

The Altavista Planning Commission held a regularly scheduled meeting on Monday, April 2, 2018, in the Council Chambers at Town Hall

Members Present	-	John Jordan, Chairman Marvin Clements Tim George
Not Present	-	Laney Thompson John Woodson
Also Present	-	Cheryl Dudley John Eller Dan Witt

The minutes from the February 5, 2018, meeting were reviewed and approved as presented.

Chairman Jordan asked Mr. Witt to address the Commissioners and explain the issues presented to them in their packets.

Mr. Witt stated that over the past several months, staff has received several complaints about the number of cats at certain locations in town. Most recently, a complaint was received about a property on 7th Street. The person who made the complaint stated that 12 or more cats were in her neighbor's yard, but that they were coming on her property and her porch. The concern was not only the number of cats but the evidence that they were using her yard as a litter box. She provided pictures of 3 trash bags of cat feces she picked up. Additionally, the cats are spraying urine to "mark" their area on her house, creating a foul odor, and the last concern is the cats are "trespassing" on her posted property.

Staff immediately called the animal warden who investigated the matter and called staff back to report the owner had 26 rabies certificates for cats at that address and had personally paid to have most of the cats spayed or neutered. Therefore, there was no violation of the Campbell County animal code.

Mr. Witt stated that the Town Council had recently adopted a nuisance ordinance that specifically deals with the smell and would allow him to approach the complaint as a public nuisance. The owner of the cats would receive a letter based on the complaint and verification of it.

Sec. 18-1 of the Zoning Ordinance was discussed by Chairman Jordan who asked Mr. Witt if the Commissioners should consider adding a definition for a 'private kennel'. Mr. Eller responded by saying that it is not the idea of a kennel that is the problem, the issue is how many animals (cats) any one person can own.

Chairman Jordan asked if there was a restriction on how many cats any one person can own. Mr. Witt responded that there is no limit on cats. But, Mr. Witt said if there is an excessive number of cats, the odor created can be considered a public nuisance. To limit the number of cats, a definition for a private kennel could be added that would limit the number of cats to four (4) at any single location.

From a zoning perspective, Mr. Witt asked the Commissioners to consider limiting the number of animals, specifically cats, owned by any one person at one residence. Dogs are already limited to 4.

Chairman Jordan asked Mr. Witt if adding the definition of a private kennel would help solve the problem and complaints. He answered, yes. Mr. Eller said that a definition would need to include which zoning district(s) the use would apply to and also the ones where it might be permitted with the issuance of a special use permit.

Doug Harris, resident, 1253 Lynch Road, Altavista, VA, asked to speak in reference to the kennel discussion. He stated that when he lived in Connecticut, they didn't have a restriction on the number of animals a person may own, but if they make a large mess and the owner doesn't keep the property clean, the animals are considered a nuisance. He ran a shelter and had over 100 cats and they were all contained in his house. He stated he lived in a large house with a basement that had a concrete floor that was set up as a kennel. An enforcement agent would come around periodically and inspect the kennel. If it was not kept up to state standards, the agent would shut it down and confiscate the animals. There were no restrictions on the number of animals allowed though. He stated that he thought it would solve the problem the Commissioners were discussing if it were handled as a nuisance. He didn't think it needed to be made any more complicated than it is already by limiting the number of animals.

Mr. Eller agreed with Mr. Harris and said that the Commissioners should allow staff to enforce the language already contained in the ordinance. However, if it becomes a bigger issue, then the Commissioners can add more to what is already in place. Mr. Eller stated that if it is decided that there can only be a certain number of cats allowed, the current owner would be "grandfathered". She would not be allowed to have any additional cats but the ones she currently has could remain, unless they are determined to be a public nuisance.

Mr. Witt gave his staff report on the zoning permits issued for the month of February & March.

The meeting adjourned at 5:43 PM

John Jordan, Chairman

Dan Witt, Assistant Town Manager