

Washoe County Animal Control Board

Minutes

Tuesday ~ September 23, 2014 ~ 6:30 P.M.

WASHOE COUNTY REGIONAL ANIMAL SERVICES CENTER

CLASSROOM

2825 LONGLEY LANE, RENO, NEVADA

MEMBERS

Richard Simmonds, Vice-chair

Linda Church

Paul B. Davis

Anne Forbes

Kathryn Hass

2 vacant

1. CALL TO ORDER/ROLL CALL [Non-action item]

Vice-chair Simmonds called the meeting to order at 6:30 p.m.

PRESENT: Paul Davis, Anne Forbes, Kathryn Hass and Richard Simmonds.

ABSENT: Linda Church.

VACANT: Two.

Terry Shea and Jen Gustafson – Deputy District Attorneys, were also present.

Vice-chair Simmonds outlined the public comment protocol and asked that those present be respectful of other opinions. Vice-Chair Simmonds noted that the board may not respond to public comments other than to seek clarification but may add items to a future agenda as needed.

2. PUBLIC COMMENT (Non-action item)

Robert Smith – Animal Services Supervisor, expressed his apologies to the board and appellants and public present for the cancellation of the September 9, 2014, meeting due to a posting error that he accepts responsibility for. Supervisor Smith stated that Linda Church had been reappointed to the board but was unable to attend tonight's (September 23, 2014), meeting due to a previous engagement. However, Ms. Church will attend the October 21, 2014, meeting.

3. APPROVAL OF JUNE 17, 2014, MINUTES [For possible action]

It was moved by Member Davis, seconded by Member Hass, to approve the June 17, 2014, minutes, as submitted. The motion carried: Members Davis, Forbes, Hass and Vice-chair Simmonds assenting; Member Church absent; and two positions vacant.

4. KENNEL PERMIT APPEAL HEARING [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Coy McVickers and Ramona Whitlock to keep four (4) dogs at 17598 Northridge Avenue, Reno, Nevada (Unincorporated Washoe County).*

Animal Services Supervisor Robert Smith outlined the application pointing out that due to a TPO (Temporary Protection Order), which prevents the appellant and complainant from being in the same area simultaneously. Supervisor Smith noted that the inspection indicates that the property meeting the requirements set forth in WCC (Washoe County Code).

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Responding to Member Davis' inquiry about whether the appellant had notified staff of their inability to attend the meeting, Supervisor Smith stated that the appellant had signed and received the meeting notice but had not notified staff that they would not be present.

Terry Shea – Deputy District Attorney, noted that the ACB (Animal Control Board) is required to make the applicable findings identified in WCC in order to approve a kennel permit, which may be difficult in the absence of the appellant.

Vice-chair Simmonds outlined recent barking complaints in March and June and a Notice of Civil Penalty. Vice-chair Simmonds questioned whether those issues should be considered.

Supervisor Smith noted that the Notice of Civil Penalty had been upheld with the appellant being fined for the nuisance violation. Supervisor Smith pointed out that the TPO was in place before the animal control issues were identified. Supervisor Smith noted that the complainant is prohibited from contacting Animal Services with barking complaints under the terms/conditions of the TPO as it could be construed as harassment.

Mr. Shea commented that the ACB could, if so desired, delay action on the item until a future meeting or move forward and either approve or deny the request. Mr. Shea commented that having the complainant participate in the meeting via teleconference could perhaps be construed as violation of the TPO, and pointed out that the TPO had been extended through July 2015. Therefore, the ACB should be prudent in their response to avoid a violation of the TPO.

Supervisor Smith explained that the intent is to use the residence as the kennel and that the appellant had been informed that the animals could not be outside unless accompanied by an adult to supervise.

Member Davis voiced his concern that the appellant had not bother to call, email or otherwise attempt to contact Animal Services about the meeting and that he could not support the request without having the appellant present to answer questions/concerns.

Member Forbes commented that while she would have preferred to have the appellant present she believes she could support the request since it is for one (1) dog more than what is allowed under WCC.

Member Hass concurred with Member Davis and could not support the request.

It was moved by Member Davis, seconded by Member Hass, to deny the kennel permit to allow Coy McVickers and Ramona Whitlock, to keep four dogs at 17598 Northridge Avenue, Reno, Nevada (Unincorporated Washoe County). Member Davis stated due to the failure of the appellant to appear at the September 23, 2014, meeting and that he could not make the required findings in Washoe County Code 55.400(3) and 55.420. The motion carried: Members Davis, Hass and Vice-chair Simmonds assenting; Member Forbes dissenting; Member Church absent; and two positions vacant.

Vice-chair Simmonds read the appeal process.

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- 5. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Jeff Dady to keep seven (7) dogs at 445 Barrel Street, Wadsworth, Nevada (unincorporated Washoe County).*

Animal Services Supervisor Robert Smith clarified that the original application had been for seventeen (17) dogs, which has since been reduced to seven (7). Supervisor Smith noted that the inspecting officer report indicates that the dogs have the run of the open floor plan residence with kennels attached that are adequate. However, there were fresh feces in the kennel with a slight odor. The report also states that Mr. Dady has not been staying in the residence due to issues with his mother. Supervisor Smith noted that an animal welfare concern was unfounded and that previous sanitary issues identified at the subject site had been remedied. Supervisor Smith explained that the German Shepherds are AKC Registered (American Kennel Club) and that Mr. Dady has indicated he may continue to breed the dogs and seek a business license as a commercial breeder. Supervisor Smith explained that it was his understanding that Mr. Dady now occupies the residence.

Vice-chair Simmonds opened the public hearing.

Jeff Dady explained that his mother had vacated the residence and that the number of dogs had been reduced to seven (7), which include the four (4) German Shepherds, which supplements his disability income as well as a Yorkie and two Min-Pins. Mr. Dady noted that the smaller dogs are now too old to breed and that the male German Shepherd is kept separate from the other unsprayed females. Mr. Dady noted that his mother had taken six (6) of the dogs with her and that puppies had been sold. Mr. Dady pointed out that he had been required to list all of the animals, including the puppies, when the kennel permit was applied for. Mr. Dady explained that he was unsure whether he would have the females spayed once they are no longer able to be bred.

Member Forbes noted that he was responsible for the animals that had served him well and supplemented his income.

Mr. Dady noted that he had spoken with two of the neighbors about the issues.

Shirley Gutierrez commented that she had assisted Mr. Dady's elderly mother in caring for the animals in his absence and that in her opinion if the animals had been that important to him he would have found a way to go in and assist. Ms. Gutierrez noted that the barking continues and Mr. Dady does not take care of the animals properly. The smaller dogs are kept in small cages and larger dogs kept in kennels in the garage. Ms. Gutierrez emphasized that her concern is that the dogs will not be adequately cared for and that more dogs will be brought in if the kennel permit is approved.

Glenn Hicks submitted a written comment (copy on file) stating his opposition to the permit and the potential for a puppy mill which he is totally against.

Jose Browning stated his opposition to the request noting that he had not been in the house since Mr. Dady's mother had left. On the day his mother moved out of the house there was a significant amount of feces and urine with more than 200 moths smashed against the walls in the house. Mr. Browning outlined his concerns about potential diseases and bugs spreading through the neighborhood.

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Vice-chair Simmonds closed the public hearing.

Member Forbes commented that she found the testimony provided by Ms. Gutierrez and Mr. Browning sincere and eloquent. Member Forbes stated she could not support the request.

Member Davis concurred with Member Forbes' comments and would not support the request.

Member Hass also concurred with Members Davis and Forbes stating she would not support the request.

It was moved by Member Hass, seconded by Member Forbes, to deny the kennel permit for Jeff Dady to keep seven (7) dogs at 445 Barrel Street, Wadsworth, Nevada (unincorporated Washoe County). Member Hass stated she could not make the required findings in Washoe County Code 55.400(3) and 55.420. The motion carried: Members Davis, Forbes, Hass and Vice-chair Simmonds assenting; Member Church absent; and two positions vacant.

Vice-chair Simmonds read the appeal process.

The meeting recessed at 7:12 p.m. and reconvened at 7:19 p.m.

- 6. KENNEL PERMIT AND CATTERY PERMIT APPEAL HEARING** [For possible action] – – *A review discussion and possible action to approve, deny or otherwise modify a kennel and/or cattery permits to allow Jennifer Walsh: 1) A kennel permit to keep eight (8) dogs; and 2) A cattery permit to keep nine (9) cats at 500 Gold Nugget Court, Reno, Nevada (Unincorporated Washoe County).*

Animal Services Supervisor Robert Smith provided an overview of the kennel and cattery permits to keep eight (8) dogs and nine (9) cats. Supervisor Smith explained that the existing kennel will need modification to meet Washoe County Code requirement and that the premises were in a sanitary condition with no evidence of neglect. Supervisor Smith noted that while the dogs were noisy upon arrival they quieted on command. Supervisor Smith explained that the inspection report indicates that the dogs have their own space and that cats are kept in the upstairs in different rooms. Supervisor Smith explained that there is an extensive history of calls for service at this address and that the cruelty complaint was due to the number of animals rather than cruelty. Supervisor Smith explained that if approved the appellant would have 30 days from the date of the approval to bring the kennel and other issues in compliance with Washoe County Code. The animals all appeared to be healthy and well cared for. Supervisor Smith noted that previous history is maintained in the Washoe County Sheriff's Office database and that the premises have been cleaned up and now indicates that the animals are being cared for adequately.

Vice-chair Simmonds opened the public hearing.

Michael Walsh representing Jennifer Walsh explained that the HOA (Homeowners Association) had also been in contact with them about the number of animals. Mr. Walsh explained that the HOA indicated that the number of dogs must be reduced or be fined for non-compliance. Mr. Walsh noted

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the dogs are well fed and cared for daily. Mr. Walsh noted that some of the animals are spayed/neutered but are kept apart to avoid breeding.

Vice-chair Simmonds pointed out that the HOA rules would supersede Washoe County Code.

Terry Shea – Deputy District Attorney, pointed out failure to comply with the HOA regulations could result in a lien being placed on the property that could affect the title to the property.

Mr. Walsh then explained that not all of the animals belong to him and his spouse. Two of the dogs are spayed and two were not. Mr. Walsh noted that those animals would leave once the roommates found other living arrangements. One has been with them for several months and the other a few years. The animals do come in the house periodically and that he will begin preparing the kennels for winter weather in the next few weeks. Mr. Walsh outlined how some of the dogs had come into their lives, one being a rescue as the owner is serving a life sentence and two others from another individual.

Jennifer Walsh noted that all the dogs are current on vaccinations and are periodically examined to assure their health. Ms. Walsh then outlined which of the cats were spayed/neutered and explained that they are confined to separate areas of the house to avoid conflict. Ms. Walsh acknowledged that she could not bring additional animals into the house should the permits be approved as roommates move on and take their animals with them.

Vice-chair Simmonds closed the public hearing.

Member Forbes commented that she believes that the appellants have their hearts in the right place and that she can support both the kennel and cattery permits. However, she believes that the animals should be spayed/neutered and that the number be reduced as the animals are removed from the premises as the roommates find other living arrangements.

Member Hass explained she could support the cattery and kennel permit once a proper kennel is built.

Member Davis concurred with Member Forbes comments and suggested that a condition be added requiring that all animals be spayed/neutered.

Vice-chair Simmonds reminded the board that the CC&Rs cannot be taken into consideration and that he can support both the kennel and cattery permits. Vice-chair Simmonds noted that spay/neuter is a preferred option to avoid any potential issue with unwanted litters. Vice-chair Simmonds noted that the motion for the kennel permit should perhaps include the other requirements addressed during Supervisor Smith's presentation.

It was moved by Member Forbes, seconded by Member Davis, to approve the kennel permit to allow Jennifer Walsh to keep eight (8) dogs at 500 Gold Nugget Court, Reno, Nevada (unincorporated Washoe County). Member Forbes stated she could make the required findings in Washoe County Code 55.400(3) and 55.420 and conditioned the kennel permit as follows: 1) no tethering; and 2) kennel to be code compliant within 30 days from the date the

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permit is issued. The motion carried: Members Davis, Forbes, Hass and Vice-chair Simmonds assenting; Member Church absent; and two positions vacant.

It was moved by Member Forbes, seconded by Member Davis, to approve the cattery permit for Jennifer Walsh to keep (9) cats at 500 Gold Nugget Court, Reno, Nevada (unincorporated Washoe County). Member Forbes stated she could make the required findings found in Washoe County Code 55.4000(4) and 55,420. Member Forbes added the following condition: 1) that the number be reduced to not more than seven (7) cats as animals cross the Rainbow Bridge. The motion carried: Members Davis, Forbes, Hass and Vice-chair Simmonds assenting; Member Church absent; and two positions vacant.

Vice-chair Simmonds read the appeal process.

The meeting recessed at 7:49 p.m. and reconvened at 7:51 p.m.

- 7. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Andrea Acquafredda to keep four (4) dogs at 4504 Visa Mountain Drive, Sparks, Nevada (Unincorporated Washoe County).*

Animal Services Supervisor Robert Smith provided an overview of the request and noted that the residence will be used as the kennel. Supervisor Smith noted that a Civil Penalty violation was issued for barking and will be heard tomorrow, (September 24, 2014) at 1:00 p.m. Supervisor Smith explained that the animals appear to be in good health and well cared for.

Andrea Acquafredda explained that there are other dogs barking in the neighborhood and that she recently installed an audio/video surveillance system that she can monitor on her smartphone. Ms. Acquafredda also pointed out that she had put bark collars on the dogs and that the urine and feces are cleaned daily after her daughter comes home from school. Ms. Acquafredda explained that she is in the Reserves and that her parents live across the street from her. As a computer programmer Ms. Acquafredda has worked at home since June and that she will use the house as the kennel. Ms. Acquafredda noted that she had called law enforcement due to what she thought was a case of domestic violence and this may be the reason for the objections to this request. A doggy door is in place and can be shuttered to keep the dogs from having at-will access to the yard.

Michael Lorman noted that his property abuts Ms. Acquafredda's and as a disabled law enforcement professional he is home 24/7 and subject to the nuisance of the barking dogs every time he tries to use his rear yard/deck area. The grade variances between the properties and view lot restrictions have a height limitation on the rear yard fencing of 3.5 feet. Mr. Lorman stated that he is opposed to the request due to the lack of peace of mind with unsupervised dogs outside.

Claudia Borelli explained that she and her spouse have been dealing with the barking dog issue for the past seven (7) years and pointed out that they can see into Ms. Acquafredda's backyard from their deck. Additionally, the dogs not only bark but sometime cry when left alone so it is unclear if they are in pain or suffering from separation anxiety.

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Tim Borelli commented that Ms. Acquafredda has been gone many times in the past and the pattern is that while she is gone the parents come from across the street feed and water the dogs then return home. Although the parents return in the evening to repeat the feeding and watering, the dogs are in and out all night long and will start to yelp and jump up on the picnic table anytime he or a member of his family go out on their deck. Mr. Borelli pointed out that his wife does not live in fear of him and that while they argue there has never been any domestic violence.

Mr. Borelli pointed out that the issues started when Ms. Acquafredda was target shooting in her backyard into the hill below Mr. Lorman's home.

Mr. Lorman stated that he was on duty at the time of the complaint.

Mr. Borelli stated there was no physical contact.

Ms. Borelli stated that she can take him.

Ms. Acquafredda commented that she does not supervise the dogs when she is home and pointed out that she now has bark collars on the dogs.

Vice-chair Simmonds stated that Ms. Acquafredda would have to supervise the dogs if the kennel permit is approved.

Ms. Acquafredda noted that her parents would take Cha Cha and that she would keep the special needs dog she described earlier. The bark collars were purchased about a month ago when she purchased the surveillance system. Ms. Acquafredda noted that the dogs tend to bark when they are at play and that a gate was installed so provide access to the former RV path.

Member Forbes noted that she can see both points of view and suggested that Ms. Acquafredda and her neighbors seek a compromise to resolve the issue.

Vice-chair Simmonds closed the public hearing.

Terry Shea – Deputy District Attorney, stated that the kennel permit issue goes away if Ms. Acquafredda gives Cha Cha to her parents. Mr. Shea explained that by reducing to three (3) dogs the ACB (Animal Control Board) no longer has jurisdiction. Mr. Shea explained that the alternative was to delay further action until the next meeting to allow the reduction to take place. Additionally, the board may take action to deny the permit which will force the reduction.

Member Davis stated he would support a denial of the permit.

It was moved by Member Davis, seconded by Member Forbes to deny the kennel permit to allow Andrea Acquafredda to keep four (4) dogs at 4504 Vista Mountain Drive, Sparks, Nevada (unincorporated Washoe County) due to neighbor complaints. Member Davis stated he could not make the required Findings found in Washoe County Code 55.400(3) and 55.420. The motion carried: Members Davis, Forbes, Hass and Vice-chair Simmonds assenting; Member Church absent; and two positions vacant.

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Vice-chair Simmonds read the appeal process.

8. **UNCONTESTED KENNEL PERMIT APPLICATION APPROVALS** [Non-action item] – *An informational update on the number of uncontested cattery/kennel permits issued by Animal Services.*

Animal Services Supervisor Robert Smith noted that four (4) uncontested kennel permits issued with three (3) permits pending the December 9, 2014, meeting.

9. **WASHOE COUNTY ANIMAL CONTROL BOARD MEMBERS AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS** [Non-action item] – *Limited to items not addressed elsewhere on the agenda. While the Washoe County Animal Control Board may not engage in discussion or take action on any item identified under this topic and may be placed on a future agenda for discussion and possible action. The next regular meeting of the Washoe County Animal Control Board is scheduled for October 21, 2014.*

Animal Services Supervisor Robert Smith noted that with the appointment of Member Church there would be a quorum present for the October 21, 2014 meeting. Additionally, the Election of Officers will be placed on the December 9, 2014, regular meeting agenda. Supervisor Smith noted that the code revision meetings will be held Monday - September 29, 2014 and Wednesday - October 1, 2014, at 5:30 p.m. in the Wilbur May Museum at Ranch San Rafael.

Terry Shea – Deputy District Attorney, introduced Jennifer Gustafson who will serve as his replacement upon his retirement on January 9, 2015.

10. **PUBLIC COMMENT** [Non-action item]

There no public comments.

11. **ADJOURNMENT** [Non-action item]

Vice-chair Simmonds adjourned the meeting at 8:20 p.m.

AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION ON OCTOBER 21, 2014.