

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, August 4, 2008

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Vice-Chairman Michael D. Page, and Commissioners Lewis A. Cheek, and Becky M. Heron

Absent: Chairman Ellen W. Reckhow and Commissioner Philip R. Cousin Jr.

Presider: Vice-Chairman Michael D. Page

Recommendation from Animal Control Advisory Committee (ACAC)

Michael Turner, Director of General Services, introduced this item. He stated that in September 2006, following a recommendation from the Durham Inter-Neighborhood Council and the Coalition to Unchain Dogs, to outlaw the tethering of dogs in Durham County, the Durham County Animal Control Advisory Committee (ACAC) was asked to research, evaluate, and make a recommendation on their findings to the Board of County Commissioners. For more than a year, the ACAC has held multiple meetings on the issue, collected statistics, conducted research, and interviewed experts in the animal welfare profession.

Mr. Turner briefed the Board about the conclusion of the study. The key members of the ACAC met with representatives of the County Attorney's Office, the District Attorney's Office, and Animal Control to draft proposed changes to the Durham County Animal Ordinance.

The proposed amendment would be subject to review and revision by the County Attorney's Office.

Ms. Amanda Arrington, Chairman of the ACAC, presented the following overview on Anti-Tethering and Proposed Amendments to the Animal Control Ordinance to the Board:

How the Advisory Committee reached our decision
Chaining dogs is a public safety issue:

“It is well documented that chained dogs are likely to become aggressive and more likely to bite. In 1994, The Center for Disease Control found in a study that chained dogs are 2.8 times more likely to bite than non chained dogs; that number increases to 5.4 times more likely in children under the age of 12.

Without a barrier between a chained dog and the public, bad things can happen. A perfect example is Jada Riviera, a three-year girl who was mangled by a chained dog March of 2007 on East Trinity Avenue in Durham. She literally became entangled in the dog's chains and could not escape.

Although unchaining dogs will not necessarily eradicate all aggression, having a dog behind a secure enclosure dramatically reduces, if not eliminates, the chance of a child coming into contact with an aggressive dog. Durham County passed an ordinance that I believe is very similar regarding swimming pools. Anyone with a pool is now required to have an enclosure around that pool so children are not drawn to it or do not accidentally walk into a harmful situation. Same is true with chained dogs.

Jada Riviera is just one of many children attacked every year by chained dogs, and we are lucky she survived. In the last couple of years, multiple children have been attacked around NC because of their contact with chained dogs, even one two-year old was killed in Lincolnton last year. If we are able to save even one life with this type of ordinance, it is worth it.

Many dogs that are chained are not vaccinated and licensed. In my work with the Coalition to Unchain Dogs, I have not encountered a single dog that was licensed and vaccinated.

Chained dogs are a public nuisance:

Chained dogs are notorious for barking. In fact, I believe the first time you as a board heard about the issue of chaining, it was from a gentleman complaining about chained dogs in his neighborhood barking incessantly. Continuously chained dogs are so lonely and frustrated; their only outlet is to bark. Being chained 24/7, a dog does not receive adequate exercise, and the lack of mobility is aggravating. So that pent up energy surfaces with barking.

Chained dogs are not aesthetically pleasing. After talking with various realtors in Durham, chained dogs were said to be one of the most difficult things to overcome when trying to sell a house. If a house on the market is next to a chained dog, potential buyers automatically assume some negative things. First that the dog will likely bark, that the individuals who chain the dog are not properly taking care of the dogs or the property and it is just difficult for most people to see a dog chained up instead of having the freedom of movement.

The effect chained dogs have on a neighborhood's reputation and image is similar to the broken window affect. The sight of dogs playing or relaxing behind a fence creates a much more positive atmosphere than the sight of depressed, fearful, or vicious dogs lunging on chains. A neighborhood with a depressing or dangerous atmosphere, where dogs live on chains and have unwanted offspring, does not produce neighborhood pride, the same as a broken window in a house makes the house appear abandoned or uncared for. This perception creates indifference in the neighborhood which can attract vandalism and other crime. Chained dogs create the perception that they are uncared for and that the property

they are chained on is uncared for. This in turn gives the neighborhood an uncared for a neighborhood with a more positive atmosphere encourages neighborhood pride and improves property values.

Chained dogs are a public nuisance due to their contribution to the major overpopulation crisis our community is experiencing. Durham County has to euthanize thousands of dogs each year, and chained dogs contribute greatly to that number.

Again, in my work with the Coalition I am sure AC can confirm their experiences are the same. I have rarely met a chained dog that was spayed/neutered and have never met a female chained dog that was not pregnant or had already had at least one litter of puppies. There are some chained dogs that are being bred intentionally, but the majority has litters completely on accident due to the nature of their environment.

When a female dog that is chained goes into heat, she attracts any male dog in up to a mile radius (or sometimes more). When an unneutered male dog senses a female dog in heat, he will often times find a way to reach that female. John Wenstrup, Journal of Applied Animal Welfare Science, Vol. 2, 1999, states that 80% of unwanted pets come from a mere 3% of pet owners. We believe that most chained dogs fall into this 3% category.

Disallowing chaining on its own will not solve the issue of overpopulation, but keeping dogs behind a secure enclosure will absolutely help!

Chained dogs have close ties to dog fighting and drugs

Dog fighting is a huge problem in our state and in Durham. Rarely will you find someone involved in dog fighting that does not chain their dogs. One reason is that aggressive dogs cannot be housed together, and the cheapest way of keeping them is to tie them separately. Chaining is also used as a way to make the dogs more aggressive and to strengthen their upper bodies with large, heavy chains. Chaining is part of their protocol.

Chained dogs are a great tool that many drug dealers use. Not only do chained dogs bark when someone is approaching, but they serve as a deterrent to anyone trying to enter a residence. I remember when attending a PAC One meeting a while ago and the issue of chaining was brought up, a Durham Police Officer said that chained dogs make it very difficult to discreetly investigate and stake out some residences, when busts are being made the dogs cause a huge safety and logistical problem.

As with the safety issue and just one child being saved, if disallowing chaining helps in the fight to reduce crime in our community, it is well worth it.

Chaining dogs in inhumane.

Ideally, we all want to live in a compassionate and caring community that respects all living beings that have the capacity to suffer, not just humans.

One step in the right direction of achieving that idea is to disallow chaining. Having this type of ordinance will not magically solve all animal abuse, but it will, over time, really raise the level of care that we as a community expect from people that choose to have dogs.

Most chained dogs are chained 24/7 for their entire lives.

They are open to being attacked by other animals and ill-intentioned humans. I have seen it firsthand where chained dogs are taunted and teased by people in their neighborhood, and then seen the same dogs retreat to their dog house inside a fence that was built for them by the Coalition and be safe from harm. I have seen dogs that are chained die from being attacked by dogs not under control by their owners (sometimes on purpose).

I have seen dogs that meet all of the current legal requirements of chaining and still get embedded collars, raw necks, and body sores from the chains rubbing them. Many chained dogs also suffer tracheal damage and end up with injured throats and voice boxes. The pressure of the dog pulling at the end of a chain day after day eventually results in harming the dog's neck. Chaining dogs is not natural and even the best intentioned owner cannot make chaining safe for the dog.

Many times, people do something only because they have never thought there is another way to do it, and all it takes to make a change is learning there is another option.

Examples of other jurisdictions

One of the major things that we considered as a committee was the success of other jurisdictions. We are very lucky that this type of ordinance is not unprecedented. At least four other places around NC have successfully passed, implemented, and enforced chaining ordinances; there are over 100 across the country. We decided there was no reason to deal with hypothetical when we had actual experiences and facts from other municipalities.

This gives us a real tool in seeing that this type of ordinance is enforceable, and it does work. We don't have to be fearful of the unknown. A lot of the things we fear are just not what is really happening when these laws go into effect, and some really positive things are resulting because of these laws.

When the police chief of Roanoke Rapids was first interviewed in January of 2007, he was not extremely excited about the new ordinance that completely disallowed the chaining of dogs; but, when I followed up with him about 10 months later he said, "Our ordinance prohibiting the tethering of dogs has worked very well, and we are seeing a high percentage

of compliance. I am comfortable in saying that we are pleased with how the ordinance is working in our community and have not seen any resistance to our efforts.”

Elaine Modlin from Animal Control in Larinburg that has a one-hour time limit on chaining, said that they have seen decreased dog bites, a cut down on cruelty calls, and have seen about a 90% compliance.

Jean McNeil, the director of New Hanover Animal Control, also has positive things to say about their ban on chaining. She said very few animals have been surrendered and that neglect calls have also decreased. She states that “anti-tethering is a step in the right direction to enhance responsible pet ownership....and we must do all we know to do to keep animal cruelty from happening.”

Although not in NC, Lawrence, Kansas has seen a huge improvement. In 2005, there were 800 calls to the Lawrence Humane Society concerning cruelty to dogs and dog fighting. In 2006, as of 9/1, there were only 260 complaints. City officials attribute the decline in large part to the anti-tethering ordinance. That was enacted at the beginning of 2006.

Time and again other places told us that although you may have an initial spike in people surrendering their dogs, the increase is not epidemic and definitely plateaus, AND the people who have the knee jerk reaction to let their dogs loose or turn them over to the shelter are those that are probably not currently taking care of their dogs.

We also never heard other places say that the ordinance was too much of a burden on Animal Control. This type of ordinance is complaint driven, so there will likely be an increase in calls about chained dogs in the very beginning; but again, these will even out. In fact, over time, this type of ordinance serves as a useful tool in animal cruelty. As the other places stated, they saw decreases in cruelty calls and other negative incidents. Rather than being a burden on AC, it will actually help them and hopefully decrease their load eventually.

The key we decided to a successful ordinance in Durham County was the way we would implement it.

How to Make the Ordinance Successful:

The education period built into our draft is essential in making this ordinance effective. We don't want to take people's dogs away or make them give up their dogs. Having a 15-month period, 12 months education and three months of only warnings, gives people a lengthy period of time to comply.

Of course, Durham also has something these other jurisdictions don't and that is the free fence program from the Coalition to Unchain Dogs. We are here to build fences for the people who have the most difficult time providing for their dogs.

Also having a clear cut law is much easier to enforce than having lots of little requirements. Right now, a legally chained dog must meet many criteria: (i.e. the chain must be 10 feet, not over a certain weigh, on a swivel, etc.,). Most citizens are not aware of all the little nuances, and so they don't report illegal situations. It is a lot of work for AC to make a situation better.

Again, this ordinance will not solve every dog problem in our community overnight, but the Advisory Committee really believes that this is part of a long-term solution. Over time, it will help improve the way dogs live in Durham County.

Opposition:

In most other jurisdictions that have considered and passed this type of ordinance, there has been very similar opposition in them all.

The most vocal and adamant are specific dog breeders and those with ties to dog fighting. As I mentioned earlier, North Carolina is one of the worst state in the country right now for dog fighting, and five out of the top six registries for fighting dogs are owned and operated by North Carolinians. Knowing that people who fight their dogs and raise fighting dogs need chaining as a tool, they are extremely opposed to chaining legislation and will do whatever they can to stop it from happening. They have a vested interest in seeing this type of legislation defeated.

Hunting groups have also commonly been opposed, even if most of them kennel and don't chain. The main reason given is that they view their dogs as property and don't want to be told what to do with that property. This is a mentality that really does not differentiate between their televisions or cars and their dogs, and they are unwavering in their opposition to any and all new laws.

You may also hear that there are some dogs that cannot be contained. This is simply not true. Some dogs may take more ingenuity than others to keep them secure, but there is always a way.

For diggers, there is the solution of laying down ground wire so the dog hits it when digging and cannot move the dirt. There is the option of burying multiple types of material such as rubber along the perimeter.

For climbers, you can make a wire lip on the top of the fence, sort of like a partial roof (explain) or you can put up a hot wire as a last resort.

If a dog is a chewer, two layers of wire can reinforce the fence. All of these solutions are easy, relatively inexpensive and effective.”

Cindy Bailey, Animal Control Administrator, explained the educational aspects of tethering.

Commissioner Cheek expressed concerns about whether the ordinance had been challenged in other jurisdictions. He commented that the impact will affect the low-income citizens that are trying to handle the unlawful conduct.

Commissioner Heron stated her support of the ordinance.

Vice-Chairman Page expressed concerns about the safety of citizens if dogs are not tethered.

Ms. Arrington and Ms. Bailey responded to several questions posed by the Board.

County Attorney Chuck Kitchen addressed Ms. Bailey's concerns as it relates to budgeting.

The Board held a lengthy discussion regarding the ordinance to outlaw the tethering of dogs and who would enforce the ordinance."

Directives

1. Media to clarify for citizens, the issue of "anti-tethering" rather than "anti-chaining".
2. Research other North Carolina jurisdictions regarding their successes and failures with the ordinance.
3. Consider amending the proposed ordinance change to reflect "Attended" options.
4. Hold a public hearing at the August 25 Regular Session to discuss the concept of tethering.
5. Estimate FY 2009-10 budget impact to fund fencing projects.
6. Clerk to the Board to obtain a copy of the current revisions of the ordinance for the public; place revisions as backup with the agenda action form for August 25.
7. Consult with the Sheriff's Office regarding additional positions.

Renewal of the Memorandum of Agreement between Durham County, the City of Durham, and Triangle United Way to Implement the Ten-Year Plan to End Homelessness

County Manager Mike Ruffin introduced this item stating that in 2006, Durham County, the City of Durham, and the Triangle United Way launched a commitment and partnership to end homelessness in Durham. A Memorandum of Agreement (MOA) was created among the three entities for the implementation of Durham's Ten-Year Plan to End Homelessness.

The Triangle United Way coordinates the implementation efforts by working with the Executive Team consisting of community leaders and County and City staff, including members of The Durham Center, the Department of Social Services, and the City's Department of Community Development. The United Way then enters into a contract with a third party contractor (Implementing Agency) selected through a competitive RFP process to meet the measurable and time-bound deliverables of the Ten-Year Plan to End Homelessness. This contract was awarded to the Durham Affordable Housing Coalition.

County Manager informed the Board that the contract with the Durham Affordable Housing Coalition expired June 30, 2008. Triangle United Way will continue to serve as a pass through for funding from the County and City to the Durham Affordable Housing Coalition and will monitor their activities and deliverables.

Stan Holt, Triangle United Way, highlighted the following deliverables for the second year of implementation:

- Helping the homeless population better access needed services; coordinate Durham's Second Project Homeless Connect event and complete a project evaluation.
- Organizing the annual Durham Point-in-Time Count of homeless persons and analyze data collected.
- Continuing to develop the necessary infrastructure to implement strategies of the Durham 10-Year Plan. This includes:
 - Continuing work with the four 10-Year Plan Results Teams to develop and/or implement priority strategies for FY 2008-2009, utilizing information from "Best Practices" programs/projects to assist each Team.
 - Coordinating development and submission of the 2008 and 2009 Durham Continuum of Care application to the U.S. Department of Housing & Urban Development.
 - Continuing work with HMIS Team to increase the number of homeless assistance agencies participating in the State of North Carolina *Homeless Management Information System (CHIN)*, and establish baseline data that can serve as an evaluation mechanism for the Ten-Year Plan.
 - Ensuring a high degree of accountability through ongoing reporting to the Executive Team, Durham City and County Governments, and the Community.

The Executive Team, with assistance from Triangle United Way, will provide both a mid-year and an annual report to both the County Commissioners and the City Council.

Anita Odum, Director, Durham Affordable Housing Coalition, discussed the following major accomplishments to date:

- More than \$1.6 million secured to support implementation of activities of the 10-Year Plan
 - \$644,000.00 grant from the State to the Durham Center create a Housing Support Team to help homeless persons with a disability find and maintain housing
 - \$300,000.00 in City funds allocated for development of new Supportive Housing for homeless persons with a disability condition (applications for \$ made: 1/31/08)
 - \$777,318.00 Continuum of Care grant from the U.S. Dept. of Housing & Urban Development to fund one new permanent supportive housing project

- (UMD) and provide renewal funding for two other supportive housing projects (Andover Apts. & Genesis Home).
- Other grants for 10-Year Plan activities:
 - \$3,000.00 Benchmarks & Evaluation grant from Interagency Council for Coordinating Homeless Programs (ICCHP) (* for 2006)
 - \$5,465.00 Implementation grant from North Carolina ICCHP
 - \$3,500.00 Project Homeless Connect grant from TUM
 - \$1,480.00 Project Homeless Connect grant from North Carolina ICCHP
 - \$4,000.00 Benchmarks & Evaluation grant from NCCEH
 - \$10,000.00 Benchmarks & Evaluation grant from NCCEH (* for 2007)
 - \$1,500.00 RBA mini-grant for 10-Year Plan Promotions
 - \$2,000.00 TCF/American Airlines Kids Are Something Special Endowment \$30,945.00

 - Project Homeless Connect and related access to service activities
 - Coordinated very successful Project Homeless Connect event (10/25) at Urban Ministries of Durham. Durham event received extensive media coverage and was one of three such events held in the Triangle that day.
 - 236 Homeless people served
 - 140 Volunteers involved (Est.)
 - 100 Providers participating in event (More than 50 agencies/organizations)
 - Mini-PHC event held on MLK Day of Services in Durham at the Healing with CAARE, Inc. a facility near downtown Durham. Estimated 75 homeless people served.
 - Date set for 2008 PHC date: September 25, 2008 at a location TBA. PHC Steering Committee meeting already meeting monthly to plan the event.

 - Volunteer hours leveraged to support 10-Year Plan Terms and Projects.
 - HC Planning – 36 members X 30 hrs (@10 meetings) X \$15.00=\$16,200
 - PHC Day – 125 volunteers X 8 hrs (@ 1 day) X \$15.00=\$13,125
 - Access Team – 18 members X 21 hrs (@ 7 meetings) X \$15.00=\$5,670
 - Prevention Team – 18 members X 21 hrs (@7 meetings) X \$15.00=5,670
 - Income Team – 10 members X 21 hrs (@ 7 meetings) X 15.00=\$3,150
 - Permanent Housing – 6 members X 9 hrs (@ 3 meetings) X\$15.00=\$810.00
 - Total \$44,625 Volunteer Hours leveraged in Dollars

 - Developed long-term funding strategy to support 10-Year Plan Housing Goals including development of 150 new units of supportive housing. For FY 2007-2008, a total of 35 chronically homeless individuals have been moved to permanent supportive housing and 48 new units have been proposed:
 - Williams Square I (*aka Andover III) 2 units HNH
 - Williams Square II (*aka Andover IV)12 units HNH
 - Exeter Apartments 20 units DVI-DHA

- N. Buchanan Apartments (*rehab) 4 units CASA
48 units (44 new construction+04 rehab)

Estimated Development Cost @ \$ 75,000/unit (new construction) = \$3.3 Million

- Completed analysis of public/private spending on homelessness in Durham
- Adult System of Care established through partnership between DSS and the Durham Center with an emphasis on the chronically homeless. (ACCESS to Services Result Team)
- MEDIA WORK:
 - Segment on 10-Year Plan taped for Durham City Life cable program. (August)
 - Op-ed piece in Herald-Sun newspaper on how homelessness affects children (8/28)
 - I Support the 10-Year Plan stickers/decals
 - Ad in Town Planner Durham 2008 Community Calendar
 - Taping program on “Homelessness in Durham” for North Carolina public access channel
- DONOR ADVISED FUND established with the Triangle Community Foundation
- Housing Consortium – Convened first meeting of Housing Consortium hosted by the NC Institute for Economic Development. To begin strategizing new methods for funding housing.
- 2008 Annual Point-In-Time Count Completed

Point-In-Time (Chart)

County Manager made comments on the scope of work for FY2008-2009.

Directives

1. Bring information to the Board that shows what is being done in an effort to help the homeless.
2. Consider a source of outreach that shows an effort to reach those in need; bring back information regarding outreach for homeless on the roadways.
3. Bring to the Board the deliverables from the previous contract; determine how many deliverables have been met.
4. Send to the Board a copy of Triangle United Way’s bi-monthly report.
5. Place on the August 11 Regular Session.

Retirement and Disposal of Law Enforcement Surplus Property

C. Wes Crabtree, Chief Deputy Sheriff, introduced this item. He stated that law enforcement animals have a particularized skill set, both for their detections, drugs, or explosives as well as their attack/protective function. These skills and their stamina will degrade before their life expectancy. These animals may also suffer from declining physical health which will limit their ability to perform effectively law enforcement duties.

Deputy Sheriff Crabtree stated that by policy, the Sheriff's Office will reach such a decision based upon either medical evaluation or training evaluations, as appropriate. Because of their unique training, it is undesirable that these animals be adopted out to the general public, but rather retired to their handler or another member of law enforcement who can fully appreciate their capabilities and needs. The proposed resolution provides the County Manager with authority to declare law enforcement animals surplus property and to dispose of them, either through adoption to appropriate individuals following the execution of a release (which will protect the Sheriff and County from any liability) or in some other appropriate manner.

Commissioner Heron added that the dogs have provided a lot of service to Durham County, and she hoped that every effort that is made will get the animals adopted into a proper home.

Directive

Place on the August 11 consent agenda.

Adjournment

There being no further business, Vice-Chairman Page adjourned the meeting at 10:56 a.m.

Respectfully submitted,

Angela McIver
Staff Specialist
Clerk to the Board's office