

**Lincoln County Animal Services**  
**Advisory Board Meeting Minutes**  
**September 4<sup>th</sup>, 2018**

**Attendees:**

Hannah Beaver, Animal Services Director

Dr. Ashley Oliphant, Chairman

Dr. Karen Miller

Mark Connolly

Doug Woods, Vice Chairman

Diane Leatherman

Michael Hull, Senior Animal Services Officer

Lindsey Houser, Animal Control Administrative Secretary

**Guest Attendees:**

None

**Opening:**

Director Beaver handed out the minutes from 8/7/18 as well as a draft of the Dangerous and Potentially Dangerous Dog Ordinance.

Dr. Ashley Oliphant opened the meeting at 6:35 PM.

Danielle Rudisill and Robin Franklin were the only advisory board members not in attendance.

**1. Approval of Minutes**

Chairman Oliphant asked the board if there were any suggestions or changes required for the minutes from the last advisory board meeting on August 7<sup>th</sup>, 2018. After taking a moment to look over the minutes, Vice Chairman Doug Woods offered a motion to accept the minutes as is, with Mark Connolly offering a second.

## **2. Election of Officers**

Dr. Ashley Oliphant was elected as the chairman of the board at the last meeting on August 4, 2018. This left the election of the Vice Chairman and Secretary to the Advisory Board to occur at this meeting. Doug Woods nominated himself for the position of Vice Chairman, and was elected with no opposition. Dr. Miller agreed to continue in her position, service as secretary to the board. She received no opposition from the board.

## **3. Dangerous and Potentially Dangerous Dog Draft Ordinance Review**

Chairman Oliphant turned this portion of the meeting over to Director Beaver, who then refers to the draft of the Dangerous and Potentially Dangerous Dog Ordinance. Director Beaver stated that most of the hearings brought before the Dangerous Dog Board are a result of the attacking dog going off of its owner's property. Most of the attacks are large dogs versus small dogs. There has been about 5 cases of this sort this year. Director Beaver states that this draft ordinance, which mirrors Catawba County, allows dogs declared dangerous to stay in county, but with restrictions and penalties, if necessary.

Chairman Oliphant asks if anyone has contacted officers Animal Control Officers that serve in Catawba County to ask their opinion on the functionality of their ordinance. Director Beaver replies, stating that there has been discussion with Catawba County and they are pleased with their ordinance.

Vice Chairman Doug Woods asks if a dog has to kill another animal to be declared dangerous. Director Beaver replies, saying that they must kill or severely injure another animal in order to be declared dangerous. Animal Control is the deciding factor, and judges whether or not the case should be presented to the Dangerous Dog Board. North Carolina state law allows county entities to provide their own dangerous dog rules. Not every dog that commits a crime would go before the Dangerous Dog Board to be classified as a potentially dangerous dog. The North Carolina State Law gives LCAS the leeway if necessary to decide whether or not the case should be heard by the Dangerous Dog Board. The current ordinance does not give LCAS the ability to judge each case.

Director Beaver begins to discuss the different levels of classification proposed in this draft. A level 1 offender is not allowed in Lincoln County and must be euthanized. It cannot be transferred to other counties, however, the offender's owners can appeal the decision and go through the appeal process while the dog remains in LCAS' custody.

Dr. Oliphant asks whether or not the victim's family's feeling played into any part of the declaration. Dr. Oliphant refers to a previous hearing that involved Cooper, a well-loved dog in a community that killed a neighboring cat. Director Beaver replies, stating that there is emotion involved from both parties in a Dangerous Dog Hearing, however this does not change the black and white rules that outline what constitutes a dangerous dog in Lincoln County.

Mark Connolly suggests defining "severely injured" in the draft or citing the general statute. Director Beaver replies, saying the ordinance would reference the general statute. Director Beaver then references the definitions that are listed in the current ordinance, and says they will be used in the new ordinance as well. Director Beaver states that she will compile a list of definitions that will be used in the ordinance for the board to view.

Chairman Ashley Oliphant references the statement "The Animal Services Director or designee shall order the level 1 dangerous dog to be humanely destroyed" under the Level 1 classification. Chairman Oliphant asks who the designee would be. Director Beaver states that the designee would be the Senior Animal Control Officer, but she would leave the wording of this as is, in case position titles change.

Mark Connolly references section G under the Appeal Procedure for Dangerous and Potentially Dangerous Dog section. He asks what would happen to Level 2 and Potentially Dangerous Dogs that become property of Lincoln County. Mark Connolly expresses concern for families of these dogs that may not have the finances to meet confinement regulations within 21 days. Director Beaver states that this is a gray area that she must consult the county attorney on to clarify this portion. Diane Leatherman asks if at one point, LCAS had operated on the policy that bite dogs could only be released to their owner. Director Beaver says that this was a policy, which was not required by county ordinance. Senior Animal Control Officer Michael Hull agrees. Director Beaver states that she would prefer to have the leeway to make responsible decisions for each case, but that she is still uncomfortable with leaving a gray area in the ordinance. She states that she will determine if other counties with similar ordinances have left this gray area on purpose, or if it just hasn't been handled.

Mark Connolly references point 4a under the Confinement and restraint of Potentially Dangerous Dogs section. He recommends changing the minimum thickness required of structures from 12 gauge to 9 gauge, and adding the option to use the 9 gauge equivalent of welded wire.

Mark Connolly then references section 1 of the Maintenance of a Dangerous Dog section. Mark suggested removing the phrase 'chain or tether' from this section, since this would assume that the dog could be tied out to a tree, unsupervised. This could be dangerous if a child wanders into a yard. He states that this is almost encouraging irresponsible behavior of a dog that has already been deemed dangerous. Mark states that the restrictions in this ordinance force responsibility on the dog's owner, who should have hold of the dog's leash when it is not confined.

Mark Connolly references section 3, Potentially Dangerous Dog. He states that A, B, C and D under point 3 contradict themselves. Director Beaver states that these are options, not all of these are required and that the intent of this is to insure that dangerous dogs do not go off their owner's property without being leashed or muzzled. Mark Connolly then suggests changing this wording to include "and/or". Chairman Ashley Oliphant asks Mark Connolly if he has an issue with giving the option for a dog to be tethered. She states that she has an issue with tethering in general. Mark Connolly agreed, saying that tethering tends to increase predatory drive. Director Beaver says that we must decide if we want to remove the ability for an owner to keep a potentially dangerous dog more responsibly than they were prior to their being deemed potentially dangerous. Senior Animal Control Officer Michael Hull points out that a potentially dangerous dog is different than a dangerous dog. Director Beaver states that the intention of this section is to make sure that said dog stays on the owner's property. The options listed give the owners an array of options to safely contain the dog on their own property, since a dog deemed potentially dangerous has not committed a monstrous crime.

Chairman Oliphant suggests removing the option to tether dogs from the ordinance, and offering assistance through rescues and other organizations. Director Beaver replies that involving other organizations or rescues in an ordinance may complicate things. She then states that some dogs require being tethered within a fence, and that if we look at tethering as a problem, a fence could be problematic as well. She reminds the board that these requirements are for the lowest level offender. Director Beaver suggests giving LCAS the leeway to assess the means by which the owner of a potentially dangerous dog contains the dog on their property, to make sure that it is appropriate for every situation, case by case. Director Beaver ends this portion of the conversation by suggesting that the options listed remain for potentially dangerous dogs, but giving LCAS the final say.

Chairman Oliphant asks if animal control has to approve the enclosure or method of containment for a potentially dangerous dog. Director Beaver suggests mirroring the portion under Maintenance of a Dangerous Dog that requires an inspection of an enclosure that will house a dangerous dog, requiring an inspection to insure that containment of a potentially dangerous dog complies with the ordinance. In the case of a dangerous dog, the dog would remain in the custody of LCAS until an enclosure was inspected and approved by LCAS.

Doug Woods asks for clarification on what crime a dog would commit to be declared potentially dangerous, and if this would include minor bites or puncture wounds. Mr. Woods is concerned for the fate of a dog that may nip out of fear. Director Beaver states that this portion of the ordinance gives LCAS the ability, if needed, to declare a dog potentially dangerous. For example, if there is a reoccurring problem with the same dog. Not every dog that commits one of the crimes listed under this section would be deemed potentially dangerous. This gives the director or designee the ability to view each issue, case by case. She continues, saying that Level 1 and Level 2 dangerous dog classifications are black and white. If the owner of the dog has an issue with the declaration, they can complete the appeals process.

Mark Connolly suggests considering the addition of a declassification system for dangerous and potentially dangerous dogs after a certain time period. Director Beaver stated that she had not seen much of this. Mark Connolly uses Multnomah County as an example, which is the home of Portland, Oregon. In that county, declassification is an option if the offending animal has been through certain training and a specified length of time has passed without violations or other attacks occurring. Mark Connolly passes Director Beaver a copy of the ordinance from Multnomah County, Oregon. Chairman Ashley Oliphant asks if the instructor or facility that supplies these training classes must be certified. Mark Connolly states that this could be a gray area, but that offering these classes and the declassification system would educate dog owners who have had a previous mismanagement issue, rather than just punish them. Director Beaver is in favor of the Level 1 classification remaining black and white. However, declassification is a possibility to consider with a level 2 dangerous dog or potentially dangerous dog.

Diane Leatherman asks if the ordinance could be changed to reflect a requirement that animals deemed potentially dangerous or dangerous be spayed or neutered. Director Beaver says that she doesn't see why it would be a problem to include this everywhere a microchip is mentioned in the ordinance.

Director Beaver states that the goal of the dangerous dog ordinance is not to take every dog, but to educate the owners and make them take responsibility rather than dumping the problem off on animal services.

Chairman Oliphant suggests having Mark Connolly or Doug Woods present when the new ordinance goes before the Board of Commissioners because they work full time in animal behavior. Director Beaver proposes sending the dangerous dog portion of the ordinance through to the Board of Commissioners separately. Chairman Oliphant says she would rather it be sent to the Board of Commissioners with the rest of the ordinance.

Director Beaver states that she will make the changes that are needed and send the revised copy to the advisory board as well as the county attorney.

Diane Leatherman refers back to the Confinement and Restraint of Potentially Dangerous Dogs section. She suggests making it clearer that it is a level 2 dog that requires liability insurance. Director Beaver will change the wording to better reflect this.

#### **4. Animal Services Updates**

Director Beaver informs the advisory board that there were only 2 dogs that were euthanized last month. Both of these animals were behavior cases. LCAS finished the month with a 98.1% Live Release Rate for dogs, and a 92% Live Release Rate for cats. It seems as if LCAS is in "wave 2" of kitten season. Director Beaver stated that there are repairs to be made to the facility (required by the Department of Agriculture), but LCAS would continue with planned renovations. As these renovations occur, it could potentially require the shelter to shut down part of the dog holding areas temporarily.

**5. Next Meeting Dates**

Tuesday, October 2<sup>nd</sup>, 2018

**6. Public Comments**

None

**7. Motion to Adjourn**

Doctor Karen Miller made a motion to adjourn the meeting. Doug Woods followed with a second. The meeting ended at 7:27 PM.