

CUMBERLAND COUNTY POLICY COMMITTEE
SEPTEMBER 29, 1999, 3:00PM
SPECIAL MEETING

Present: Chairman Ed Melvin
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Cliff Strassenburg, County Manager
James Martin, Deputy County Manager
Grainger Barrett, County Attorney
Karen Musgrave, Staff Attorney
Animal Control Staff
Tax Administrator
Marc Joseph, Chairman, Animal Control Board
Leon Goldstein
Marsha Fogle, Clerk

INVOCATION: Talmage Baggett

1. Approval of Minutes: June 17, 1999

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

2. Consideration of a policy to pursue legal action against businesses that fail to file annual property tax listings as required by law.

Mr. Garrett Alexander, Tax Administrator, asked the Policy Committee to recommend to the full Board of Commissioners a policy allowing his office to pursue legal action against a business failing to list personal property. At this time 367 businesses have ignored their obligation to list and our efforts to obtain listings from them. NCGS 105-308 makes the willful failure or refusal to list property for tax purposes within the time prescribed by law a Class 2 misdemeanor. Prior any legal action is taken against such a business, they will be notified through proper legal notification of their responsibility and of the County's intention to pursue criminal misdemeanor charges. They will be give 30 days to comply with their responsibility to file a business personal property tax return. If at the end of the 30-day grace period they have not complied with the law, then the County will file charges. This will ensure that equity and fairness is maintained with all persons and businesses having the responsibility to list and pay taxes in Cumberland County.

Commissioner Baggett inquired as to the notification procedure. The business will receive notification of their responsibility to list through certified mail. If that mail is not accepted, then the Sheriff's Department will attempt to deliver the notice to the proper individual. Commissioner Blackwell inquired as to how much money the county is losing as a result of businesses not listing. Above \$50,000: \$5,843.64; and below \$50,000: \$13,598.40.

MOTION: Commissioner Blackwell moved to recommend adoption of the policy to pursue legal action as recommended by the Tax Administrator.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

3. Consideration of an increase in the Minimum Tax Refund Policy

The Tax Administrator requested the Policy Committee recommend to the full Board of Commissioners to increase the minimum amount refunded from \$2.00 to \$5.01. Processing these small refunds places a substantial burden not only on Tax Administration but on the Finance Department. Most of the refunds fall below the \$5.00 amount, however the cost to process the refunds, cost of checks and postage exceeds the refund. Bladen, Forsyth and Lee counties have all raised their refund threshold to \$5.00 or more.

Commissioner Baggett inquired if the refund could be credited to next year's bill. Mr. Alexander said it was possible, but not practical because of the paperwork involved. Commissioner Blackwell asked why we don't go to \$10.00. Mr. Alexander replied most of our refunds fall between \$2.00 - \$5.00, and he thought this would address our needs.

It was noted that if someone formally requests a refund even though it would be less than \$5.00, the County would have to accommodate the request.

MOTION: Commissioner Blackwell moved to recommend to the Board that the County increase the minimum tax refund policy from \$2.00 to \$5.01 and that upon a written request from the taxpayer, the County will refund anything less than \$5.01.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

4. Consideration of an Increase in the Minimum Tax Bill

The County Policy for Minimal Tax Bills currently sets the minimum tax bill threshold at \$2.00. This policy was adopted in 1995. Since that time, the costs of production and collection of a minimal tax bill and associated postage have increased such that it is prudent to consider increasing the amount from \$2.00 to \$5.00. Most of the tax bill for \$5.00 or less are for motor vehicles or other personal property of minimal value.

The Tax Administrator asked the Committee to recommend the increase from \$2.00 to \$5.00 to the Board of Commissioners. This would be effective with the charge for the fiscal year which begins on July 1, 2000 for the tax year 2000-2001.

MOTION: Commissioner Baggett moved to recommend the increase to the Board of Commissioners.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

5. Discussion of stipends for Boards/Committees

The Committee reviewed the information that was presented. Information concerning the Board of Elections was inadvertently left off the chart. The Committee decided to continue this item until the next meeting, October 21, at which time Board of Elections information will be available.

6. Discussion of health insurance for Board of Education members.

It was noted this issue was discussed in March, 1996, at which time the Policy recommended to the Board that no action be taken to provide the insurance. During that time period, a survey was done which revealed no counties provided health insurance for Board of Education elected officials.

It was noted that only one member of the Board of Education has requested insurance.

MOTION: Commissioner Melvin moved that no action be taken unless a formal request comes for the Board of Education.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Baggett indicated that some counties may provide health insurance now, and if this issue comes up again, staff should survey the counties to see which ones provide the insurance, what kind, etc.

VOTE: UNANIMOUS

7. Discussion of an ordinance relating to the apprehension of wild dogs and animals running loose.

The Board of Commissioners referred this item to the Policy Committee at the last Commissioners' meeting (September 20, 1999). The action that triggered this discussion is a pack of wild dogs running loose at the Cliffdale Plaza Shopping Center and the County Landfill. The Animal Control Department has been unable to catch these animals. These dogs are approaching the customers at the shopping center and are a potential threat. In addition, the animals are chasing the landfill vehicles and causing the employees at times to flee to a piece of equipment to avoid being attacked. At this time there is no explicit authority for the use of deadly force to handle this problem.

The Animal Control Office is requesting the Board to give them authority to use deadly force, as a last resort, to take care of these two immediate problems. In addition, they are recommending that the County adopt a policy or ordinance to address this issue. It has been suggested that the Animal Control Officers be trained and certified by the Sheriff's Department in the use of firearms. The Sheriff has indicated his office would do the training.

Mr. Leon Goldstein noted the importance of identifying standards for determining whether deadly force should be used. He pointed out the County Animal Control Department was directed by the County Manager to develop a Standard Operating Procedures manual and a staffing plan. He suggested that no action be taken until these two directives have been

implemented. He noted there could be serious results in the absence of clearly defined procedures. Mr. Goldstein also pointed out that High Point is in the midst of a civil suit as a result of deadly force being exercised.

Commissioner Blackwell inquired if the Animal Control Board was supportive of the adoption of a policy or ordinance authorizing deadly force as a last resort. Mr. Marc Joseph, Chairman of the Animal Control Board, said no official action had been taken but he had asked each member and they wanted to be able to deal with the problems at the shopping center and landfill.

The County Attorney noted the Animal Control Department has exhausted all methods of trying to catch these animals.

Commissioner Baggett pointed out we have two issues, one is of immediate concern and needs immediate action and the other issue is one that will affect the County in the long term. He said the problem at the shopping center and landfill needs to be addressed immediately.

MOTION: Commissioner Baggett moved that Animal Control Department arrange for the Sheriff's Department to take measures including lethal force to handle the problem of packs of wild dogs at Cliffdale Plaza and at the Landfill. He requested that Animal Control coordinate with the appropriate City agencies , i.e, City Police and Inspections Department. He also moved that Animal Control Officers be authorized to use lethal force against wild life (not including wild dogs) that appear to be rabid or otherwise present an imminent threat to the public health or safety. The county will continue to look at the long term problem of using deadly force in other similar instances.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

Commissioner Melvin inquired if a stronger tranquilizer gun would do the job. The Animal Control Department pointed out that they are using the standard issue they can legally secure. They also indicated that in most cases the tranquilizers work; however in the case of feral dogs, they tend to run off after being shot and return after the tranquilizer wears off.

Commissioner Blackwell asked Animal Control to check to see if stronger tranquilizer drugs are available. He also inquired if sending all of the animal control officers to the area at one time would make a difference. Mr. Person said he has sent as many as four at one time and they have not been able to apprehend the wild dogs.

Mr. Leon Goldstein noted this problem is not unique to Cumberland County. He indicated other jurisdictions deal with these same issues and do not use deadly force. He suggested we contact other municipalities and see how they deal with these problems.

Commissioner Blackwell suggested that we seek help from the National Animal Control Association in developing our long range plan for our Animal Control Department. Mr. Blackwell said that independent eyes can be helpful in telling us what we are doing right and to also assist us in some areas where we need improvement. He asked the County Manager to make contact with this organization or the Humane Society to see if they could help us.

Mr. Strassenburg, County Manager, noted the County is beginning to change the philosophy as to our mission as far as animal control is concerned. He will report back to the Policy Committee at the October 21st meeting about seeking help in our efforts to redefine our mission.

Grainger Barrett, County Attorney, told the Committee that Commissioner Tyson has suggested that the County make the leash law county-wide instead of approving specific areas, based on request.

MEETING ADJOURNED: 4:45PM