

Walter M. Gardner, Jr.
Mayor

John Freeman
Administrator

TOWN OF WARRENTON
"Historically Great - Progressively Strong"
P. O. Box 281
Warrenton, NC 27589-0281
PHONE (252) 257-3315 FAX (252) 257-9219

October 11, 2010 Public Hearing Minutes

The October 11, 2010 Public Hearing of the Town of Warrenton Board of Commissioners was held at the Warrenton Rural Fire Department.

Those present were:

Mayor Walter M. Gardner, Jr.
Commissioner Jules Banzet
Commissioner John Mooring
Commissioner John Blalock
Commissioner Audrey Tippett

Commissioner Mary Hunter

John Freeman, Town Administrator
Town Attorney Mitch Styers
Police Chief John Younts

Jennifer Harris, Warren Record

Absent: Commissioner Robert Davie
Commissioner and Mayor Pro Tem Woody King (arrived during hearing)

Also in attendance: Elma Rae Greene, Director Warren County Animal Control

Mayor Gardner opened the Public Hearing at 6:00pm. He stated the purpose as receiving public comments on proposed changes to three ordinances--garbage collection, fire inspection and animal control. Taking them in order he asked if there were public comments on garbage collection. There being none by 6:15 he closed that hearing and opened the floor to comments on proposed changes to the fire inspection ordinance. There were no public comments, but Town Attorney Styers reviewed the proposed changes. Because the ordinance reflected a time when the Town had its own fire department he recommended removing all references to the fire chief and his responsibilities, renaming the section "the Town shall by contract provide Fire Suppression Services" and amending the inspection section 33.23 to mirror state code section 106.

There being no further public comment on Fire Inspection, Mayor Gardner closed that hearing at 6:30 and opened the floor public comment on the animal control ordinance. Resident Steve Carmody addressed the Board about his concern about adopting the county ordinance with particular reference to a case in the Lake Gaston area in which a resident had reportedly been restricted as to the number of pets she could own. He said he was concerned about the legality of this and about the point at which feeding feral cats might imply ownership. Elma Rae Greene, Director of Warren County Animal Control, rose to explain about the Lake Gaston case and answer the question about ownership. First, she said the Lake Gaston case did not change any law but resulted from many complaints about the number of cats being fed and the fact that some were infected with feline leukemia. The resident had been warned numerous times but did not cooperate. When the case went to court the judge ordered her to limit the number of pets. Following the decision the resident agreed to build a fence, reduce the number of animals and neuter them. Animal Control is more committed to enforcement than in the past, but no new law was enacted.

As to the second point, Greene said that nothing in the law establishes ownership but Animal Control considers a resident responsible after 30 days of “harboring and maintaining” strays. Mr. Carmody said he wanted to ensure that a new policy was not established and thanked her for her explanation.

Commissioner Blalock asked about the leash law contained in the Town Ordinance, and Mr. Styers answered that the county ordinance states that nuisance animals must be contained but has no leash law per se. To be considered a nuisance an animal must repeatedly and persistently cause a problem, not just an instance of interfering with traffic. Mr. Blalock asked who would enforce the Town leash law and Mr. Styers said it was not a good idea on legal grounds to include it as it is an unfunded mandate because the Town does not have the resources to enforce it. Commissioner Hunter asked if it could be maintained and Mr. Styers answered affirmatively, but repeating that resources are limited. He said the county would not enforce nuisance barking but that was included in the Town Noise Ordinance that is enforced by the police department. The followed discussion about dealing with dangerous dogs, and Ms. Greene explained that dangerous and vicious dogs are defined by an “apparent attitude of attack,” but there is a process that includes identifying the owner and putting responsibility for controlling the animal on the owner. She said any instance of a dangerous dog should be reported to 911 and a case would begin to be built against the owner. The difficulty of establishing ownership was discussed and Commissioner Mooring asked if Animal Control had a chip reader. Ms. Greene said they do but 90% of reclaimed animals are because of physical id tags. She said some towns have licensing programs for both dogs and cats, and there followed some discussion.

There being no further public comment Mayor Gardner closed the public hearing at 7:05.

Respectfully submitted,

John Freeman
Town Administrator