfulness of his child due to the roaring of the lioness in his neighborhood.

Karen Hedrick, Humane Society President, noted her concerns with the lack of responsibility of pet owners.

Becky Everhart, Humane Society Treasurer and member of the Animal Ordinance Review Committee, expressed concerns for animal welfare and particularly the lack of shelter.

Bernadette Fedzuik addressed the Board on animal rescue.

John Hendren, Environmental Health Supervisor, noted the spread of disease and the need for animal control. Mr. Hendren read a letter from Dr. Chambless, Davidson County Board of Health.

Elizabeth Mason, of the Humane Society, shared information on the calls she answers for animal rescue.

Sgt. Everhart, night-shift Animal Control Supervisor, stated the proposed ordinance seems fair and impartial.

Lisa Snow, southern Davidson County resident, noted the number of animals dumped in her neighborhood.

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Amy Hobbs, founder of the Heart Foundation, noted the need for control of animals being dumped.

Chairman Sink then asked for addresses from *those citizens opposed to the proposed ordinance*.

Fred McClure stated that items 19A and 67 in the proposed ordinance are covered by state laws and just need to be enforced. He noted that he is for a less excessive ordinance and against duplication of laws.

Barney Hill stated that the proposed ordinance will drive exotic breeding underground and stated that the ordinance is complaint-driven.

Ron Qualkenbush questioned the Animal Ordinance Review Committee membership and noted the need to educate the law enforcement officers on the North Carolina General Statutes.

Melissa Duncan, pet shop owner, expressed her favor of small exotic pets.

Shawn Walker stated her favor of snakes as pets.

Dave Phillips, northeast Davidson County resident, noted that his wife is a collector of exotic animals, not a breeder. He stated their involvement with the North Carolina Zoo Board and asked for a revised ordinance.

Michael Stonskof advocated the refinement of definition of exotic animals and exclusion of those animals that have been domesticated for a long time. He favored the USDA licensing.

Larry Seibel an exotic animal handler from Triangle Metro Zoo of Wake County stated that AZA guidelines are impossible for personal pet owners to follow and asked for consideration of separating the guidelines for exotics from dogs and cats.

Tracy White favored the USDA exhibitor's license.

Jim Gibson, father of Julie Plott who owns exotic animals, including a lioness, noted that there have been no attacks by the exotic animals this year. He further noted that Julie has a USDA license and is in compliance.

Susan Jordan stated that all exotic cats are not large (8-40 lbs.) and that her Bengal cat, for instance, has the look of the wild but is a friendly household cat.

Ann Banks stated that she has adopted out over 5,000 animals in animals rescue and that over 10,000 animals were rescued altogether.

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Melanie Motlow, daughter of Ann Banks, noted that she takes food to Tussey Street and Poplar Street on a regular basis for abandoned animals.

Julie Plott, small exotic animal breeder, advocated registration, and that an emergency and recapture plan be submitted to the County. She stated that she has never been away from her property for days at a time. She further stated that her lioness has been spayed and will not be likely to roar as much as in the past.

Larry Hobbs noted that he feeds the animals that have been rescued.

On a motion by Vice Chair Hege and a second by Commissioner Watford the Board voted unanimously 7-0 to close the public hearing.

Chairman Sink expressed his gratitude for the respect shown by all during the public hearing.

Commissioner Watford stated his opposition to the ordinance due to the loss of freedoms.

Commissioner Akins noted that she had a problem with the exotic section of the ordinance and advocated letting the Board work on some revisions.

Commissioner Walser stated that the ordinance was too much and needed to be less.

Vice Chair Hege advocated restructuring of the Sheriff Animal Control and noted that the proposed ordinance was a draft, a tool, to begin addressing problems. She stated that 911 has had 7,000 animal related calls since July 2003.

Commissioner Kepley questioned the membership of the board and expressed concerns with the lack of general public representation. He stated he was against the proposed ordinance and then presented his own version of an Animal Control Ordinance.

Vice Chair Hege made a motion "that the concerns and changes requested by the citizens and these Board members be turned back over to our committee members so that they can edit or rewrite these areas or that they be looked at by this Board in order to expedite the future adoption of an animal ordinance in Davidson County and we would also like to welcome any new members to this committee that this Board of Commissioners would deem appropriate to sit on the committee." Commissioner Walser seconded the motion.

Discussion followed.

Commissioner Akins requested that the revisions be done quickly and the moratorium be lifted.

Vice Chair Hege restated her motion “that the changes and concerns requested by the citizens and the board be turned over to the Animal Ordinance Review Committee members so that they can edit and rewrite these areas in order to expedite the future adoption of an animal ordinance and also welcome any new members that the Board would deem or if the Board deems that just the Board rewrite it, we would welcome that.”

Commissioner Walser noted that he seconded the motion and offered an amendment to the motion “to ask the Chairman to broaden the committee to include people on opposing sides, go back to the committee and take in consideration all the things that have been said tonight, and come back to this Board with a revised ordinance.”

Commissioner Akins offered a substitute motion “that we, as the Commissioners, the governing body of this County, the ones that are going to be hired and fired, basically, over this ordinance, make the decisions because we have to protect the County.” There was no second to the motion.

Commissioner Walser suggested that the Chairman broaden the committee to include other people to give a chance for the committee to be more balanced.

Chairman Sink agreed with the suggestion and agreed that another ordinance is needed. He further stated that a great amount of time and work has been put into the ordinance and the revisions need to be made as quickly as possible and decisions made.

Commissioner Truell *called-for-the-question*.

There was no further discussion following the *call-for-the-question*.

Upon a vote the motion carried 5 to 2; Commissioner Kepley and Commissioner Akins voted “No.” (Exhibit 2)

I. ITEMS FOR DECISION/INFORMATION

Consent

On a motion by Commissioner Truell and a second by Commissioner Watford the Board voted 6-1 to approve the consent agenda; Commissioner Kepley voted “No.” (Exhibit 2)

1. Minutes

The Board approved the minutes of November 6, 2003 and November 12, 2003 Board of Commissioners’ meetings.

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2. Budget Amendments by Zeb M. Hanner, Budget Officer

The Board approved budget amendments as follows:

- ***Sheriff*** – Accept \$511.64 in medical co-payments.
- ***Sheriff*** – Accept \$1,875.09 in commissary funds.
- ***General Fund*** – Appropriate \$12,591 for Bob Segal, CPA PA State Criminal Alien Assistance Program (SCAAP) application reimbursement for 2003 from *Contracted Services (\$2,140) & Capital Equipment (\$10,451)*.
- ***Health*** – Accept \$1,875 from Division of Public Health for medical supplies.
- ***Health*** – Line item transfers to adjust the dental budget.
- ***Cooperative Extension Service*** – Set up account with operating cap of \$6,000 for grants for in-out funds.
- ***Tax*** – Appropriate \$10,540 – Performance Management Project.
- ***Finance*** – Appropriate \$7,500 – Performance Management Project.
- ***Senior Services*** - Accept \$1,212 in donations for Care Management Crisis Fund.
- ***Contract Services*** – Accept appropriation of \$9,000 Hazardous Mitigation Planning Grant funding.
- ***Thomasville City Schools*** – Reallocation of existing Thomasville City Schools Projects and allocation of 2003-2004 budgeted capital.
- ***Social Services*** – Accept \$55,017 in Crisis money and \$2,254 in Adult Day Care funds.

(Exhibit 3)

3. Bob Segal's SCAAP Program by Zeb M. Hanner, Budget Officer

The Board approved the renewal of contract with Bob Segal for the SCAAP Program for 2004.

(Exhibit 4)

4. Additions to the NC Secondary Road System by Guy L. Cornman, III, Planning and Zoning Director

The Board approved the addition of Reich Farm Court in Arcadia Township to the North Carolina Secondary Road System and the adoption of the SR 2 Resolution. (Exhibit 5)

J.1. Schedule Public Hearing for Industrial Revenue Bonds – Childress Winery

On a motion by Commissioner Watford and a second by Vice Chair Hege the Board voted unanimously 7-0 to schedule a public hearing for 6:00 P.M. December 18, 2003 in the Commissioners' Meeting Room of the Governmental Center, 913 Greensboro Street, Lexington, to receive public comment on the Industrial Revenue Bonds for Childress Winery, Inc. (Exhibit 6)

J.2. Moratorium on Exotic Animals

Vice Chair Hege made a motion to extend the Moratorium on Exotic Animals for a period of 60 days; the motion died for lack of a second.

Commissioner Walser made a motion to extend the Moratorium on Exotic Animals for 60 days and require the Animal Ordinance Review Committee to finish the ordinance prior to 60 days; the motion died for lack of a second.

The Board acknowledged the expiration of the current Moratorium on Exotic Animals at 12 A.M. midnight.

J. CLOSED SESSION – Attorney/Client and Personnel

On a motion by Commissioner Akins and a second by Commissioner Watford the Board voted unanimously 7-0 to go into Closed Session for matters of Real Estate and Administrative Procedure.

Return to Open Session

On a motion by Commissioner Akins and a second by Vice Chair Hege the Board voted unanimously 7-0 to return to Open Session.

County Attorney/Clerk to the Board Robert Hedrick reported discussion of Real Estate and Administrative Procedure with no action taken.

Amendment to Agenda

On a motion by Commissioner Watford and a second by Commissioner Akins the Board voted unanimously 7-0 to amend the agenda to add a real estate item.

Commissioner Watford made a motion to transfer lots 16,17,24 and 25 of the Fremont Mendenhall Property to the City of Thomasville by Quitclaim Deed; Commissioner Walser seconded the motion. Upon a vote the motion carried unanimously 7-0.

K. ADJOURNMENT

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On a motion by Vice Chair Hege and a second by Commissioner Kepley the Board voted unanimously 7-0 to adjourn.

Fred C. Sink, Chairman
Davidson County Board of Commissioners

Robert C. Hedrick, Clerk to the Board
Davidson County Board of Commissioners