

Sampson County Health Department Advisory Committee

Dangerous Dog Appeal Hearing

May 14, 2018

Attending: Dr. Jeffrey Bell, Paul Bradshaw, Robert Butler, Dr. Elizabeth Bryan, Linda Heath, Jacqueline Howard, Chair, Commissioner Harry Parker, Linda Peterson and Dr. Beth Turner.

Absent: Charlotte Harrell, Allie Ray McCullen.

SCHD Staff: Wanda Robinson and Sally DeMay

Speakers: Tonya Faison, Brenda Ellison, Tony Joyner, Kayla Lockamy, Sgt. Jessica Kittrell and Brandon M. Murphy.

I. Call to Order:

Ms. Jacqueline Howard, Chairman called meeting to order.

II. Dangerous Dog Hearing: Mrs. Jacqueline Howard

A. Overview of Dangerous Dog Hearing Process:

Speakers are asked to adhere to the three (3) minute time limitations. Timekeeper Linda Heath will give the speaker an indication at 2 minutes, speaker will have 1-minute left to speak. After speaker's presentation you may stay or be excused.

Reviewed Article 1A. §67-4.1 Definitions and procedures: (See attached)

(1) "Dangerous dog" means

a. A dog that:

1. Without provocation has killed or inflicted severe injury on a person or
2. Is determined by the person or Board designated by the county as dangerous.

b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(2) "Potentially dangerous dog" means a dog that the person or Board designates by the county or municipal authority responsible for animal control determines to have:

a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(3) "Owner" means any person or legal entity that has a possessory property right in a dog.

(4) "Owner's real property" means any real property owned or leased by the owner of the dog but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse.

(5) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

Article 1A is available.

B. Public Comment-3 minutes each:

Ms. Howard asked those that had signed to speak to be respectfully in speaking, reminded that timekeeper was to her right.

Tonya Faison:

"On this particular day, my grandchildren's father was walking to the trash can to throw some trash away. The lady that stays in the home at the far back, beside the trash can, he was coming down the road and she was walking in the house and the door wide open and the dog comes out after him. He had earplugs in his ears. I am coming down my road and look in my rearview mirror and seen the dog come from out of the house. I jumped out of my vehicle hollering, telling her you seen the dog about to bite him and she had the door open and I have spoken to the Landlord numerous times about this dog. I have to get off work at night. I am scared to even get out of my vehicle because this dog comes up out of nowhere and comes up on you. I have grandchildren and I will not let my granddaughter, she is two go out by herself because I am scared this dog may attack my granddaughter. The dog has been in my yard numerous times."

"I don't have anything against them because I don't know them. I know Mr. Tony, her husband, but you know, I just want if you are going to keep your dog, keep the dog on a leash because I am scared the dog is going to bite my grandchild or either one of my grandchildren. I had a lady that come to my residence from the Health Department, because my daughter just had a newborn baby. The lady was afraid to get out of vehicle because of the dog. Just keep your dog tied up. I don't know her. But you know, I have spoken to the landlord, Mr. Landis Lee, numerous of times about not only that dog, but she has I think another dog, that is in my yard. That is all I ask. I got to protect myself as well as my family. When I get off work and you open your door and there is a dog and you don't see the dog. When you open your door and before you know it come around your house and there go an animal growling at you. Yes, I feel some type of worry about it. That is all I have to say."

Ms. Howard, chair asked if there were any questions from the board.

Commissioner Harry Parker spoke: "You said, that when you come home, is this a situation that occurs all the time?" Tonya Faison replies: "Yes sir, it occurs all the time, well mostly, when Mr. Tony is there the dog is tied up. I do not know what the issue is about the dog. I haven't spoke with Mr. Tony, but I have spoke with Mr. Landis Lee, the landlord about the dog. You don't see the dog coming sir. The little one, the white one with the black stripes is the one that sneaks up on you and you don't even know that he is around. He just sneaks up on you. And I have talked with Mr. Landis Lee, my landlord numerous times about the dog. I don't have any animosity towards these people, because I don't know them. But I don't want a dog to walk up on me or bite me or my grandchildren or my daughter or them. I don't normally walk to the trashcan to take my trash. I always take it over my car door and hang it out the door and go to the trashcan like that because I know the dogs, I know there are dogs. That day, when she opened the door so wide and that dog came out. And she was standing in the door and instead of calling the dog back, she just stood there to the door. And then I said you see that dog, you see the dog why not call the dog back. And if the dog would have bite the fellow and the fellow does not even stay here. He stays out of town. I would hate to call his Mama and say your child got bite by a dog while visiting his children. And that is all that I have."

Commissioner Harry Parker spoke: "This occurs most of the time. When you have friends and neighbors and things come over is this the same way." Tony Faison replies: "It is the same way, but it hasn't been in once I called the dog pound. Ms. Kittrel came out, two days later I haven't seen no dogs since then. But when the dog is there around and when I have company the dogs will come down there. My company is scared to get out of their vehicles. That is no way to live and if you have dogs keep them tied up. That is all I ask. Just keep you dogs tied up. I have five grandchildren. I don't want to be sitting outside and something happen to my grandkids."

Commissioner Harry Parker spoke: "So you feel like this situation with this dog endangers not only you but the people that come to see you?" Tonya Faison replies: "Yes sir, Yes sir."

Paul Bradshaw spoke: "Do you know of anyone that the dog has bitten?" Tonya Faison replies: "No sir, I just moved here, I think about roughly 3 months ago."

Robert Butler spoke: "Now, you are saying that you take your trash dump, are you saying that these dogs are that vicious you can't even walk past them to carry your trash to the dump?" Tonya Faison replies: "You know what sir, I'll be honest with you, I am not taking no chances." Robert Butler spoke: "I guess my question is; "Are they showing signs of aggression?" Tonya Faison replied: "Yes sir, that white dog, you come out of your car and that white dog will creep up and start growling at you. These plenty of times that I have had to jump in my car, getting off work. So, what I would do when I got used to him, I'll call my daughter come open the door or stand to the door or open the screen door and let me run in the house. I sure did. I do that plenty of times."

Linda Peterson spoke: "On this day in question, when the dog went running up to Mr. Moore, what did you see happen?" Tonya Faison replied: "Well ma'am, I have a picture (handing over phone) of where the dog came at to get Mr. Moore. I'm leaving out of my, I stay in this trailer, the first trailer. I am pulling out, I am about to pull out to go this way down the road. I am looking in my driver side mirror, and when I'm driving in my mirror this is where the dog came right there to get him." Linda Peterson spoke: "And where is the trash can?" Tonya Faison replies: "The trash cans are way back there ma'am. (Request made to pass around the phone with the picture.)"

Tonya Faison spoke: "And I told my landlord, Mr. Lee, I am not going down there to throw no trash away. I am going to take my trash to my job and he said: "No, you don't have to do that. You go down there and take your trash to that trash can." Tonya replied to Mr. Lee, "that she didn't want to get into no conflict started or nothing. Mr. Lee told her: "No, you take it to the trash can." Ms. Faison spoke: "My grandchildren's daddy didn't know that is what I did. See the bag had opened, and he walked down there. After all this, I said don't do this no more. I always take it. He said, well Ma I didn't know that is what you do. I take it in my car and have my door open and hold it out the door and throw it in the dumpster like that."

Linda Peterson asked: "What did you see the dog do when he run up?" Tonya Faison replied: "When the dog ran up ma'am, the dog ran up so fast on him, he froze. I said that dog and said a few choice words. That dog was right there up on him. She was standing to the door. I said I can't say that, I said don't you see that m. f. dog was about to bite him. If the boy hadn't stopped, ain't no telling what that dog would have done."

Robert Butler asked: "Was he growling at him?" Ms. Faison replied: "Yes, he was growling at him and you seen his teeth. Yes sir." Dr. Elizabeth Bryan asked: "Did he circle the man? Did the dog back away?" Tonya Faison replied: "When I said those negative words I said, Mr. Tony came to the door and called him back."

Ms. Jacqueline Howard asked, "During the course of the week, since you are coming home from work at night, is it at least once every week that the dog comes out?" Ms. Faison replies: "It is more than once a week, but since I called the dog pound, I have not seen the other dogs. Two days later from that I haven't seen any more animals. But Mr. Landis Lee, I have called him numerous times about the dogs."

Ms. Howard asked were there any more questions. No further questions. Ms. Faison left the hearing.

Ms. Howard called Sgt. Kittrell, then asked for the other people to speak Sgt. Kittrell to wrap up the hearing. Ms. Howard called Brandon M. Murphy, but he was with Sgt. Kittrell, so he was asked to speak later.

Ms. Howard called Brenda Ellison to speak.

Brenda Ellison spoke: "For starters I would like to give you guys this petition of people that have known "Patches". She was born February 14th two years ago and she has never bitten anybody. The lady that was talking about that there was conflict, I do have my dogs on chains. I do put them on a chain when we take them out and when we bring them in we take their collars off. I had just come in from work, there was a girl there named Brandy. She opened the door. She had just got done taking the dogs in, well "Patches" comes out to greet me. She sees that guy walking. Well, my boss man, that does work down there, he signed this petition, she thought it was him because he always gives her a honeybun. He works down there, been working there two years. Patches knows him and ran to him all the time. Landis has never come to me but one or two times, these dogs are in at night, so if there was a dog that got up there or something, I don't know when it happened. Would like to pass this around-phone with picture. One of my witnesses, she does have pictures of where the accident happened." She also has something else she has done but her computer broke down and she could not print it out, but she wants you to see that.

"Patches has never, ever been aggressive to her. I did have a receipt today, because I did think Patches was being mistaken for a dog that was taken from me in '17 for 10 days, because she nipped a little girl. That was Patches mother. Her name is Sky. Now, that is the one that will growl. That is the one that will bite. I worked today and so I totally left and forgot to bring that receipt.

Patches has never in her life. I have never seen her. My old man is back there, he's been around her since the day she was born. That dog has never left my property." Timekeeper told Ms. Ellison she had 1-minute left. Ms. Ellison spoke: "Other than to go to the doctor or something. I watched her be born. But I do have a place that I take them out, put her and her mother on you know, where they can use the bathroom and then we get them back in. Now if there has been an incident like that with the lady, I could completely understand what she was saying, and I could see where she would be afraid because she don't know the dogs. Patches

has never been outside my life and she should have never been removed from my house. And then when she got removed from my house, she gets gone from the kennel for six days. Twice I had to put my dog in that pen. I told Ms. Kittrell that day that she come, that my dog was this far away from this guy. When Patches came out and loving me. She seen him, and she darted. And I know it probably startled that young man, but it would anybody. But when I hollered, and Tony hollered she stopped. She come back. She there (unable to understand words).” Timekeeper called time.

Ms. Howard spoke, “I have a question for you. You said Patches stopped immediately when you called.” Ms. Ellison replied, “Yes, yes she did.” Ms. Howard spoke, “So the questions is, did you call him before the lady yelled at you to have him called back?” Ms. Ellison replied, “I had just walked up the steps and Brandy opened that door, Patches was right there, and she come out and I was loving her. My back is to what was happening and Patches when she seen this boy she darted. ““We turned around, this was my fiancé, he was there also, we hollered Patches “Stop”. That lady was starting to go down the path and she stopped and jumped out of the car and started hollering, by that time Patches was already back on the porch.” “She never growled. Patches never made a growl. I have never heard a growl. The only time I have ever heard a growl is when her and her mother is playing in the house.” “That petition is people that have known her all her life.” “I just felt like my dog did not need to be taken, because when her mother bite that child, she was quarantined for ten days and well I understood that. But when that lady come that day, I said “but my dog never touched this guy”

Ms. Howard spoke, “Let me ask another question. Patches mom, the one that bite the child, now was she deemed a dangerous dog?” Ms. Ellison replied, “No, no she wasn’t. I never had to go through this.” “They kept her for ten days and because I couldn’t present her records where she had had the rabies shot that year. They give her that shot, and I could pick her up in 10 days and pay twenty-five dollars. But Patches doesn’t touch nobody they take her. I had to put her in the truck. Devastated. Then she gets gone. They call me to come last Sunday to get me, had me to go and get her again put her in that truck. “ Ms. Linda Heath questioned: “Your dog left the Animal Shelter?” Ms. Ellison replied, “Yes, she escaped from Animal Control and was gone for six days. And then they come, a sheriff pulls up, and Kittrell, when I told her I wasn’t going to let her take her because she never touched nobody, I was threated with being locked up. She said well I’m going to take your dog or I’m going to lock you up and then come back for your dog.”

Ms. Heath asked, “Has she been vaccinated for Rabies?” Ms. Ellison replies, “Well, she has but I don’t have the receipt or anything. So, I’m sure they will do it if you guys allow me to get her back.” Ms. Heath spoke, “Usually the Vet will provide you with that information.” Mrs. Ellison spoke, “Well, I do have it, but I just couldn’t find it. But she has been vaccinated for the rabies. Yes. Question from the committee, “And is it current?” Ms. Ellison replies, “Well, I couldn’t find the papers to prove it was current is what I am saying. So, I explained that to Kittrell when she came to get her. The thing was blown out of proportion. I am telling you, the whole situation was blown out of proportion. I know that everybody don’t care for dogs but.” Ms. Ellison was stopped from speaking due to already had her three minutes.

Ms. Howard asked were there anymore questions. Commissioner Harry Parker questioned, “You said that the dog was vaccinated?” Ms. Ellison replied: “Yes, she had been vaccinated, but I do not have the proof.” Commissioner Parker questioned, “The one that did it, the Doctor

wouldn't he have a record?" Ms. Ellison replied: "I am sure the Doctor will, yes, at Tram Road." Commissioner Parker asked, "You didn't bother about going to get it?" Ms. Ellison replied, "No sir, I didn't even think about it. I've gone through pure hell since this has been going on. I did look for the paperwork there though. I didn't go through all this with the mother that did bite somebody."

Wanda Robinson spoke, "Jacqueline, just for a point of clarification, the Animal Control Ordinance has only been in place probably two years. So, I just wanted to clarify that point." Ms. Howard spoke, "Okay that would explain why the other dog was not deemed." Mrs. Robinson spoke, "I think some of you were on the board when we adopted this ordinance, but it has only been maybe two or three years if I recall correctly."

Ms. Ellison spoke, "Well, I don't know, but whenever they picked Sky up, she was kept for 10 days and they gave her the rabies shot. And then I paid the twenty-five dollars and I picked her up."

Commissioner Parker spoke, "When Animal Control is called, they are doing their job." Ms. Ellison spoke, "Well, I know and understand that sir, but I shouldn't have to put my dog in that truck and I shouldn't have to go and get her the second time and put in the truck." Ms. Howard spoke, "But with that though, it is less traumatic for the dog for the owner to do that." Ms. Ellison spoke, "Well, no it is not I don't think, because that dog is wondering why mama's doing this to her. Because that dog has never been away from us. Do you know what I am saying? I mean she lost probably 10 to 15 pounds. I have a picture that I can show you."

Ms. Howard spoke "We have one last question for you." Dr. Elizabeth Bryan spoke, "Yes, you had said something about Patches had never been away from you and had never been off your property. But this happened off your property. Ms. Ellison replied, "Well, let me reframe that, she has been, because the landlord and Darryl has been working in a trailer and she is over there and go in." Dr. Bryan spoke, "So she just kind of wanders around." Ms. Ellison replied, "But she is the only one that aint aggressive. The mama, I do not let roam and it could be that mama is the one that this lady has gotten confused with Patches. Because late at night, I don't know the hour, but when I think everyone is asleep and everything, I will let them go out on a leash and watch them. Any way usually I put them on a leash."

Dr. Bryan asked, "You live in a house with a yard that is not fenced in in any way shape or form?" Ms. Ellison replies, "Yes." "No, in the back there is woods and everything." Dr. Bryan asked, "And the lady lives right beside you?" Ms. Ellison replies, "She lives in the very front." Dr. Bryan ask, "So how far away is that?" Ms. Ellison replies, "Oh God, it is one, two, three, four five, she is the fifth trailer in front of me." Dr. Bryan spoke, "So the dog is wandering that far if it greets her sometimes when she is getting home from work." Ms. Ellison replies, "If it is out, I guess so and I can understand where she is." Dr. Bryan spoke, "If you are not a dog person that can be very scary." Ms. Ellison replies, "Yes, and I understand that, and I am willing to accommodate anything. I won't aware of the law, the leash law." Dr. Bryan asks, "You weren't?" Ms. Ellison replies, "No, I wasn't." Dr. Bryan spoke, "I thought everyone was aware of the leash law." Ms. Ellison replies, "No, I did not know that it had changed in the last two years. We have lived in that place for eleven years. This is the first time I have ever had to go to anything like this." Ms. Howard spoke, "This is relatively new. You didn't know about the leash law. Now you are aware of it." Ms. Ellison spoke, "No I didn't, I really truly didn't." Ms. Howard

continues speaking, "And the fact that you said that at night when people are asleep you sometimes let them go out." Ms. Ellison replied, "I have, but now I don't. Believe me, now I don't. Now they go out I have a (?tick), if they go out, I open the door they go out and poop right there on the inside and come right back in. I am sorry that everything happened the way it did. It was really blown out of proportion. And she was thinking I was the one that opened the door, I wasn't I had just gotten in from work." Ms. Howard thanked Ms. Ellison.

Ms. Howard call Mr. Tony Joyner to speak. Mr. Tony Joyner spoke, "I would just like to say, the dog has never bitten anybody. The day she was born, she had never bite anybody. A matter of fact, the day that Sgt. Kittrell was there, the dog was wagging her tail and rubbing up against her as she was talking to her. Wagging her tail and rubbing right up against her. That is not a violent dog, at all. Like Brenda said, she did not open the door, the little girl opened the door and the dog did run out. But she was not running out there to attack nobody. She does that to everybody. She is playing. You can look up the records, there is not a record one for that dog ever biting. She greets people at the trash dumpster wagging her tail. That's just the kind of dog she is."

Mr. Robert Butler asked Mr. Joyner to please remove his hat. Mr. Butler thought at first it was a medical cover when he first walked up, did not realize it was a hat.

Mr. Joyner spoke, "I only have one more remark, don't have much more to say, but on something he had to say a little while ago, Animal Control was just doing their job. If they were doing their job, then the dog wouldn't have gotten out to start with. Wouldn't have been running up and down the highway. Running through people's backyards and all up cross down the road and about to get run over. If they were doing their jobs. That is all I got to say." Ms. Howard thanked Mr. Joyner.

Commissioner Harry Parker asked Mr. Joyner, "You just stated that the dog frequently visited the trash dumpster." Mr. Joyner replied, "He has, but he is not a violent dog not a biting dog." Commissioner Parker spoke, "I am just asking a question. Your dog goes to the trash dump, right?" Mr. Joyner replies, "Sometimes, not all the time. If I let him out sometimes and I'm in the yard with them, she'll walk out there, if I am out there with her. People pull up and I'm right there with her. She will be out there wagging her tail and she don't bite nobody. She don't even growl at nobody." Commissioner Parker asked, "Are we talking about the same dog that she was just explaining that she keeps tied up?" Mr. Joyner replied, "She does that because people are complaining that the dogs bites them, but the dog don't bite. She has never bit. There is not a record of that ever dog biting nobody. She is the friendliest dog. Her mama was a Siberian Husky, which is not a violent dog. She don't have a violent bone in her body." Commissioner Parker thanked Mr. Joyner.

Ms. Howard called Kayla Lockamy to speak. Ms. Lockamy spoke: "On the day in question, I actually come up probably about 30 minutes after the fact. Patches has never bitten anybody. My son plays with that dog. That is like my son's favorite dog. He plays with her all the time. She has always wagged her tail. She's never growled, never bit him and he's six years old. And I'm about to have a newborn that I won't be afraid to take around the dog. But I did have them reenact the places of where they were standing and where the dogs stopped, and I have those pictures as well. To let you see that the dog, actually, technically that day did not leave the yard at all. And that dog was far enough away from the guy, wouldn't have been no way. And the

girl said that she knew the dog growled. Well, I have pictures to prove where the dog was and where she was pulling out of. How could she know whether the dog growled or not?" Ms. Lockamy began walking around the committee showing pictures on her cell phone. Ms. Lockamy spoke while showing the pictures, "That's where the dog stopped at and that's where the guy was. She's way down there. How are you going to tell if the dog growled or not? You can't tell, look how long the path is. You can't tell that. That's how far away the dog and the guy were from each other. That's not close. The dog was right here, never left the yard that day. The guy was right here. He stopped my aunt and asked if he was alright and he said yes. And the next thing we know, Animal Control is pulling down the drive. The path is that long from the house to the trailer. There is no way that woman would have been able to even say that yes, for sure that dog growled." Ms. Lockamy continued around the table showing pictures on her cell phone. Ms. Lockamy spoke while showing the cell phone pictures, "That's how far away he was, the dog never left the yard. I had them reenact where the dog was standing at, first was where the guy was standing at." Commissioner Parker asked Ms. Lockamy, "Did you see this?" Ms. Lockamy replied, "No, I didn't, I mean, that's like a reenactment. I didn't see it for sure myself, but." Commissioner Parker stated, "I understand what you are doing."

Ms. Lockamy spoke, "I don't understand how she can say for certain that dog was going to bite anybody." Ms. Howard spoke, "It is difficult to, when you weren't there to see it." Ms. Lockamy spoke, "I am just here because I want to defend my Aunt and because I know this dog personally. And I've known them for a long time. I know that they have lived there for eleven years. If it was that serious and that guy would have felt threatened he would have been here too on her behalf." Ms. Howard thanked Ms. Lockamy and asked were there any more questions. Responses were no.

Ms. Howard called for Sgt. Jessica Kittrell to speak. Sgt. Kittrell spoke: "Normally we have the Dangerous Dog this a potentially dangerous dog. And what I've heard a lot of and it is always the concern when we do a potential is it didn't bite anyone. What the ordinance says, if it comes off its property in an aggressive manner of attack. And that is why Ms. Faison wanted the dog be deemed "Potentially Dangerous". When he said the dog was all around me and rubbing against my legs that is totally accurate. The owner was right beside the dog.

As in past meetings, and some of you are new. I have a dog at my house named "Trouble" and when I am there, she is the loveliness, nicest dog in the world. When I'm not it's a whole different ballgame.

The reason that I actually had Brandon to come, and as much as I hate that the dog got out of the shelter and I'm not going to look you in the eye and say that we've never had one to get out of the shelter. We've had them crawl out. Patches actually popped the lock on the door and opened her own kennel to get out. What I brought him here to get at, they are stating to you the board, how the dog has always acted with them. I can tell you when I got her to the shelter to take her out. I went to put a leash on her. I always keep a slip leash in my truck. Soon as I went to put that leash around that dog's neck, it was a different dog. It was not the nice and even I wouldn't say she was nice at the house. What she was doing was she kept trying to come up behind me. This is a herding dog. This is what they like to do. They like to come up. They like to herd you. They want to move you to where they want. And this is what Patches kept to doing. She kept coming up. And I kept positioning myself with my back to the truck. When I got her to the shelter to put this on her. That was game over. She did not want anything to do with

that. Since she has been at the shelter, I've not seen the dog wag her tail. I go to every dog, every time I go to the shelter and put my hand and let them sniff or whatever that want to do. She has never done that.

I had Brandon come because he's going to tell you a behavior he had when she was out of the kennel, out of a controlled environment. What he saw. I had her come pick the dog up when we did find it, because I knew that this dog was not going to come to me. It was not going to come to Deputy Edwards. It's only going to come to her or somebody it knows. A legitimately friendly dog is going to come up to everybody or anybody. Patches is not that. That's why she was deemed "Potentially Dangerous"

Robert Butler asked Sgt. Kittrell what was the disposition of the dog? Did she become vicious with you? Sgt. Kittrell replied, "When I went to put the leash on her, yes sir. It was. Some dogs that are scared it can be a fear biter. And they're going to do kind of a short snap at you or a yelp. A fearful noise. Patches was you are not putting your hand-it was a growl. It was a very teethe showing you, showing me that I was not going to put my hands on her. So I had to use the catch bar on her and I hate using those."

Sgt. Kittrell spoke, "I'm not trying to intercede. The reason that I say that is, how an animal acts with its owner and where it's comfortable, is totally different than off leash and when it's rambling. And I can attest to, when I went to put that leash on her neck, a totally different dog. And I didn't feel comfortable putting it on, putting my leash on in the yard with her. Because again they're saying it was wagging its tail. I don't remember that dog wagging its tail. I remember it coming repeatedly up trying to get behind me between me and the truck. And that's not something I'm."

Sgt. Kittrell spoke, "If I can divulge a little bit, they actually told me about a pit bull, down the street." They said, "You need to go get the pit bull down the street. It's aggressive. It charged at" "I can actually tell you the difference in them two dogs. I talked to that guy, two to three days later, because he was actually riding his little 50 cc dirt bike on the highway and so I had to get on him. He didn't see me coming at all. He was back there in the yard tinkering with that dirt bike. I saw the pit bull they were talking about. And this is an impressive. If you want to be scared of something, you would be scared of this guy. He's that big, but he's stout. Totally different demeanor. That tail wagging that tongue out, just as happy. Come right up forward wanting to come to my hands for me to pet him. Patches comes around more a herding behavior.

Linda Heath spoke, "When I had an Australian Sheppard before he would herd. And that was a gentle dog. They are breed to do that." Sgt. Kittrell spoke, "And that is why I brought Brandon."

Dr. Bryan asked Sgt. Kittrell if she spoke with Mr. Moore on the night that you came out. St. Kittrell replied, "Mr. ? name. Yes, and he said he had to stand the ground. Yeah, that dog was going to get me." Dr. Bryan asked if Mr. Moore showed her where he was standing. Sgt. Kittrell replied, "And I asked him was it in the yard, was it in the dumpster, was it in lane itself. He said, "I was in the lane." Sgt. Kittrell spoke, "A private lane, although you have a right of way, that's not a right of way for your animals to be on. The animals have to be on your property. According to both Mr. Moore and Ms. Faison the dogs was in the lane itself, not in the yard. Because where he went, the dumpster is literally right beside their yard. That's where he was

going to. He walking via the lane. Even if you are renting a home, you become a property owner in a sense that's your domain. But the lane itself, if they have an access to get to your property, it doesn't mean that you own that part of the path. So that is definitely where it was inferred to me that it occurred off of Ms. Ellison's property.

Sgt. Kittrell wanted Brandon to speak in his opinion to describe what happened on the morning he found Patches loose and her demeanor towards him.

Ms. Howard called Brandon Murphy to speak.

Brandon Murphy spoke, "I work at the Animal Shelter. I've been there for maybe a year and half now. So I say that I have pretty good experience with dogs. I came in that morning. I didn't come in through the front door like I normally do. I went into the side door it leaves one room before the quarantine and that room is separated by a grates in the wall. When I first came in, I walked into the quarantine like I normally do and her pen was open. And there were feces in the walkway, which lead me to believe an animal was loose. Once I checked the paperwork, I seen it was their dog. I walked through the shelter looking around and I finally seen the dog. It goes through the grate and I try to follow it through the room and I come back. Right beside the sink we've got a row of two cages side by side. Now you can go under the sink. The dog had came under sink and was sitting in that corner. I mean I just had my leash on. I go up to the dog. I go to reach out for it. She growled at me. Shows me her teeth. So I take a step back. I'm shocked because the whole time leading up to that she's sweet. She's in the pen with me, I'm rubbing her, and I'm holding her. I mean I could about pick the dog up and carry her where I needed to. I mean it was just that nice. But when she was out of her pen, out of a controlled environment. She was violent. I guess it was because I challenged her freedom. I believe in my opinion that if the dog is out of containment, controlled containment it is a danger to other people. Because it's like Kittrell said, "We're not the owners." We're not friends with that dog. We are not around it enough for it to have an understanding of us. After I have been in that shelter, I've been bit by plenty of dogs and cats and I know right before you get bit, okay you need to leave that dog alone. In my opinion I feel that the dog should be contained. And it is aggressive outside of containment." Ms. Howard thanked Mr. Murphy. Ms. Howard asked if there were any questions.

C. Discussion:

Ms. Howard stated it was time for deliberation and discussion. Ms. Howard asked were they ready to call for a vote. Ms. Linda Heath spoke, "I think that just the environment that they are living in the dog needs to be contained on the property. I am not an advocate of chaining a dog because I think that leads to behavior problems in of itself. Mr. Paul Bradshaw spoke, "I see some problems also, with that dog, from what I've heard." Ms. Howard spoke, "At least not with the owners particular. " Commissioner Harry Parker spoke, "I see a problem with that dog "I see a problem with that dog as it is, at least if she's not in a pen. Someone responded that a pen was required. Discussion by board not totally audible on tape. Commissioner Parker spoke of requiring a pen for that dog and making sure she stays in that pen.

Wanda Robinson spoke, "There is a piece in the ordnance, I think it's a part of the dangerous dog piece that says you can be made to keep them, if you are going to keep them in the house. They must stay in that in that house. If they are brought out, they must me on a leash with a muzzle. At any point, should they get out, come out without being on that leash, then that

would be cause for whatever. That is in the ordinance, but it is a part of the dangerous dog piece, that is not separate. It is a part of the dangerous dog. If you are designated, you can either put them in that pen or you can keep them in the house or in an enclosed facility. Yes, that is a part of that ordinance. "Sgt. Kittrell spoke, "It would be either a civil penalty but, more than likely once it has been deemed and upheld by the board. They would likely be charge with a misdemeanor crime and have to answer before a district court judge of why they allowed it to roam." Discussion regarding if the piece of the ordinance was available or in the board's packet. Ordinance copy given to Ms. Robinson and she spoke, "It says, in a building, doors and windows and other exits securely fastened shut and under the supervision and control of a responsible capable adult person. The property shall be kept secure from the following: or they can be securely kept in a locked enclosure with sides and bottom and those kinds of things; or they can be put outside in a building or enclosure described above. While off the property it shall be leashed. So, can put it in an enclosure, but if it comes out, then you are gone against." Mr. Butler asked the question that's if deemed dangerous. Ms. Robinson replied, "That's if it's deemed dangerous. In the past, you can help me, you have always determined, yes, you are and no, you are not. I don't know of a time that you have said well we're not going to deem you dangerous but we want to request that you've got to keep him in the house. You have never done that.

Dr. Bryan spoke, "The stipulations of being a "potentially dangerous dog" and being a "dangerous dog" the stipulations from there on are the same." Ms. Robinson replied, "Right, once you have been determined to be "Potentially dangerous" it's almost the same as being "dangerous"

Commissioner Parker asked, "What teeth do this have toward the owners, if these proceedings and these things are not carried out to prevent?" Ms. Robinson replied, "Then they are taken and done whatever, that is a violation. If you don't do what we ask you to do. Should you say, "Well no, we're just gonna let it, we're not gonna to do. Are you going to deem it dangerous and dog is found to be out not on a leash, it should be taken to Animal Control, because at that point it's a violation. That is the decision you've got to make.

Mr. Bradshaw made the motion to declare "Patches" to be a "Potentially Dangerous Dog". Mr. Butler seconded the motion. Ms. Howard called for an all in favor. Show hands, with all but one member dissenting. Votes for the motion: Dr. Jeffrey Bell, Paul Bradshaw, Dr. Beth Bryan, Robert Butler, Jacqueline Howard, Commissioner Harry Parker, Linda Peterson and Dr. Beth Turner. Dissenting vote: Linda Heath.

III. **Adjournment:**

Ms. Howard, "That concludes this meeting".

A woman stood up and starting speaking, "No, you didn't allow but three people to speak. But I feel like I need to now. I've known the dog. This is my sister's dog. The dog has always been there and he run in the neighbor's yard and play with other children. Until these people moved into that last trailer, the first trailer there. She has never had no problems with this dog, at all with nobody. Until these people moved in. I can understand the woman is scared. She has never said anything to my sister about being scared of the dog. If it was so, that Landis Lee, she had reported to her landlord. He would have said something to my sister about it and he didn't do that. I got a little problem with somebody not telling the whole truth."

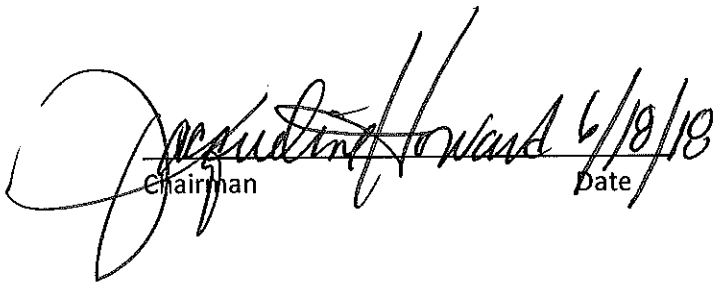
Ms. Heath spoke, "Ma'am, the problem with the dog is irresponsible dog ownership. That is common courtesy to keep your animal, that when you live that close to people, keep your dog home." The woman replied, "The dog was in its yard." Ms. Heath spoke, "No, you can't guarantee that dog is not going to come out of its yard. I am an avid dog lover. No one can guarantee that dog is not going to come out of that yard, unless you got it in a pen or you've got it on a leash." The woman replied, "I understand what you are saying ma'am, but she's got two other dogs that are aggressive dogs. This one has never been aggressive." Ms. Howard spoke, "Thank you and I appreciate you." The woman spoke, "I just feel like the dog is really being mistreated."

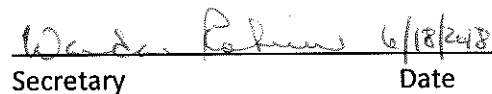
Ms. Howard spoke, "Now that it has been passed that he has been deemed dangerous. You say that there are several more that are more aggressive than that one. We ask you to use all precautions to make sure that those dogs are confined"

Ms. Ellison spoke, "Now what do I have to do, because she told me I had to get a 8 x 8 fence have her locked in and all this. I am not going to agree to nothing, because my attorney told me not to agree to nothing. To contact her in Raleigh." Ms. Howard spoke, "You will be getting more information." Ms. Robinson spoke, "What needs to happen now, we will be sending a copy of everything to your attorney. We will be glad to give you a copy of what you have to do. There are some stipulations that have begun and one of them is." Ms. Ellison asked, "When can I get my dog?" Ms. Robinson continued speaking, "Once you get your permit, you've got to register the dog, you've got to have homeowner's insurance. What you need to do now at this point, you can appeal to the superior court. We'll send you a letter with everything on it."

Ms. Ellison asked, "How many days do I have to do this in?" Mrs. Robinson replied, "That's up to you." Ms. Ellison spoke, "Well, she said five. I'm asking you because you made the thing on it." Ms. Robinson spoke, "No we did not." Ms. Robinson asked Jessica Kittrell about the days. Jessica Kittrell replied, "I'll get up with her." Ms. Robinson spoke to Ms. Ellison, "She'll get up with you." Ms. Ellison replied, "We'll get up with our attorney, and she'll get up with you."

Meeting ended.


Chairman Date 6/18/18


Secretary Date 6/18/2018