

Wake County Board of Commissioners
Growth, Land Use, and Environmental Committee
July 9, 2018
11:00 a.m.
Wake County Justice Center, Room 2800

Commissioners Present:

John Burns-Chair
Sig Hutchinson-Vice Chair
Matt Calabria
Jessica Holmes

Wake County Staff Present:

David Ellis, County Manager; Johnna Rogers, Chief Operating Officer; Denise Foreman, Assistant County Manager; Chris Dillon, Assistant County Manager; Ben Canada, Assistant to the County Manager; Scott Warren, County Attorney; Dr. Jennifer Federico, Animal Services Director; Denise Hogan, Clerk to the Board; Yvonne Gilyard, Deputy Clerk to the Board, and Katherine Williams, Cooperative Extension Director; Dale Threatt-Taylor, Conservation District Administrator; and Ken Murphy, Senior Assistant County Attorney.

Others Present:

Greg Batts, District 3, Wildlife Biologist; Marchell Adams-David, City of Raleigh Assistant City Manager; Linda Jones, City of Raleigh Community Engagement Administrator; Danya Perry, Raleigh Chamber Equitable Economic Development Manager; Cliff Lavenhouse, SE Raleigh resident; Dalia Place, Southeast Raleigh Promise Project Director; Bob Russo, Zebulon United Methodist Church Food Director; Sue Russo, Zebulon United Methodist Church Food Director; Chad Walker, Transitions Life Care Analytics and Community Engagement Manager; Leslie Boney, Vice Provost for Outreach & Engagement; Samantha Graham, Innovative Engagement Program Manager; Lydia Newman, SE Raleigh Innovation Challenge winner; Mike Ortosky, Agriculture Economic Development, Orange County; George Jones, Triangle Land Conservatory; Sandy Schweitzer, Triangle Land Conservatory; Sydney Klein, Food Security Manager; and Hannah Taylor, AmeriCorps VISTA.

Meeting Called to Order

Commissioner Burns called the meeting to order at 11:00 a.m.

Approval of the Minutes





Commissioner Calabria moved, seconded by Commissioner Hutchinson, to approve the Growth, Land Use, and Environmental Committee minutes of the June 11, 2018 meeting. The minutes were approved unanimously.

Ms. Katherine Williams, Cooperative Extension Director, shared the regional food systems development. She introduced the partners for the project.



She shared the cooperative extension goals. She said that they are aligned with the Commissioners goals.

Cooperative Extension Goal: 2018 Business Plan: Increase food security and healthy food access for Wake residents.

-  **Initiative CH2.1:** Improve health of populations through the development of infrastructure and education that encourages an active lifestyle.
-  **Initiative E1.2:** Partner with WCPSS and community agencies to reduce childhood hunger.
-  **Initiative SEV3.2:** Develop and implement a comprehensive plan to identify and address issues related to hunger, food insecurity and food deserts in Wake County.
-  **Initiative GG5.1:** Build and maintain partnerships with other public and private entities to leverage resources and increase efficiencies.

She shared the strengthen regional food system's five goals. She said that this information stemmed from the November 2017 work session.

- 1) Remove barriers to growing and accessing healthy food
- 2) Help hardworking farmers earn a living
- 3) Preserve farmland and production capacity for the future
- 4) Grow the local food economy
- 5) Create a healthier world



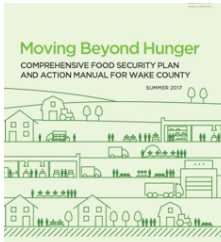
She shared a regional case for action.

- 1) Clear opportunities for economic development in processing, distribution and retail/wholesale consumption markets.
- 2) Acute awareness of benefits: health, economy, farmland preservation.
- 3) Current fragmentation and lack of collaborative framework; joint assessment, planning, shared decision-making & investments.
- 4) Current Thinking too localized: Diverse needs, resources, existing capacity for production, processing, aggregation hubs, institutional purchasing, soils & topography.
- 5) Unique opportunity to align awareness and market demand with surrounding capacity for agricultural production; national model.

She said that Commissioner Hutchinson met with county leaders from three counties in December 2017 to discuss common interests and how they can be aligned with the Wake County comprehensive food plan and what process is needed moving forward.

She congratulated Mr. Mike Ortosky, Agriculture Economic Development, on receiving the Wallace Center Fellows scholarship. She said that he can assist with this project nationally.

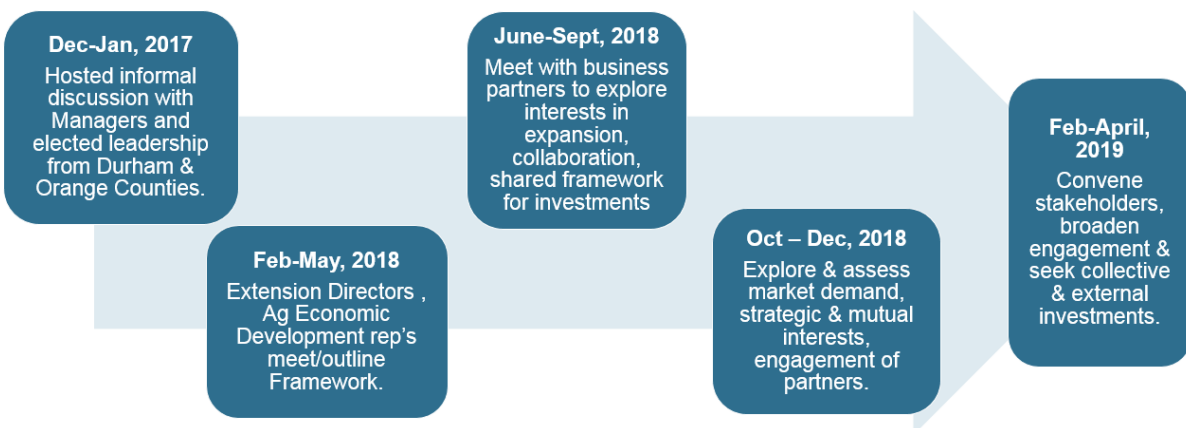
She shared the common interests for economic development.



Consumer Demand for sustainably grown local and regional products offers new opportunities for small & mid-size farms, stronger environmental performance in the farm sector; bridging rural/urban divide, addressing access...Wallace Center

- Create Diverse Markets for local growers, regionally
- Design integrated supply chain infrastructure, marketing and resources to support small & growing farms.
- Support small acreage production through hubs that aggregate, add value, distribute products from local producers to wholesale markets, retail & institutions.

She shared the timeline. She said that the economic industry would be included as well as the capital investment from the private sector. She said that staff will ensure that commissioners are involved in the process.



Commissioner Burns thanked staff for their work. He asked how the school system is involved in the process. Ms. Williams said that the school system is involved in the food conversations and working thru a memorandum of understanding (MOU) as it relates to the Walnut Hill project. She said that institutional partners like schools, hospitals and universities are a huge market but Wake County should not limit themselves. She said that staff is thinking broad in expanding their services with the private sector. She said farmers will have to be gap certified to become partners. She shared that only a few farmers are currently gap certified.

Commissioner Calabria asked the cost for certification. Ms. Williams said that the cost can vary and an audit is required and the cost varies depending on the size of the farm and could cost up to \$1,000 for the farmers to become gap certified. She said that AHA has assisted in the past with leveraging resources.

She shared that Farm Bureau said that it is difficult to compete and partner because they encounter labor and harvest issues. She said that not all counties have these issues and resources would need to be leveraged.

Manager Ellis asked if the \$1,000 was an annual fee and Ms. Williams said it is an annual fee.

Commissioner Hutchinson said that the report is great. He said that he has been working with AHA and Capital Area Food Network with their multi-year plan on this project. He said that there are so many components to growing, collecting, processing and marketing food and asked how we can get all the groups to work together. He said that he has been working with regional leaders to obtain a resolution. He said that Durham has the farmers food share program and asked how can it be provided to help in Wake County.

Commissioner Hutchinson said that the purpose of the Wallace Center Fellows Scholarship is to look at the triangle as a leader and to learn from others what works and what does not work. He said the board would receive an update at a future meeting. The scholarship is a one-year cohort.

Commissioner Burns asked if there were national programs for farmers where they can get the experience they need and to network. Mr. Ortosky said that programs are more local. Commissioner Hutchinson encouraged staff to read the report.

Commissioner Burns said that it is important to take an active role in the process.

Commissioner Calabria said that the turnaround has been great. He said that it is good to have full-time staff and twenty VISTA's assisting with the project.

Commissioner Burns said that he would like for this to be on the agenda for the full board's review.

Dr. Jennifer Federico, Animal Services Director, shared the update on fox trapping season.



- Brian Lisenby – NC Trappers Association – presented at 4/9/18 GLUE Committee Meeting
 - Advocated for Fox Trapping Season in Wake County
- Action Item – Staff tasked with reviewing this item and providing a recommendation of findings

She shared who information was reviewed with.

- Colleen Olfenbuttel – Furbearer Biologist, NCWRC
- Brian Lisenby – NC Trappers Association
- Greg Batts – Wildlife Biologist, NCWRC

She shared the history of foxes.

- Foxes are not regulated by NCWRC
- Foxes are considered game
- Foxes are NOT considered furbearer
- General Assembly responsible for fox trapping season laws



She shared the current regulations in Wake County.

Coyotes

- Firearms: Year-round except Sunday mornings (9:30am to 12:30pm)
- Bow & Arrow: Year-round
- Trapping: November 1 – February 28th

Foxes

- Firearms: Saturday preceding Thanksgiving to January 1st
- Trapping: Not permitted

She shared the caveat to the regulations.

There may be City laws restricting trapping and discharge of firearms



She shared NC Wildlife Commission information.

- Subject Matter Expert
- Recommends opening a fox trapping season
- No trapping = trappers in close proximity to rabies vector to release them



She shared the 2012 NCWRC report.

- Directed by General Assembly
- Study fox and coyote populations
- Recommend management methods and controls
- Ensure statewide conservation of fox population
- Manage adverse effects of coyote population
- Fox Hunters
- NC Trappers Association
- Fox Hunting Preserve Operators
- Non-governmental Wildlife Organizations
- Non-governmental Agricultural Stakeholders
- NC Department of Agriculture & Consumer Services
- Public Health Agencies
- Orange County & Wilkes County Animal Control Agencies

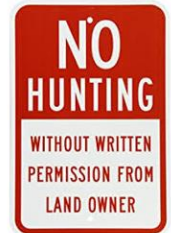
She shared information on fox hunters.

- Don't believe foxes are widely abundant
 - See trapping as greatest threat to fox populations
- ** Will Likely Oppose Fox Trapping Season **



She shared other NCWRC items to consider.

- #1 wildlife complaint in Wake County is fox conflicts
- Encourages use of fox trapping season
- Regulated trapping overseen by NCWRC
- Need written permission from landowner to trap



Commissioner Burns asked what is a fox conflict. Mr. Greg Batts, Wildlife Biologist, said that a fox conflict is when residents call in and report fox sighting's. He said that Wake County has had 188 calls this year and the number continues to increase. He said that it is the number one complaint. He said that they share with people how to interact with the fox. He said that they give them the negative experience such as spraying them with a water hose.

Manager Ellis asked if complaints were specific to a location. Mr. Batts said that he would get the exact number per location.

Commissioner Burns asked about the number of rabid cases based on foxes. Mr. Batt said that there were only a few in Wake County. He said that if the animal is acting strange the residents should call animal control.

Dr. Federico said that when animal control is called, they assume that it is rabid and the animal is euthanized.

Commissioner Burns asked about foxes versus coyotes.

Mr. Bates said that there are only a few red foxes around in this area. He gave the scenario of grey foxes versus red foxes.

Dr. Federico shared why there should be a fox trapping season per NC Trappers Association.

- Young foxes are independent by then
 - Won't be orphaning nursing baby foxes
- Pelt is at its prime
 - Not wasting the resource
- Avoid potential heat stress
 - Concern for summer



Dr. Federico shared Wake County staff's thoughts.

- Supports NCWRC's recommendation of fox trapping season*
- Does not recommend allowing trappers to sell live foxes due to public health risk
 - Recommendation based on current information received

Commissioner Calabria asked how the trappers are regulated. Mr. Bates said that trappers are required to have licenses and there are regulations attached to the license.

Commissioner Hutchinson asked how bad is the rabies issue in Wake County. Mr. Bates said that it is steady, but they don't test if there is no human contact. He said that the numbers have not increased since his tenure.

Dr. Federico said that they must educate residents on why and how foxes attack.

Manager Ellis asked if there are regulations where traps could be placed. She said that if resident calls and requests a trap, the residents are educated rather than given traps.

Commissioner Calabria said that there are two concerns. One being for foxes and one for coyotes being trapped. Dr. Federico said that they want them to be trapping coyotes and if trapped, the coyote is dispatched right there. Foxes are given to the fox dens. Mr. Bates said that the cost is \$10-12 each. There was discussion about the population of foxes and coyotes and the responsibilities of the public and the hunters.

She shared next steps.

- Do Nothing – Unless Recommended
- If Recommended –
 - Staff to coordinate with County Attorney's Office to draft the appropriate support document
 - Nov/Dec – Action required by the Wake County Board of Commissioners

- Jan 2019 – NC Trappers Association, introduce local fox trapping/hunting bill

There was open discussion on the actual risk of catching a coyote and the trapping of a fox. The rationale for having a trapping season was also discussed.

Commissioner Burns asked if there is a racoon season. Mr. Bates said that the trapping season does involve racoons.

Commissioner Calabria asked if you are hunting a fox and get a coyote what is the process or procedure. Mr. Bates said that the pelt would be taken and the fur for the coyote could be sold.

Mr. Chris Dillon, Assistant County Manager, said that he agrees with staff's recommendation and a fox trapping law should be part of the legislation agenda for next year.

Ms. Dale Threatt-Taylor, Conservation District Administrator, said that farmers have been talking about the coyote lately. She said that the environmental agency assists with the cost.

Mr. Bates said that the state has been providing services for free as long as the hunter is a licensed hunter. Outside of the season a cost of \$50.00 would be assessed.

Commissioner Calabria reiterated what is required for the request to the General Assembly.

Mr. Batts talked about the House Bill 272 that was discussed this year. He said two counties have allowed a fox trapping season.

Mr. Dillon said that a resolution could be passed soon.

Commissioner Calabria asked if this was time sensitive or could it be included in the goals. He asked Mr. Dillon to watch this item as it makes it way to the General Assembly.

Commissioner Hutchinson asked if staff could move forward with the recommendation from Dr. Federico's presentation.

Manager Ellis said that if steps are followed, then this item would be ready for the full board and the next legislative session.

Commissioner Holmes shared her comments on the recommendation moving forward.

Commissioner Burns thanked staff and partners for their work on this issue.

Discussion of Proposed Pooper Scooper Ordinance

Jennifer Lynn Federico, DVM



@wakegov



wakegov.com

Dr. Federico shared the introduction for the discussion of the proposed pooper scooper ordinance.

- May 2018 – A concerned citizen requested consideration to implement a “Pooper Scooper Ordinance.”
- Action Item – Staff tasked with reviewing this item and providing a recommendation of findings.

She mentioned staff who were notified of the ordinance.

- David Ellis – Wake County Manager
- Ken Murphy – Senior Assistant Wake County Attorney
- Joseph Threadcraft – Environmental Services Director

She shared the benchmarks for the Raleigh Animal Control.

- Ordinance – Yes
- Citation issued based upon photo or two witnesses
- Difficult to enforce

- Number of court cases – N/A

She shared the benchmarks for the Cary Animal Control. She said the cost of the citation is \$20.

- Ordinance – Yes
- Citation issued based upon video
- Difficult to enforce when residence of dog owner is unknown
- Number of court cases – None

She shared the benchmarks for the Holly Springs Animal Control.

- Ordinance – Yes
- Citation issued based upon video or multiple witnesses
- Difficult to enforce
- Number of court cases – None

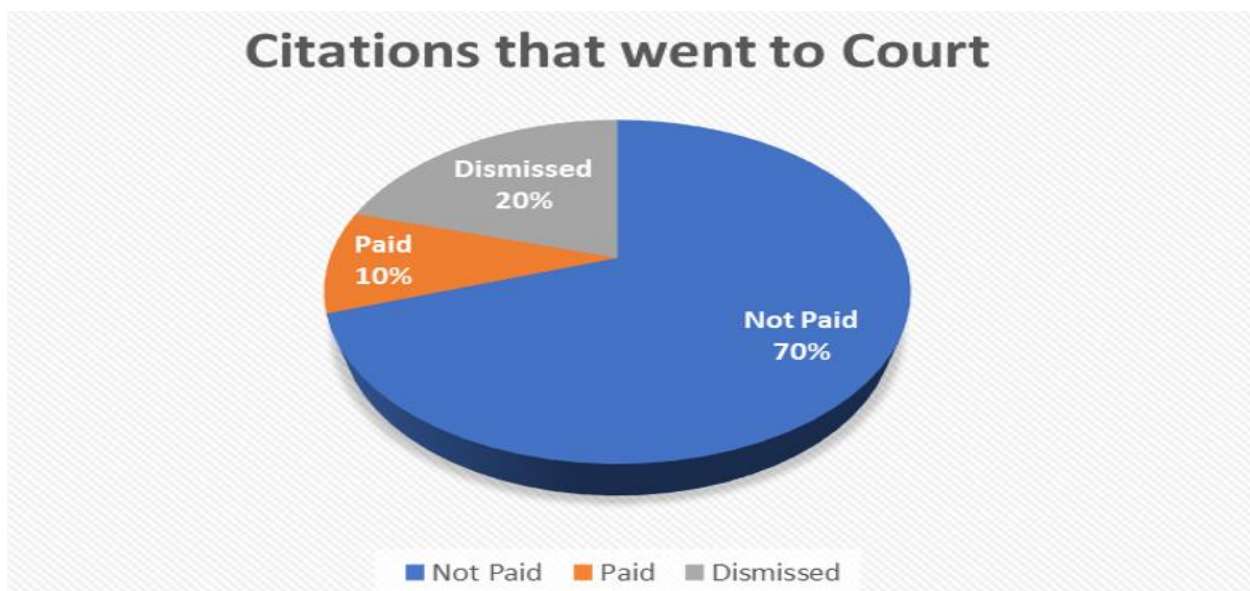
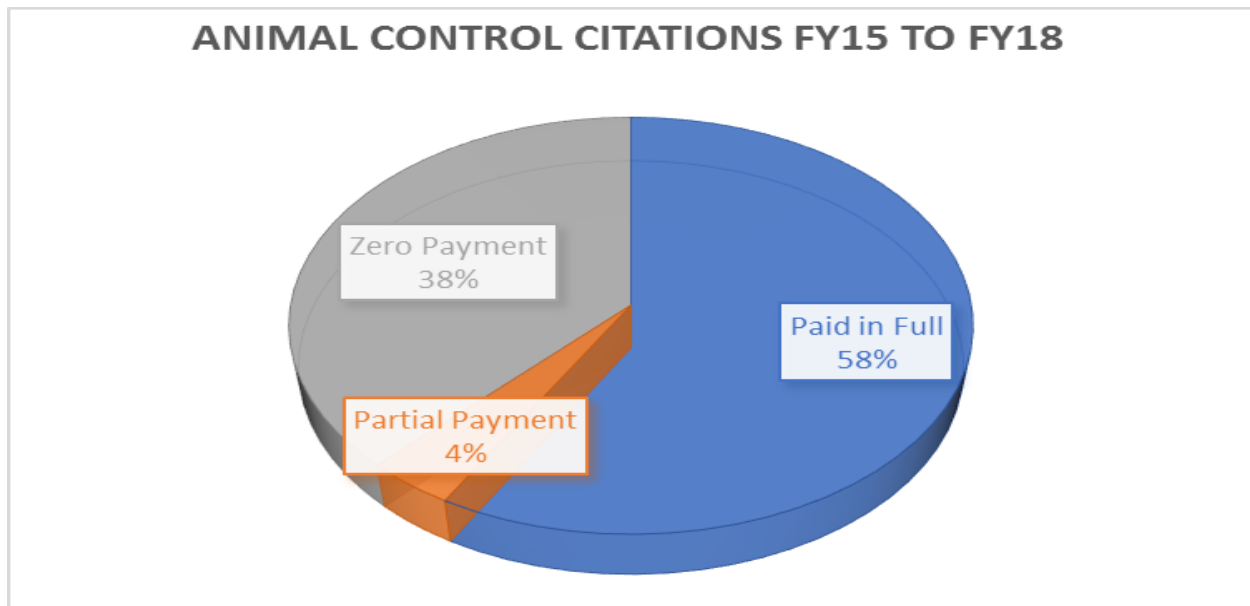
She shared benchmarks for the Garner Animal Control.

- Ordinance – Yes
- Citation issued based upon proof of violation
- Number of court cases – N/A

She shared benchmarks for Mecklenburg County. She said they have 39 control officers.

- Ordinance – Yes
- Citation – Officer must observe violation; will not accept photos or video
- First Violation – Notify by mail of violation and corrective actions
- Subsequent Violations – Officer is dispatched
- Number of court cases – N/A

She shared the animal control citations issued by Wake County for FY15 to FY18. This includes running at-large and public nuisance. She said that Wake County has nine control officers.



She shared the current citations issued by Wake County. She said that residents that do not pay will have liens placed on their property.

- 55 Citations (\$ 126 each) for court cost of \$ 6,930
- 30 Outstanding with cost of \$ 5,922
- 17 Dismissed
- 8 Paid in Full \$ 1,008

She shared the summary.

- Legal authority exists to write a Pooper Scooper Ordinance
- These ordinances are typically suited for municipalities
- It is difficult to enforce these type of ordinances
- It is difficult to collect fees for violations
- Conflicts with ACO's primary missions
 - Protect public health and safety
 - Ensure animal welfare
- Current Ordinance has a provision to address a nuisance
 - Pursue available judicial remedies by filing the action with the appropriate judicial authority
- Based on the findings, staff does not recommend a Pooper Scooper Ordinance

Commissioner Burns asked if Wake County has a leash law. Dr. Federico said that there is a leash law in Wake County.

Commissioner Hutchinson asked Dr. Threadcraft if he saw any issues with the leash law. Dr. Threadcraft said not currently.

Commissioner Calabria asked how many cases did not go to court. He said that this is a subsequent problem based on the numbers. He said that this is a net financial report.

Dr. Threadcraft said that there are 145 citations that went to court.

Commissioner Holmes asked what is the dollar amount of the claims that go to court. Dr. Federico said that the range of cost is \$50-\$100 per citation. She asked is it worth Wake County taking the issue to court.

Attorney Ken Murphy said that it is his position to take the issues to court. He said residents that appear in court are repeat offenders and judgements have been attached. He said that these cases can eventually become civil cases.

Commissioner Calabria asked about public nuisance and dogs running at large and the implications. Dr. Federico said no because they deal with public safety and a nuisance does not always mean safety. She said that dogs can run at large and be on their own property; therefore, they are not a threat.

Attorney Murphy said that his witnesses are the animal control officer and/or the neighbor that reports the issue.

Dr. Federico said that Mecklenburg County would like to have a program where residents watch dogs and report them.

There was open discussion about how different neighbors handle pooper scooping.

Commissioner Calabria said that he wrestles with this issue. He said that we should be focused on the quality of life for residents. He said that he is fine with not moving forward with an ordinance and that educating residents is key.

Dr. Federico said that door hangers are being left on doors of residents that have been reported and she has completed Public Services Announcement's (PSA's) on different stations.

Commissioner Holmes said that more social media may help educate residents on this issue.

Commissioner Calabria said staff should let residents know that they have options.

Commissioner Burns said that the August GLUE meeting should include items from the Water Partnership. He said that Keep Wake Native will not be on the August agenda.



Meeting adjourned at 12:25 pm

Respectfully submitted,

Yvonne C. Gilyard
Deputy Clerk
Wake County Commissioners