



ANIMAL CONTROL BOARD MEETING

DECEMBER 6, 2017

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES FROM JULY 19, 2017

UPDATE ON THE PROGRESS OF THE ZONING ORDINANCE – MS. DRIGGERS

AGREEMENT WITH CCFW FOR VCAS TO TAKE OVER THE TNR PROGRAM – MR. PACHECO

DISCUSSION ON THE TIE OUT OF DOGS ORDINANCE – MRS. COLLETTI

NEW BUSINESS

PUBLIC PARTICIPATION

SET DATE & TIME FOR NEXT MEETING

ADJOURN

VOLUSIA COUNTY ANIMAL CONTROL

ADVISORY BOARD MEETING

DECEMBER 6, 2017

PRESENT: CATHY DRIGGERS
KAREN K. CLARK
NICHOLAS MONGELLO
DIANE FERGUSON
DR. PAUL REHME
JESSICA RODRIGUEZ
ROBERT BAIRD
JEANNINE COLLETTI
ALEXANDER PENALTA

SERGIO PACHECO, VCAS DIRECTOR
DEE FERGUSON, VCAS FIELD SUPERVISOR
SHARI WILLIAMS, VCAS OFFICE MANAGER

PUBLIC PARTICIPATION-DON FRIEDMAN

The meeting was called to order at 9:02am. Pat Mihalic, and Judy Malone have excused absences.

Cathy Driggers calls for approval of the minutes of the July 19, 2017 meeting.

Ms. Clark makes a motion to approve the minutes as submitted.

Mrs. Collette seconds the motion.

The motion is carried

Mr. Pacheco requests Jessica Rodriguez introduce herself.

Ms. Rodriguez states she is the Animal Bite Coordinator for the Department of Health.

Mrs. Driggers calls for the update on the progress of the zoning ordinance. She states regarding the information that she brought to the last meeting, we to make sure we're all on the same page since this was approved with the prior board and there have been some changes with people on the board. With the new members present, the changes should be reviewed. Some of the changes were simply cleaning house and some of it was changing parts of the Hobby Breeder Ordinance. The biggest part is taking it out of Zoning so it's all held under the Animal Control Ordinance. The prior board approved this and we sent the letter out but we did not get a response from Zoning and it's just kind of fallen through. We have someone new in several different offices there, and we need to make sure we're ok with sending it through. We need everyone to take a look at those changes.

Ms. Clark asks if we should go through it with the person from Zoning being present so they could be part of the active discussion.

Mrs. Driggers states not necessarily because the one from the county only has to do with the one part. The rest of it is actually nothing to do with Zoning. There were a couple of things that we wanted to change. One of them was we were adding a different size of dogs, separating the small and the larger dogs. It's a different number for small than the large, and which breeds fall into that. Also, one that was a pet peeve of mine, was the part where it says in the ordinance that you can only have one breed or species on the premises. It makes it sound like on the premises, even if you're not breeding them. I have one cat, and because I breed dogs, the

way it's written now, it says I can't have the one cat. It has nothing to do with the breeding program. So we were just kind of cleaning house when several years ago I brought this up to the county and at the time, Joie Alexander was the Vice-Chair and I met with her about that. She said that's really odd that that's in there that way. Surely they didn't mean it when they wrote that. We called the County Attorney and put him on speaker and talked to him about it. He said "oh no that's not what that means". When it was written, it's all in the interpretation so I just want to take out "and species". We have rules as far as Hobby Breeders and you should still be allowed to have your additional pets. I think it's six now that you can have, dogs or cats. Any questions on that? Did anyone read through it when it was sent out?

Ms. Clark says this is where you were going to have an implant scanner must be on the premises. You got rid of that.

Mrs. Driggers says that was put in when the Animal Control Officers did not have a scanner. We were going to take that out. The whole reason for doing this was besides cleaning it up, this ordinance was written in the eighties.

Ms. Clark: It didn't keep up with technology.

Mrs. Driggers: So much has changed since the eighties. We wanted to clean house but we're trying to make it easier for those that want to be legal. The ones that aren't going to be legal, the ones who are doing backyard breeding and puppy mills, they're not going to try to be legal anyways. So what was brought up about the scanner was that some people may not be in the position to pay \$250 plus pay your licensing fee. But they want to be legal. Now that the Animal Control Officers have a scanner of their own, we were saying that we want to remove that so that would be one less burden on trying to be legal. Just to give you a little history of the changes we're trying to make.

We didn't change anything with the numbers. It was the size of the dog.

Ms. Clark goes over the current zoning animal numbers limit:

Lots of one acre or less in size-5

Lots great than one acre or less than five-8

Lots five acres or greater-12.

The changes in the Hobby Breeder Ordinance would be:

Page one of six, right under that paragraph:

Miniature dogs-15

Standard or large breeds-10 dogs

Cats-25

Mrs. Driggers: What we were saying with the amount of land and the reason to take it out of Zoning is, when an animal control officer goes out, they're looking at that property. They're looking to see if they're breeding dogs that need to work, need to run, large dogs or even Great Danes. I could raise mine on a quarter acre, Great Danes you wouldn't do that. The animal control officer will see what's going on. They're the ones who are going to say "no this isn't going to work" or "this will work" rather than Zoning handle that. How many would be in agreement of moving it from Zoning to Animal Control?

Ms. Clark: How does Animal Control feel about it?

Mrs. Driggers: We've already had the vote with the prior Board, it passed.

MR. Penalta: What standard are they using for each type of breed as to how many acres are required?

Mrs. Driggers: Right now it's by weight. It may have been the weight that we added in here. There's saying miniature and toy breeds-15 and standard or large-10.

Mr. Penalta: 10 acres?

Mrs. Driggers: No, 10 dogs. They're limited on how many they can have in their breeding program.

Mr. Penalta: When you're saying acreage, what's your basis for that?

Mrs. Driggers: They're lists in Zoning.

Mr. Penalta: For each breed, what is the legal standard? Is there any expert testimony or evidence to support that a Great Dane has to have this amount of running room? For example, Bassett Hounds run a lot and they're not as big as a Great Dane.

Mrs. Driggers: Correct. And a lot of the herding dogs are much smaller than Great Danes. I was just using Great Danes as a large dog.

Mr. Penalta: That seems to be a tendency among cities in the county to be discriminate. That's why I'm asking, what is the legal standard?

Mrs. Driggers: There isn't one and that's certainly something we could add in here. I agree, if you've got Aussies, they need to be able to work. Different breeds really do have those characteristics. It's hard to place them in a category, but I also believe that it should be in animal control where people know more about animals than Zoning.

Mr. Penalta: Let me give you an example with my area of expertise, what I'm more comfortable with, for example dolphins. There's a common misconception that marine mammals need to have open ocean so they can swim for hundreds of miles. That's not true. They only need to swim for that if they're hungry and are hunting down food. But they can also live in a smaller enclosed area if they're foraging or if they're in an open water type setting or in an enclosed type setting. The argument that we need to have 12 miles open ocean for one dolphin versus the size of this room for one dolphin, there's scientific support for what the minimum standards are, which is usually established by the US Navy originally, for the marine mammal facilities. For the different breeds we need to kind of be careful in trying to say that this breed has to have this size. For example, Shelties, not old Shelties are going to be herding sheep all the time. You can still have a single family home and have Shelties without having a mountainous range.

Mrs. Driggers: Right. I think the biggest part is that we're talking about breeding. Hobby Breeders aren't personal pets.

Mr. Penalta: Right, those dogs are going to be placed in a home right? It should be where they're going not necessarily where they're being bred.

Mrs. Driggers: Some breeders keep them in their home, some of them have runs or even buildings. There's also commercial breeders, which fall into a different category.

Mr. Penalta: I grew up my whole life with show dogs, my mom used to breed several types. I'm familiar with what you're talking about. I just want to be careful because there are certain animal rights groups that want to take the extreme that you have to have a mountainous range to have one dog.

Mrs. Driggers: Right. I totally agree with that.

Mrs. Ferguson: So how should we set it up? Go back to size again?

Mrs. Driggers: My personal opinion is, it needs to be a case-by-case basis. But there needs to be some guidelines because the officers going out there need a guideline to go by. Not just, "oh well, I like this breed, this works for me. It looks like this facility is okay". There should be guidelines.

Officer Ferguson: Keep in mind also another reason they brought all this up with size of property, is the barking issue. With immediate neighbors in residential areas, if you have six Great Danes and they're kept

outside, you go to work and they're in whatever outside, the barking is another issue for the reason they did this. So that they neighbors didn't have to listen to it.

Mrs. Driggers: Right, and as far as barking goes, we do have a noise ordinance to deal with that. Do you have any suggestion how to do it? There's so many different breeds and putting them in categories, it would be very difficult.

Mr. Penalta: To avoid litigation, I recommend that as long as there is a process that you can appeal so that if an animal control officer says "well because this is a Great Dane, you're going to have to have x amount of square footage and because this is a beagle you're going to have to have x amount of square footage. As long as there's a basis to appeal from that, so that they can take in all the factors to accommodate the breeder that would be helpful. If you come down with a heavy hand by the government, that's when people get angry and that's when they hire lawyers and that's when it gets expensive for the county.

Mrs. Driggers: What we're trying to do with this is actually make it easier. This is already on the books, it's been there since the eighties. We're trying to make it easier for those breeders who are doing it the right way, to be able to become legal. But if somebody, in the ordinance, wanted an exception on that, is this black and white or can take an exception to the county?

Ms. Clark: It has in here that anything can be done through a special exception through county council to go for more animals. If in your situation you warrant more animals or whatever, and it's really above it to the extreme.

Mrs. Driggers: If we wanted to make it that it had to do with the type of animal, we could actually add to that. For limit, they can go to council and maybe for a specific breed, we could add to that.

Mr. Penalta: As long as there's always appealable exception for each individual and not have drop some blanket hammer on everybody.

Mr. Pacheco: Would you think inviting the current director of zoning to one of these meetings be helpful? This is not going to take a couple of minutes to figure out, it's going to take quite a bit of time. Maybe just have a meeting specifically to talk about this.

Mrs. Driggers: I agree with having him here, especially when we're talking with Zoning. I would rather have this part done, the Hobby Breeder section done, then if they have questions we could certainly bring that up. But I think when we talk zoning with this, definitely. That way anybody else that has questions could bring it up with them.

Ms. Clark: What if we have something of what we discussed today about the different changes, let them have that in like an attachment and say "this is what we discussed so far, what do you think?" So that they're not going to get blindsided, they'll see what we worked on a little bit.

Mr. Penalta: And I understand what Officer Ferguson was referring to as far as the noise part. But my understanding was that the size and the range really has to do with the general well-being of the animals, the happiness of the animals. I had an expert testify once in court who was a professional who worked with a Sea World Executive Vice-President, you can have a gigantic home and be a sad individual, or you can have a little home and as long as it's the love that's inside the home, I know it sounds corny, but that's what matters. Not necessarily the size. So when I say there should be an exception, it should be, when the officer arrives, are the animals being taken care of, are they happy, are they healthy? Or versus somebody's who's got two acres and the dogs are in the back not having any human interaction and they're just basically just wild animal in the back being kept in pens and cages in bad conditions.

Mrs. Clark: Well actually when you're with a Hobby Breeder, thanks to Cathy telling us all the rules, you have the Department of Health coming in, you have the County coming in making sure everything is okay. I just wish that you didn't have to put the day you're going in to inspect, so they don't have a day or two to clean up.

Mrs. Driggers: That falls to somebody's rights. It's different if there's a complaint and they're going out. They can show up every day at my house at 9am and they won't find me, I'll be at work. So it's not to their benefit at all to just pop in.

Mr. Penalta: It's not a "gotcha" moment. There's different times throughout the day where you can have a clean house or a dirty house.

Mrs. Driggers discusses her recent experience fostering 9 Staffie puppies.

Mrs. Driggers: I agree that it shouldn't be a "gotcha" thing. You're wanting people to become legal. Why would they become legal if they feel like you're going to take their animals or fear that you're going to come in and you don't want them to have animals? They fear you're going to come up with things. So there's a lot of people who want to do what's right.

Mr. Penalta: That's how most people feel about the government. It should be a cooperative partnership for the well-being of the animals, not that they're there to drop the hammer on you.

Mrs. Driggers: Would you all be willing to come to a meeting just to go over the Hobby Breeder stuff so we can actually go through each item? That way we can dig into it again and get this Board's approval and move forward.

Mrs. Driggers states she will send out the version that she had red-lined for changes before the next meeting.

The Board agreed to set a meeting to discuss the Hobby Breeder changes.

Mrs. Driggers: Moving on to the agreement with CCFAW

Mr. Pacheco: Most of you may know that some years ago we started TNR and Return to Field programs in conjunction with Concerned Citizens for Animal Welfare. We were working together. We recently took over the entire program. Pat Mihalic has been dealing with medical problems with her husband and we decided we can do a more efficient job, not that she wasn't doing it, but we can do the job and take that off her hands. When the colony care-givers want to sign up, they go through us. No longer through Concerned Citizens for Animal Welfare. We sign them up, and schedule the animals. Everything now goes through us.

Mr. Baird: Deltona, Debary and Orange City, Pierson, what about those places?

Mr. Pacheco: My advice to them is they have to come up with some sort of program for their city residents and animals. Just like the other cities are doing. We are going to be meeting with Port Orange and New Smyrna Beach, answering their questions about our TNR and Return to Field programs. Hopefully the outcome of these meetings would inspire some of these cities to maybe look into it further.

Mr. Baird: The people from those areas who just have a couple of cats, can they pay you to use your services?

Ms. Williams: Only citizens in the city limits of Deland, South Daytona and Oak Hill are able to use our services.

Mrs. Driggers: How is that going to affect your man-power with the officers, adding that on?

Mr. Pacheco: It wouldn't affect the officers, it would affect the office staff. But they can handle it. We have fantastic people there that take on whatever task is at hand. They do a really good job.

Mrs. Collette: I have something that I would like to ask. I run across a lot of people during the day. The first thing they'll say is I'd rather leave the kitten outside because if it goes to Halifax, it's going down. We're hearing so much feed-back from Halifax saying no we don't do that anymore. When you say what you just said, that you don't want to see them get killed, are these people right?

Mr. Pacheco: People have misconceptions of some of the humane societies. Unfortunately humane societies don't have enough cage space for all the animals brought in. Animals have to be put to sleep, there's no doubt about that. I can't speak for the kittens who go to other humane societies, but we are trying to save as many animals as possible. Some animals are sick, can't do anything for them. Some animals are severely injured, we can't do anything for them. Animals have to be put to sleep. People have a misconception about certain things. They need to maybe get on the websites and find out what kind of programs your animal control agencies or your local humane societies have. They're always coming up with ways to save animals. That's what we're trying to do here. I happen to believe that we've done a pretty decent job in the last few years since we've taken on the tnr and return to field programs. The numbers will show that we saved a lot of tax-payer dollars and animal lives.

Mrs. Driggers: Moving on to the discussion on the tie-out of dogs' ordinance.

Mrs. Collette: Regarding all dogs tied outside, they are not able to protect themselves or the owners when they are caged or tied. A dog has four legs and energy. He needs to be run, he needs to use his limbs. My personal opinion, it is cruel and inhumane to deny this to a dog, without even any interaction with people via a yard or a fence. What good is a guard dog tied? What good is a pet left outside? A dog or a cat has got to be able to move and to socialize. I know, in Sergio's words, in a perfect world. I'm not looking for a perfect world. I'm looking for a better world, for a better place for every animal. I'm looking for a yard, something that they can run in and be able to move. I'm looking to change the word, like Cathy brought up, a lot of people were very confused when they made the ordinance. An animal should not be property. An animal can breathe, a dog can save lives. They have a purpose and they get lonely and bored. They get hungry and cold. A car is your property, it doesn't breathe or bleed. Your wife is not your property. Your husband is not your property. I would like to see an ordinance made where if you're going to have a dog or you're going to have a cat, that they should have ample room to be able to move and to use their four legs. We have two legs, if we stand all day everything that we won't hurt, things we didn't know hurt. An animal needs to be able to run. It needs to be able to interact with its people. To deny this, I feel is to only encourage the animal, that when it does get a chance to get loose, just like a crockpot or pressure cooker, it's going to go. I think that an animal needs to be able to run. They have these big cages that they have the animal in. Sooner or later, that gets small. Big dogs. It's just there. It's like a goldfish in a bowl. I'd like to see that changed.

Ms. Clark: One of the reasons that we did this is that I've gone and photographed for her places that the animals were tied out. Animal Control came in, saw that at the time there was water and the chain wasn't all balled up next to the tree, and they did have a house. At those times Animal Control did go there and say okay it's taken care of. But other times, my thing is having a three sixty clasp on the end of both chains. Since we're one of the few states in the nation that still allows tie-outs of dogs. A German Shepherd in South Daytona, a ten month old, the owner didn't want to spend twenty bucks to board him for the day because of Bike Week and when he came home, he had a dead dog tied up in a ball, next to a tree and choked. They didn't know any better, so now he has a dead German Shepherd. If they had a three sixty clasp on both ends, it would prevent the chain from balling up. Andy Kelly was the person that fought it on County Council when you got the okay to put the chain on a tree or a safely secured area. Three times the length of the dog, whether it's from its chest to its behind or tail to nose or however you measure it. All they'd have to do is run around a little and that chain gets balled up and shorter. Therefore, the water that's over there is now three feet away from the dog because the chain is all balled up. We know we can't stop the tie-outs right now because it takes too much of an executive action, why can't we add in a three sixty swivel clasp which runs about \$4 in Lowes. It has a strength of 500 pounds to 1000 pounds, which means the dog can run and it will still stay there. Why can't we do that? We can't change the ordinance unless some miracle happens where we don't allow tie outs, but in the meantime to add an appendix on there, if that's the word you use, where they have to use a three sixty clasp that goes from the chain to the dog collar and the chain to the tree or the securing device wherever they're staying. So it stays out flat, it stays straight.

Mrs. Collette: It still isn't doing what I'm proposing.

Ms. Clark: It's hard to change a whole entire law, that's the state. That can be done at a later date or the proper way of starting that. But in the meantime, to prevent more damage to the dogs, is to put those three sixty

clasps on both ends of the chains. Andy Kelley stated that it would be too much money to place on a resident, \$5, to put on a chain so the dog doesn't choke itself to death.

Mrs. Driggers: Well it really doesn't matter what happened in the past.

Officer Ferguson: In the ordinance, it does say "free from entanglement". So that opens a wide thing for our officers to go out and educate them and give them advice to purchase one of those. It's already in the ordinance. We go out and identify the problem and then we make suggestions.

Mrs. Driggers: Honestly, if you were to try to change and add the three sixty clasp into that ordinance, it's no different than if you rewrite the whole thing. It's all the same. You can just add to it without presenting it to Council, let the Council vote on it. It goes through the same process if you do anything at all within that ordinance.

Mr. Pacheco: And remember, our officers go out there, like Dee said, to investigate and make some suggestions. They educate and make suggestions.

Officer Ferguson: Not only, if you put that thing on the cable and there's a palmetto bush in the run area, they're going to get tangled around that. So that was the reason we worded it that way, free from entanglement. That covers a wide variety of different types of tangles.

Mrs. Driggers: Which is typically what you would want in by-laws and ordinances. If you start spelling out every specific little thing, you're going to miss some things.

Ms. Clark: The fact that she already said that free from entanglement is in there and that's part of it, that's great. But the people near Daytona Park Estates, that dog that lives out under the tree. It's always short. You can only call Animal Control so many times. Like they say, the chain is all tangled up.

Mrs. Collette: And the water, the majority of times that I've come across, this is Florida, it's in the sun. Who wants to drink soup at ninety degrees? It's in the sun. And half the time it's empty because it's in the sun. My feeling is, like I said, the animal should have the freedom to walk and move and run. Whether it's in a yard or in a porch.

Ms. Clark: They have a run in there now.

Mrs. Collette: I don't know, I haven't been there.

Ms. Clark: I haven't been there in months but now they have a run.

Officer Ferguson: It's clearly longer than three times the length of this dog's body.

Ms. Clark: Yes it was.

Mrs. Collette: Finally they listened.

Ms. Clark: But this is good, it's already in the ordinance, that's perfect.

Mrs. Collette: What good is an animal if you either not going to use it for a pet. Are you just going to keep it confined? It can't protect you. It can't protect itself if it doesn't have a fence and another dog comes in and decides to jump him and it's not fenced. A snake comes, where is it going to go? I know a lot of people who have lost their dog because of snakes. It isn't fair. It isn't right.

Mrs. Driggers describes her dog's runs.

Mrs. Driggers: No matter what you build, snakes can still come through the fence or whatever. This is Florida. Snakes are out there.

Mrs. Collette: At least give it a chance to be able to move its four legs and run and protect you and itself. I would like to see that.

Mrs. Collette discusses an Animal Control case involving dogs and a dead kitten, with six more kittens running around. She questions why Animal Control cannot pick them up.

Mrs. Driggers: You're looking at them as if they're not property. I believe they are property. And I'm very, very thankful they're my property. I don't want anyone coming in taking my rights away. I own them. I bought them. They're my property.

Ms. Clark: What if we have a meeting with Sergio regarding some of these things that you want to discuss? We can get it right from the horse's mouth right here. Why don't we take a time away from the Board meeting at a time that's convenient and discuss all these things. Then if anything is warranted, bring it to the Board at a later date.

Mrs. Collette: What happens with the situation that I just explained?

Mr. Pacheco: I'm not familiar with that case. There's laws on the books that we have to be careful. People have rights. I can't comment on that specific case, until I read about it. I believe Dee and I know the laws quite well, and we don't want to violate people's rights. We can schedule a meeting and we'll discuss the case.

Mrs. Driggers calls for any new business.

Dr. Rehme: We have some information to distribute (see attached). Basically we just want everyone to let everyone know what we've been doing as far as cases that we've been investigating.

Dr. Rehme reads the summary report that was handed out to all Board members

Discussion among Board members regarding rabies incubation, quarantines and vaccinations.

Dr. Rehme: We've not had a positive rabies case in Volusia County yet this year.

Board members discuss positive rabies cases they have heard about in the news.

Mrs. Driggers: We're going to move to public participation

Don Friedman introduces himself. He previously volunteered at Halifax Humane Society for four years.

Mr. Friedman: It's really nice to hear a group of people who really care about animals. When I left Halifax, I was really disheartened and mad because of the killing, I saw it with my own eyes. If I could speak for these beautiful dogs, I'd say "please don't kill me". When I left there, I realized that they go and solicit for money on the premise of caring for the animals. Killing animals in ways not even living up to the law. And the laws with the time limits and other things is not caring for animals. I set out to at least try and educate the public a little bit. Over the year I carried a sign out there, please stop killing the dogs. The county and the cities need a shelter. People have too many dogs, no question about all that. You better keep your eyes out for what you think that shelter is going to be able to do for the cities and municipalities and the county. If you look at their website, their endeavors and money-spending, they're moving very far away from caring for animals to be in a beautiful image. I've witnessed them breaking the laws, there's cruelty to animal in there. They paint a pretty face, but there's a few people, the board of directors and the manager, who make these decisions of what happens to these animals. It's not a pretty picture. A lot of them get adopted, but I've seen so many good adopters walk out of there mad because they were mistreated, they were ignored, they were treated rudely. These are good people who would have taken home a dog. I appreciate you people and I want to help do anything I can to help the animals. Thank you all for what you do.

Ms. Clark: Volusia County Animal Services goes out on a regular basis for educational purposes. They do go places.

Mr. Pacheco: I can't speak for the humane societies, but our Animal Control Officers go out to educate the public almost every day. We're complaint driven and our officers go out and see violations. We're not going to be writing citations, we try to educate the public. Yes we do write citations on occasions. But we are educators. We've come a long way from the old dog catcher days.

Ms. Clark: They also have a Facebook page for lost and found animals.

Ms. Williams: It's called "Volusia County Animal Services", you can see the county logo on the picture.

Discussion regarding various organizations in Volusia County that go out and educate the public.

Mrs. Driggers: Set date and time for the next meeting

The Hobby Breeder discussion was set for February 21, 2018 at 1:00pm****

The next Animal Control Advisory Board meeting was set for March 14, 2018 at 9:00am

Meeting Adjourned

****this meeting was re-scheduled for February 28, 2018 at 1:00pm