

MINUTES

MINUTES OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, JANUARY 14, 2020 AT 5:30 PM AT THE CITY HALL BUILDING, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 5:30 PM.

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III, Mayor Pro Tempore

Councilmember Joni Giacomino, Ward II

Councilmember Bill Higgins, Ward I

Mayor David M. Smith

Councilmember Leslie Johns, Ward I Excused

Councilmember Joan Hansen, Ward II

Councilmember Anna Cline, Ward III

STAFF

Theresa Coleman, City Manager

Ashlee Coronado, City Clerk

Albert Echave, Police Chief

CITY ATTORNEY

James Ledbetter

THE FOLLOWING ITEM WAS DISCUSSED AND/OR CONSIDERED AT THESE MEETINGS:

1. Discussion on the proposed Animal Ordinance.
Theresa Coleman, City Manager

James Ledbetter, City Attorney explained that he along with city staff had prepared an animal Ordinance that was before Council tonight. He explained that there had been a lot of feedback from the community. He explained that a lot of the complaints were addressing things that were currently in the existing Ordinance. He said for example that the defending of dogs, which was in the current Ordinance but had been removed at Council's direction in this draft of the Ordinance. The direction he had received from our City Manager was to incorporate, research and involve some veterinarians, the Humane Society, The American Bird Society and The Humane Society of the United States. He explained the additions to the Ordinance. He clarified the misconception on having bees and livestock within the city. He explained another issue was the issue in respect to feral cat communities. He and staff had recommended that Council go away from feral cat communities, and instead add a provision that prohibits the feeding of feral cats and feral animals. This was for the protection and safety of other animals. Staff's goal was to take an ordinance that had been around for many years and direct a more humane approach. These provisions also allow for any city employee if they see an animal in danger, to act. Previously there had to be a call to law enforcement.

Radi Ann Porter, Bisbee resident said she lived on the edge of the feral cat problem. She was born and raised in Bisbee and WAS quite aware of the ordinances and how they had evolved over time. It was her opinion that while some aspects of this ordinance seemed humane, others were more restrictive. She said that the more regulations that we can apply the less Bisbee was the unique and pleasant place

that it was to live in. Was at the city's job to police the number of chickens that someone had. She spoke about sustainable animal owners. She said that the city needed to have a more flexible approach.

Dana House, Bisbee resident spoke on TNR or Trap, Neuter, Release. She described the process of a successful Colony in her neighborhood. She said it was highly successful. She explained that this had to be addressed.

Jeff Harris, Bisbee resident said there was so much he disliked about this Ordinance. He read from case law from the state. He went on to say that aspects of the Ordinance exceed the city's authority and was unconstitutional. The answer to problems was not to pass more and more restrictive legislation. He said it was against the nature of the community. He spoke on the issue of grandfathering and that it would run with the animal not with the land-use. That was not appropriate. Grandfathering normally ran with land not with each individual animal. You have to hire people to keep check of each animal to see when one died and one didn't.

Karen Schumacher, Bisbee resident said that she was here to speak against the proposed animal ordinance. She said that most of the unnecessary drama that ensued, thanks to the animal ordinance, could have almost entirely been circumvented had a work session occurred before the vote in December. She explained that writing an ordinance of this kind without fully researching the recommendation of national organizations, or asking for input from the Bisbee Animal Shelter staff and volunteers, was at best an act of complete arrogance and at best an insult to those who have more knowledge. She commented on a letter that was written to Mayor Smith by the senior analyst for protection policy of the Humane Society of America that said banning the feeding of feral cats would not make it go away.

Kathy Sowden, said that there were a number of Arizona Revised Statutes that addressed various animal welfare issues. She said that more recently an anti-cruelty law was enacted that addressed animal hoarding which was frequently labeled as a feral cat problem. She was concerned as to why State Laws were included in this ordinance which was supposed to be local laws. And she wanted to know why they were not identified as such. She requested that an ad hoc committee be appointed that understood the community and the animal issues.

Emily Cayer, Bisbee resident read a letter regarding the feral cat issue that was sent to Mayor and Council.

Kelly Galligan, Bisbee resident and president of Friends of the Bisbee Animal Shelter said that there was really only one reason for a community to have a feeding ban and that was because they wanted an immediate fix. A feeding ban was not an immediate fix. She requested a step-by-step analysis on how the ban would work. She requested that someone cite a place that a feeding ban had successfully resulted in reducing the number of feral cats. She said that the Friends of the Animal Shelter would sit down with the city to discuss this along with the Humane Society of the United States.

Claire Chaffee, Bisbee resident gave the definition of wildlife per state statute and spoke on the penalties and fines in state statute.

Tate Rich, Bisbee resident said that you could tell this was of serious concern for a lot of citizens. He said there were hundreds of other people that would have liked to have been here to express their dissatisfaction with the ordinance. He said that when he moved to Bisbee he had gone to City Hall to confirm whether or not he could have animals on his property. At the time he was told that according to the amount of land he had he could have up to three horses or any type of animals up to three. He said those were his pets. He was totally against this ordinance.

Dale Miller, Bisbee resident said that this ordinance was very confusing to most standard readers. He said that there were a lot of concerned people regarding this being passed.

Holly Kemp, agreed with everything that was said tonight but wanted to address the poultry and livestock aspect. She said that being a low income person she depended on friends who had life stock. She said it was important to know where our food came from.

Mayor Smith said that he understood many were against this ordinance. He said that there were many parts of this ordinance having to do with many things that he thought people may not be against such as dogfighting. He explained that when things are looked at as a Council they were listening to the community, and you all were a part of the community.

Councilmember Pawlik stated his concerns with the ordinance. He said that he was unhappy with the fact that there was one sentence in the ordinance that said it was against the law to feed feral cats. He did not think that that was an effective solution to the problem. He explained that he had done his own research and could not find anything that showed success on a ban on feeding feral cats. He went on to say he would like TNR incorporated into the ordinance.

Councilmember Giacomino said that Councilmember Johns contacted her and requested that she state that she was not in agreement with the feeding bands, farm animals or bees. Councilmember Giacomino went on to say that she had an issue with the banning of feeding of feral cats. If we take away their food source from those cats, they will affect our population. She said that there were conflicts within the ordinance. She said that she would like to see more exceptions in this ordinance because people have pets that are not in the norm. She said that she appreciated things that were added in protection of animals along with having to register the bees instead of banning them.

Councilmember Higgins told the story of feral cats that used to keep the rat population down in Detroit. He agreed with Councilmember Giacomino that there were a lot of good things in this ordinance. He thought that people were opposed to certain parts of the ordinance not necessarily the entire ordinance. He said this was about being a good neighbor but there had to be some control.

Councilmember Hansen said that she had done some research on feral cats and it was the issue that most concerned her. She wanted to see the people running the shelter to be responsible for a program for feeding the cats and for TNR. She wanted them to come up with a plan as to how it would work. They were the experts. We created the problem, we need to do something about it and it was not going away.

Councilmember Cline had an issue with section 6.1.2 N. She said it was conflicting. If we are feeding the feral cats were we consider to be the owner? She also asked how different aspects could be

enforced. She spoke on the feeding of feral animals. Most people would not starve animals. She said that 6.1.11 and 6.2.25 were also conflicting. She addressed the issue of dogs barking or noisy animals. She said that most of the time dogs bark to alert us that something was wrong.

Mayor Smith said it was brought up that if we could not enforce the dog leash law then how would we enforce these things. The whole point was that we did not have a dog leash law and this was all caused by trying to add it back into the City Code. He proposed that the item be tabled until the first meeting in April. During the next regular Council Meeting he would request Council allow the appointment of an ad hoc committee to review this ordinance. He specifically requested that Ms. Galligan and Ms. Sowden be a part of the committee for direction. He hoped that Councilmember Giacomino would be interested in participating. He hoped that fit with what Council wanted to do.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:38 PM

David M. Smith, Mayor