

## **Animal Control Commission**

**March 14, 2022 at 5:30pm**

**Bloomington Animal Shelter – Hybrid Zoom and In Person Meeting  
3410 South Walnut Street, Bloomington, IN 47401**

### **MEMBERS**

Sue Allmon –not present  
Sita Cohen -present in person  
Chris Hazel - present in person  
Valerie Pena - present in person  
Nancy Riggert - present in person  
Laura Soto – present via zoom

### **GUESTS**

B Square Bulletin – via zoom  
Amy Romoser - in person  
Tracy Simmons - in person

### **STAFF**

Jacquelyn Moore – present in person  
Lisa Ritchel – present in person  
Virgil Sauder – present in person  
Nick Steury – present in person

## **I. APPROVAL OF MINUTES**

Chris moved to approve the January 24, 2022 minutes as written.

Sita seconded.

Roll call vote: Sita: “yes,” Chris: “yes,” Valerie: “yes,” Nancy: “abstain,” Laura: “yes.”

Motion passes 4-0-1.

## **II. NEW BUSINESS**

### **i. Request to Declare Habitual Offender – Simmons**

At the beginning of this discussion, Ms. Simmons was not present.

Officer Steury reported that since October, 2021, Kaiser, a 65lb Pitbull owned by Tracy Simmons, has been chronically at large. He was found to be at large on the following dates: October 4, 2021; October 15, 2021; December 8, 2021; December 21, 2021. On January 18, 2022, it was reported that Kaiser was being dragged by his leash by his owner. He was at large most recently this past Friday. Kaiser lives on Kimball Drive off of 3<sup>rd</sup> Street and typically heads down the hill to Cheddars Restaurant. Officer Steury stated that he has been in communication with Ms. Simmons, and she says that she will fix the issue, but she has not. Each time Ms. Simmons has a different explanation for why Kaiser is loose. This last time she attributed it to having a new leash that she didn't realize was a bungee. Other reasons have been that a neighbor left her front door open and Kaiser jumped out of the window from the kitchen of the basement apartment. Officer Steury continued and shared that while on patrol, he has often seen her walking Kaiser and she is not able to effectively control him. While he is very friendly and not aggressive, he is a very strong puller. Ms. Simmons has not demonstrated the ability to handle her dog and hasn't shown a willingness to seek out training and likely does not have the financial means for this. Sita then added that Ms. Simmons has been ticketed but has not paid. Officer Steury explained that her most recent ticket was \$640. He added that Kaiser was neutered and vaccinated for Rabies through the shelter. Chris then asked about their relationship and if Ms. Simmons plays with Kaiser. He answered that Ms. Simmons is often at the Shalom Center or Seminary Square Park with him. She loves Kaiser,

treats him well, and always turns down Officer Steury's offer of food and water because she has plenty. He added that Ms. Simmons claimed that the dragging of Kaiser by his leash is actually a game they play. Nancy then asked if Ms. Simmons pursues Kaiser immediately after he gets loose. Officer Steury answered in the negative and added that according to Officer Romoser, during one incident Ms. Simmons actually went home rather than pursuing him. Virgil shared that during the recent incidents, the shelter has contacted Ms. Simmons before she reports him as lost because Kaiser is now microchipped and the shelter staff can identify him right away.

Officer Romoser stated that she has some approximate dates of additional incidents after reviewing her text messages. On November 7, 2021, Shalom contacted her because Kaiser was there but Tracy was not. Officer Romoser looked for her for a while with no success, but Tracy showed up a few hours later and got her dog. On November 22, 2021, Shalom contacted her again and Tracy requested that she go pick up Kaiser who was out on Highway 446. Officer Romoser went there and retrieved Kaiser from an individual who stated that Kaiser came out of the woods and followed her, her daughter and her dog home from a walk. Officer Romoser had Tracy meet her and Kaiser at Switchyard Police Sub Station and she equipped him with harness, collar and new leash. On November 27, 2021, Shalom called and reported that Kaiser was running down Walnut Street and they found him and asked her to find Tracy. She attempted to find her. On November 8, 2022, Kaiser was brought to the shelter and Tracy picked him up on the 9<sup>th</sup>. She went to walk him home, but lost him and he walked into the nearby shooting range for the police department. The officers there called Officer Romoser to see if she recognized the dog and she identified him and told them to take him to the shelter. They ended up seeing Tracy walking and returned the dog to her. On March 5, 2022, Officer Romoser's neighbors found Kaiser with another dog out on the west side of Bloomington past Ivy Tech. They put him on Facebook and connected with Tracy and returned the dog to her. On March 10, 2022, she saw on Facebook that someone at Cheddars found Kaiser around 6pm. The finder knew a police officer who then contacted her and she identified the dog as Kaiser. The finder kept Kaiser overnight and brought him to the shelter the Friday morning. Tracy didn't call the police department until Friday morning. In conclusion, Officer Romoser stated that she believes in second chances and that Tracy is a decent person having known her for a long time, but it is just too much and with where Kaiser lives, he will likely get hit by a car. Sita added that Kaiser goes long distances! Officer Romoser shared that Kaiser is a good dog and would do well being placed somewhere with a fence.

Nancy then inquired about the total number of times Kaiser has been loose. Virgil summarized that since October 2021, with offenses to Title 7, there have been six violations, not including all of the returns in the field. Chris then asked if Tracy signed for her certified letter. Virgil answered that Officer Steury gave Ms. Simmons another copy of the letter in person last week. Officer Steury added that she was crying but stated that she would be at the meeting.

The Commission discussed the request. Valerie led off the discussion by reminding the members that with a habitual offender declaration there is flexibility when deciding what actions to take. She asked the members if they think the Commission should do something above and beyond the fines and if so, what recommendations do they have. Nancy asked if there was a precedent for this type of situation to this degree and if the Commission has the power to take possession of the dog. Valerie answered that the Commission does have that ability and has done it before. Normally it is an action that is taken if the offense happens again. Valerie did not, however, recall a case with so many incidents. Valerie shared that she is especially bothered that the owner doesn't immediately go out and find her dog and doesn't

show concern. She offered that a letter could be sent to Ms. Simmons due to her not attending this meeting and the number of times at large, stating that while Kaiser is friendly and not a danger to the community, he could present a traffic hazard and/or get hit by a car and that if he is loose again he would become the property of the City of Bloomington Animal Shelter with the hope of finding him a good home. Nancy agreed that he could present a serious traffic hazard and Kaiser himself is at risk. Chris then stated that the Commission needs to be the voice for the dog, because he has no voice and cannot ask for a more responsible owner. She feels that Ms. Simmons has already been told this with the previous letter, and doesn't need another chance. She stated that Kaiser could get hit if Ms. Simmons is given another chance. Both Sita and Laura agreed with Chris. Sita stated that he sounds like a great dog and Ms. Simmons loves him, but that is not enough, and they do not sound right for each other. The Commission needs to step in so that Kaiser does not get killed. Sita emphasized that Ms. Simmons has been given more than enough time to remedy the situation, but now it is time to declare her a Habitual Offender and remove ownership. Virgil added that Kaiser is currently housed at the shelter.

Next the Commission discussed the option of prohibiting ownership of other animals. Virgil clarified that the language in the Habitual clause states that the owner/guardian can be prohibited from acquiring any new animals for a period of time not to exceed three years. Valerie pondered whether or not Ms. Simmons should be prohibited as Tracy could potentially be a good dog owner with a better match. Valerie offered that one year may be an appropriate time frame. Nancy suggested two years due to the high number of offenses, but wondered if it would need to be all animals or just dogs, as she may be better matched with a cat. Sita then asked the officers how they feel about Ms. Simmons as a dog owner, not including Kaiser, as she could adopt a laid back, senior dog. Officer Steury answered that she provides food and water and likely flea prevention. Officer Romoser explained that when Tracy's good, she is really good, but when Tracy's not good, she is really not good. However, Tracy is housed and does provide food and water, but Tracy walks Kaiser from Kimball Drive to Shalom frequently, which would be a very long walk for a senior dog.

Ms. Simmons arrived to the meeting at 6pm. Valerie briefed Ms. Simmons on the discussion thus far and invited her to share her side of the story.

Ms. Simmons apologized for being late and explained that she had to take a bus. She explained that she is on permanent support and housing through the Shalom Center because of alcoholism and homelessness. When she got her one bedroom apartment she wanted to find a young dog to run and play with. She acquired Kaiser through her son's girlfriend and by the second day, she was attached to him. She now jogs with him for miles on 3<sup>rd</sup> street and she always takes food, water and treats. He is very smart and she has taught him several commands, he is even trained to go the bathroom in certain places. He goes everywhere with her: PetSmart, Walmart, Dollar Tree, Dollar General. They go to the Dollar Tree twice a week to get treats. He rides the City bus and the ladies at Shalom love him. Kaiser has all his shots thanks to the animal shelter. She takes him to Shalom the first Monday of every month to get his flea treatment. She said she has been trying to improve and has a case worker named Cory through Shalom. She is also in contact with Danielle at Crawford Apartments. She added that if she would have known how big he would get and how much energy he would have, she might not have taken him, but since she did, she cannot let him go. He goes everywhere with her, she lives alone and he is her best friend.

Valerie expressed to Ms. Simmons that it sounds like they have a very good relationship and that she has obviously tried hard to be a good owner. Valerie added that Ms. Simmons is also very fortunate to have the support of the Shalom Center and of the officers who know Kaiser and have helped to keep him safe. Unfortunately, that does not resolve the control issue and the inability to keep him from running. Ms. Simmons then admitted that she lets Kaiser run and hunt rabbits and that some businesses such as Auto Zone have given her permission to do so after they are closed. Ms. Simmons explained that another time he was loose was due to his harness breaking. The next two times occurred when she let him run after the businesses were closed. Valerie then explained to her that per ordinance a dog has to be under control of its owner or on leash. Since he is not under control, he is becoming a nuisance and he could get hurt or someone else could get hurt. Valerie stressed that now the Commission needs to consider what is best for Kaiser and believes that Ms. Simmons would want that too. Ms. Simmons answered that she feels he is doing much better on the leash now that she has a new style of harness and thinks that the best thing for Kaiser would be to have access to a closer dog park. Valerie then inquired why Ms. Simmons didn't always call to report him missing or go look for him. She answered that he always comes home, unless someone picks him up. Then she stated that she leaves her door open so he can come back inside. Sita asked her for clarification about leaving her door open. She answered that she does that when he is out running so that he can come back in. Sita conveyed to her that Kaiser should not be running.

Sita moved to declare Tracy Simmons a Habitual Offender and that Kaiser remain at the shelter to find a new home, and for her not to get another animal for three years.

Nancy moved to amend the motion to read that Ms. Simmons not get another dog specifically, rather than any animal, and for a period of eighteen months rather than three years. Nancy then shared that she truly hopes that Tracy will be able to find a better match.

Valerie restated the motion as declaring Tracy Simmons a Habitual Offender, for Kaiser to be relinquished to the shelter and adopted out and for her to not have another dog for eighteen months.

Valerie then recommended putting the current fines into abeyance for eighteen months. Virgil reported that the current outstanding balance is \$752 plus the new fine of \$640.

Valerie amended the motion to include putting all tickets and outstanding balances into abeyance for eighteen months and afterwards the Commission will return and revisit the case.

Nancy seconded.

Roll call vote: Sita: "yes," Chris: "yes," Valerie: "yes," Nancy: "yes," Laura: "yes."

Motion passes 5-0-0.

Ms. Simmons then asked if she will get to see Kaiser again. Virgil told Tracy to contact him if she has any questions and to schedule a visit with Kaiser.

After Ms. Simmons left the meeting, Officer Steury stated that this was the first time she has ever stated that she knowingly lets her dog run loose. The members agreed that tonight's decision was for the best.

### **III. REPORTS**

**i. Animal Care and Control Report**

Virgil explained that the recent statistics show an increase in intake compared to last year and the shelter is trending high on dogs. The shelter is handling this well though and adoptions are keeping pace with or exceeding the change. During COVID, the shelter integrated a waiting list and courtesy postings for owner surrenders that were not immediate emergencies to steady the pace of surrenders. Overall these programs are working well, but currently the need for dog surrenders is high and there are thirty-five dogs on the waiting list. The sources where the animals are coming from, City, County, or Out of County, continue to be standard. Valerie added that the overcrowding does seem to be happening everywhere and Virgil agreed and added that national trends indicate that shelters are overcrowded and animals are sitting longer. Our shelter is not experiencing that as much. Sita asked if transports were an option. Virgil answered that the shelter has utilized that successfully in the past, however animals that make good transport animals, are also the ones that can get adopted on site easily. Valerie applauded the shelter's social media efforts especially the posts with dogs in playgroups. Virgil agreed and commended the shelter staff for continuing the Dogs Play for Life program no matter what the weather was. Virgil concluded and shared that February was Adopt a Rabbit Month with fee-waived rabbits. It was a success and all the long term rabbits were adopted.

**ii. MCHA Update**

Valerie reported that the MCHA will soon pass its first strategic plan. Tails on the Town will be on April 30. There will be several auction items and a video that will describe the current "fund an item" which will be the memorial gardens.

**iii. AMC Update**

Valerie reported that the last meeting was very short, was in person and was not hybrid.

**IV. ANIMAL CONTROL COMMISSION DISCUSSION**

Virgil updated the Commission on the Urban Wildlife Plan. Firstly, the plan will go to the Public Works Director and the Mayor and then it will be presented to the Council. It emphasizes prevention as before, with the biggest change being a feeding ban for wildlife, especially deer. The second part is working on the nuisance response that the Animal Control Officers have been doing for years. The final piece refers to the Deer Task Force who suggested joining the deer reduction zones with the Indiana DNR. This allows hunters during hunting season to take over their bag limits. They can take an extra ten deer from those zones. State Highway 69 South is already a zone, to reduce deer collisions. The mentality is that deer here are likely to be killed by auto collisions, so instead they are killed through hunting. Griffy Lake is managed in a similar way. Virgil explained that years ago, the City opted out of this program, but now with the increase in deer collisions, areas in the City could be appropriate for this program. Sita shared that she would rather the deer be shot humanely, than be hit by a car and suffer. Virgil stated the City rules would still apply and firearms cannot be discharged, so it would be limited to bow hunting. He stated that the first areas would be Highways 46 and 45 coming into the City. Virgil concluded and asked how the Commission members feel about this recommendation and if they would support it. He indicated that it will likely be contentious issue due to the Bloomington community.

Chris moved to support the DNR's deer reduction zones in Bloomington and encourage AMC to expand this to County.

Sita seconded. Roll call vote: Sita: "yes," Chris: "yes," Valerie: "yes," Nancy: "yes," Laura: "yes."  
Motion passes 5-0-0.

Nancy pointed out that on the website, it is a bit unwieldy to get to Urban Wildlife, because you first have to go to Animal Control. Also, the link for Aurora, Colorado no longer works. She also pointed out a few spelling issues to be addressed, for example, assist/insist and and/an. Virgil asked Nancy to email him with those issues.

Officer Steury stated that as someone who has to deal with injured deer, he is in support of the plan.

#### **V. PUBLIC COMMENT**

No public comment.

#### **VI. ADJOURNMENT**

Sita moved to adjourn.

Nancy seconded. Roll call vote: Sita: "yes," Chris: "yes," Valerie: "yes," Nancy: "yes," Laura: "yes."

Motion passes 5-0-0.