

**SEMINOLE COUNTY
ANIMAL CONTROL BOARD
REGULAR MEETING**

**March 13, 2008
7:00 PM**

MEMBERS PRESENT: Marilyn Wittmer
Barbara Lewis
Lisa Giltner
Dr. DeHaven Batchelor

MEMBERS ABSENT: Chris LaSage, Vice Chairman
Debra Garrambone, Chairman
Bill Shaffer

OTHERS: T. E. Stone, Director of Public Safety
Mary Beth Lake, Animal Shelter Manager
Ann Colby, Assistant County Attorney
Elaine RiCharde, Clerk to the Board

The following is a non-verbatim transcript of the Seminole County Animal Control Board meeting held March 13, 2008, at 7:00 PM, at the Sheriff's Office/Public Safety Building, 150 Bush Boulevard, Sanford, Florida.

Dr. DeHaven Batchelor, the most senior Board member present, chaired the meeting in the absence of the Chairman and Vice Chairman.

I. Call to Order.

II. Roll Call.

Roll Call was taken by the Clerk to the Board. There being a quorum present, Dr. Batchelor called the meeting to order at 7:14 PM.

III. Public Hearings.

There were no public hearings.

IV. Old Business.

Dr. Batchelor called for old business and there was none.

V. New Business.

Dr. Batchelor called for new business.

A. Presentation Regarding Feral Cats TNVR Issue.

Francois Ager and Phyllis Ayoob, representing Friends of Feral Animals (FFA) came forward to make a presentation on feral cats TNVR (trap, neuter, vaccinate, return). Ms. Ager read the document entitled "Trap, Neuter, Vaccinate and Return, TNVR, Why and How" which was included in the Board's agenda package. In summary, FFA requested a work session with the Board to discuss the following goals to implement a TNVR program in Seminole County.

- Revise the Seminole County Code, Chapter 20, Animals and Fowl, Sections 20.01 (to define feral animals) and 20.17 (to allow an exception to animals running at large)
- TNVR program endorsement from the Animal Control Board
- Write a countywide TNVR policy and procedure
- Develop a TNVR training program
- Establish a free spay/neuter program for feral cats
- Establish a low cost pet spay/neuter program for low income residents.

There followed a question and answer session between the Board and the presenters on their proposal.

Ms. Wittmer read a memo prepared by Mike Wittmer, former Animal Services Manager, in response to a citizen's correspondence to the Board of County Commissioners in 2006 in support of feral cat colonies. Ms. Lewis requested a work session to respond to the memo. Ms. Ager requested a copy of the memo to refute some of the information contained in the memo.

Ms. Lewis addressed Tad Stone, Director of Public Safety. She wanted to know if he supported a work session and whether or not he supported TNVR. Mr. Stone responded that has met with Ms. Ager and Gail Nagan on more than one occasion to discuss feral cat issues. His position is that he does not want to control feral cat colonies. Rather, he has asked Ms. Ager and Ms. Nagan to form a group to function as a liaison to resolve complaints about feral cat colonies. This enforcement approach would permit Animal Services to contact this group and give them the opportunity to correct a reported problem, and thus prevent Animal Services from intervening. Mr. Stone further said he has requested certain information from Ms. Ager and others, and the information has not been forthcoming. He has requested the methodology Ms. Ager and others use to calculate the expense to Animal Services to trap and euthanize a feral cat. He has also requested Ms. Ager and others provide him with model language, or a Florida ordinance currently in effect, that permits feral cat colonies and does not

violate the Florida Statutes. His own research has failed to locate such a model ordinance. Mr. Stone stressed he is not opposed to a work session, but he needs this requested information first in order to make a decision that complies with the Florida Statutes.

Motion by Ms. Lewis to schedule a work session to discuss the feral cat TNVR issue and to make the meeting open to public discussion. Second by Ms. Giltner. Ms. Lewis, Ms. Giltner and Dr. Batchelor voted aye. Ms. Wittmer voted no. Ms. Wittmer raised a point of order that according to the Seminole County Code (Code), a majority of the Board, or four affirmative votes, are required for a motion to pass. Dr. Batchelor announced the motion failed. Ms. Giltner raised a point of order that according to the Animal Control Board Rules of Procedure (Rules), a quorum consists of four or more board members and an affirmative vote shall be a majority of those present to pass a motion. There followed a discussion about parts of the Rules being in conflict with the Code. Ann Colby, Assistant County Attorney, advised the Code states any recommendation made to the Director of Public Safety must be approved by a majority of the Board. Mr. Stone said he did not interpret Ms. Lewis' motion to be a recommendation to him. Accordingly, the vote (supra) was considered a motion under the Rules and the motion passed.

There was a consensus to hold a work session to discuss Friends of Feral Animals feral cat TNVR proposal on May 8, 2008, at 7:00 PM. Ms. Colby reminded the Board the motion included making the work session open to the public for discussion; however, the right to speak at a meeting is limited to public hearings. A work session is not a public hearing and the public is not allowed to comment unless the Chairman grants permission. There was a consensus that Francois Ager, Phyllis Ayooob and Gail Nagan will represent and speak on behalf of FFA at the work session.

Ms. Ager requested the work session also address community education and outreach as an additional approach to resolving feral cat issues.

Mr. Stone was asked to brief the Board on the status of the agreement with the Society for the Prevention of Cruelty to Animals (SPCA) of Central Florida, Inc. to provide pet spay/neuter services to low income residents. Mr. Stone advised the SPCA Board's attorney requested minor changes to the agreement drawn by the County Attorney's Office. Once the legal issues are worked out, the agreement must be executed by the SPCA Board and the Board of County Commissioners. The target commencement date is June 1st if the process stays on track.

B. Nomination of Officers.

Dr. Batchelor called for nominations for Chairman. Ms. Giltner nominated Dr. DeHaven Batchelor for Chairman. Second by Ms. Lewis.

Dr. Batchelor called for a vote on the nomination. The nomination passed unanimously.

Dr. Batchelor called for nominations for Vice Chairman. Ms. Wittmer nominated Lisa Giltner. Second by Dr. Batchelor.

Dr. Batchelor called for a vote on the nomination. The nomination passed unanimously.

Ms. Colby requested a future meeting with the Chairman and Vice Chairman to review public hearing procedures.

C. Adopt Rules of Procedure.

Dr. Batchelor called for discussion before adopting the Rules.

Ms. Wittmer said Rule 5(a), which states regular meetings shall be held at least every three (3) months, conflicts with the Code, Section 20.05 (d), which states the Board shall meet at least three times a year. Ms. Colby advised this was not a conflict as long as the Board meets at least three times a year.

Ms. Wittmer said Rule 5(a) states meetings shall be held at the Animal Services facility; however, there seemed to be a consensus to meet at the Sheriff's Office/Public Safety Building. An amendment was proposed to delete the language "in the Seminole County Animal Services Conference Room, 232 Bush Boulevard, Sanford, Florida 32773", and to replace with the language "meetings will be held at a Seminole County public location to be determined by the Director of Public Safety."

Ms. Wittmer said Rule 5(e), regarding voting requirements, conflicts with the Code, Section 20.05(c). An amendment was proposed to delete the language "and an affirmative vote of a majority of those present and voting shall be necessary to pass any motion or adopt any order; provided, however, that at least four (4) members of the Board must vote in order for the action to be official", and to replace with the language "It takes a majority of the Board, or four (4) votes, to make recommendations to the Director of Public Safety regarding animal care and regulations consistent with the Florida Statutes and Chapter 20, Seminole County Code. All other matters to be voted on by the Board take a simple majority of the present quorum."

Mr. Stone said Rule 5(b) and Rule 5(c)(1), regarding special meetings conflict with the Code, Section 20.05(d). An amendment was proposed to delete Rule 5(b) and Rule 5(c)(1).

Ms. Lewis suggested amending Rule 6 which speaks to the order of business. An amendment was proposed to delete from the order of business section (c) Public Hearings, and add a section to the order of business allowing public commentary, limited to three minutes, and this new section would appear on the order business after the minutes and before confirmation of the next meeting date. Mr. Stone said staff will develop an order of business format specific to dangerous dog public hearings. Ms. Colby advised all speakers should complete a speaker's form and should specify the topic they will be speaking about.

D. Future Agenda Items.

Ms. Giltner requested a future agenda include updates on the chained dog ordinance and the SPCA agreement.

Dr. Batchelor asked to revisit the contract with PetData, Inc. which administers the pet license program.

Ms. Giltner requested staff resume providing printed reports in the agenda package.

VI. Reports.

Mr. Stone and Mary Beth Lake, Animal Shelter Supervisor, gave the following reports.

- The isolation building should be complete by June.
- The fire rebuild is out for bid and the closing date is in approximately three weeks.
- Animal Services staff were recognized for their efforts after the fire. Staff received two teamwork awards, one from the County and the other from the Florida Animal Control Association (FACA).
- Morgan Woodward accepted the Manager's position and will start March 31st. Mr. Woodward currently works for the SPCA at their Orange County location.
- The annual adopt-a-thon event will be held March 15th.
- The fiscal year 08/09 budget process continues to be a difficult exercise. Staff have justified service levels and identified areas where services can be reduced. The General Fund, from which Animal Services is funded, must be reduced by approximately \$20 million.

VII. Minutes: March 15, 2007.

Motion by Ms. Giltner to approve the minutes from March 15, 2007. Second by Ms. Lewis. Ms. Wittmer abstained. The motion passed.

VIII. Minutes: June 14, 2007.

Approval of the minutes was postponed to the next regular meeting due to an insufficient number of members present who also attended the June 14, 2007 meeting.

IX. Minutes: July 30, 2007.

Approval of the minutes was postponed to the next regular meeting due to an insufficient number of members present who also attended the July 30, 2007 meeting.

X. Minutes: January 17, 2008.

Approval of the minutes was postponed to the next regular meeting due to an insufficient number of members present who also attended the January 17, 2008 meeting.

XI. Confirmation of Next Meeting.

There was a consensus to hold four regular meetings per year, one meeting per quarter on the second Thursday in March, June, September and December.

XII. Adjournment.

Motion by Ms. Giltner to adjourn the meeting at 9:07 PM. Second by Ms. Wittmer. The motion passed unanimously.

Respectfully submitted,

Clerk to the Board