

# **Animal Control Commission**

**October 10, 2022 at 5:30pm**

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

## **MEMBERS**

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

## **GUESTS**

Chris Franke – present via zoom  
Margaret Sutton – present in person  
Lucas Burks – present in person  
Wife of Lucas Burks – present in person  
Cecilia Murphy – present in person  
Amy Mason – present via zoom

## **STAFF**

Heather Lacy – present via zoom  
Lisa Ritchel – present in person  
Virgil Sauder – present in person  
Nick Steury – present in person

### **I. APPROVAL OF MINUTES**

Sita thanked Lisa for her diligence on the lengthy minutes from July. She noted one minor correction to be made under the Request to Declare Leo on page 5, the second full paragraph, line 7: “with the owner” should be “which the owner.”

Sue moved to approve the **July 18, 2022** minutes with that correction.

Chris seconded. Roll call vote: Sue – “yes,” Sita – “yes,” Chris – “aye,” Laura – “yes.”

Motion passes. 4-0-0.

### **II. NEW BUSINESS**

#### **i. Request to Declare Potentially Dangerous – Junior**

Officer Steury explained that Animal Control received a call on September 15, 2022 that a dog had escaped its property, went onto a neighbor’s yard and killed a cat. The cat’s owner beat the dog with a metal stick. The dog was taken to the veterinarian and the Bloomington Police Department was called. Afterwards, he and Officer Ennis arrived on scene and spoke to the cat’s owner. When the cat’s owner saw what was happening he ran over to intervene first with a kayak, then by beating the dog with a metal pipe. The cat’s owner indicated that once he saw the cat was dead, he stopped hitting the dog. The cat’s owner called the neighbor, Ms. Sutton, who came over and tried to get the cat from the dog. Next Ms. Sutton called her son Lucas, the dog’s owner. They were able to remove the cat from the dog and exit the property. Officer Steury stated that PDII was appropriate because of the death of a pet. Chris then asked if he saw the dog. Officer Steury answered in the negative and added that the cat was already buried when they arrived. He explained that the dog did sustain some injuries and was taken to the emergency veterinarian in Indianapolis. Officer Steury added that separate from this case, the dog owner was worried that the cat owner continued hitting the dog after the cat was deceased. The cat owner denied this.

Margaret Sutton introduced herself as Lucas’ mom and frequent dog sitter of Junior and explained that he was on her property when this happened. She stated that they are all deeply sorry for the loss of the

cat. She does not believe though that the incident defines Junior as potentially dangerous. She explained that Junior is five and has never displayed any aggression towards humans or domestic animals. She provided some pictures of Junior and explained that he is friendly, affectionate and gentle with children. He gets along fine with other dogs, including her dog and has lived half of his life with cats with no problems. She is always willing to dog sit because he is easy to manage and has never escaped until this event. She believes that he was able to jump the four foot fence where there is a steep decline in the yard. She believes that the cat entered her property as it has done previously and Junior saw it, jumped the fence, followed and hunted it like a rabbit. Ms. Sutton stated that she doesn't think it is reasonable to expect a dog to distinguish between a rabbit and a free range cat. After the incident, he showed no aggression, no growling, no raising lips or hackles and once he could let go, he did.

Lucas Burks explained that he has had Junior since he was a puppy and sees him as his fur baby. He expressed understanding in how devastating it would be to lose a pet. He explained that it was challenging taking care of his dog's medical care afterwards and he experienced a great deal of stress. They were on their honeymoon when the incident happened and had planned on moving into the home, but that is no longer happening. Sita then asked how Junior is contained at their current home. He replied that they are now living near the B-Line on the south side of Bloomington and take him on long walks always on leash. Ms. Sutton added that if Junior is at her home in future, he will not be off leash until she builds a privacy fence.

The wife of Lucas Burks explained that even when Junior was being hit, he did not show aggression to anyone. Afterwards he was urinating blood and his ears were bleeding. Sita asked if he is okay now and she answered that he still limps and has had three or four seizures. Chris asked if Junior is neutered and Mr. Burks answered that he is scheduled to be neutered next month.

Chris Franke began by describing the incident as terrible and wishes it had never happened. He and his family all miss their cat Olga and his twin boys are afraid to go outside and play after what happened. He confirmed that most of the details shared by Junior's family are correct. He stated that seeing his cat attacked, mauled, grabbed by the neck and shaken right in front of him was the most brutal thing he has ever witnessed. He shared that while he doesn't want any negative outcomes, he is concerned about what could happen now that Junior has a taste for killing a small animal as there are other cats and small dogs in the neighborhood. Sue asked if Olga is an inside/outside cat. He answered in the affirmative and added that she was fully vaccinated and was normally close-by in the yard. Sita expressed sympathy for everything that happened.

The Commission discussed. Virgil displayed the definition for Potentially Dangerous on the screen and also read the requirements for the declarations, noting that PD II additionally requires microchipping and neutering. Sue noted that the neutering is already scheduled, but he would need a microchip. Virgil added that both PD I and II have the potential for reconsideration in twelve months if there are no further incidents. Sita remarked that it was a bad situation all around, but due to the death of a cat, they have no choice but to declare PD II. She also suggested that they consider a muzzle and Officer Steury added that the leash will need to be six feet or less and that flexi-leads are not permitted

Sue moved to declare Junior Potentially Dangerous II.

Chris seconded. Roll call vote: Sue – “yes,” Sita – “yes,” Chris – “yes,” Laura – “yes.”

Motion passes. 4-0-0.

Sita thanked everyone for their attendance and their honest accounts. Virgil explained to them that Heather from Legal will be documenting the requirements and will be sending them a copy. Ms. Sutton then asked if there are any civil or legal ramifications for this declaration. Virgil answered that this is a *Potentially* Dangerous declaration and not a Dangerous or Vicious declaration and that it normally does not affect homeowner's insurance.

**ii. Request to Declare Potentially Dangerous/Vicious – Luna**

Officer Steury explained that on September 2, 2022, Animal Control received a call that a dog attacked another dog on Woodruff Lane. Officers contacted the dog owners and learned that they are neighbors who walk their dogs on the same street all the time. The dogs were both on leash on different parts of the street. Luna slipped her harness, was off leash, ran towards Sam, attacked him and bit him in the back legs. Sam broke his tether to get away and Luna chased him into his garage. A neighbor came over to help and the dogs were separated. There were extensive bites as shown in the pictures. Officer Steury stated that Potentially Dangerous II applies due to the severity of the injuries.

Cecilia Murphy explained that she and her husband are the owners of Luna. She expressed that they are very sorry and they are trying to make amends to the family and are taking steps to ensure this never happens again. She stated that they paid all the medical bills and gave \$1000 for pain and suffering. They currently reside in East Lansing, although they still have the house in Bloomington. She explained that they were moving the day after the incident occurred and she was sick at the time so communication was not ideal. Luna is currently in training in East Lansing and Ms. Murphy is working with a trainer who uses a positive training style at Click Positive. She explained that she purchased three different muzzles to get the correct fit and Luna is learning how to use the muzzle and is making progress. She added that she works with Luna every day for short periods of time and is now working on getting her to turn away. Ms. Murphy continued and explained that she has contacted Purdue University Veterinary School to have a behavior assessment done. She has also talked with her veterinarian who will be referring her to a behavior veterinarian in Indianapolis. She purchased a new harness from the trainer that is supposed to be escape-proof, but has not walked her since the incident. Instead, she throws the ball for Luna in their fenced-in yard. She provided a picture of the yard for the members. Ms. Murphy continued and explained that Luna is a German shepherd, she is four years old and has never shown aggression towards people or tried to get out of her yard. She has also been around cats with no issues. They have walked Luna every day since they got her and other than barking at dogs on the B-Line trail she has never shown any real aggression towards dogs. Her husband has taken her to Switchyard Park with no issues and Luna was next to a husky and another dog at the veterinarian the day after the incident with no issues. Luna was hit by a car two years ago when her husband was walking her in the neighborhood on leash. A car drove by too quickly and hit her, breaking her leg in two places. The people in the car never got out. She was in a cast for five months and needed to be taken to the vet twice a week for follow up care. She surmised that Luna may be more anxious in the neighborhood and added that the spot where she was hit by the car is across the street from the Mason's home. Ms. Murphy acknowledged that Luna has bitten both of the Masons' dogs: Lily in May and Sam in September. Officer Steury interjected and explained that he did not mention the first bite as it was not reported to Animal Control at the time. Ms. Murphy stated that she was walking Luna with a leash and collar during the incident in May and her husband was walking her with a harness during the incident in September. Ms. Murphy added that they are considering medication depending on the behavior assessment. The trainer in Michigan believes that it would be a good idea for her anxiety, but Ms. Murphy wants to wait for the assessment. She concluded by stating that they are doing everything they can to keep this from

happening again. She also made a commitment to Amy Mason that she will not to walk Luna in the neighborhood.

Amy Mason first expressed her appreciation to Cecelia for her patience and willingness to communicate and stated that she was comforted by Cecelia's commitment to not walk Luna in the neighborhood. She explained that during the first incident, her dad was walking the older dog, Lily. As she was going to the bathroom, Luna and Cecelia came over the hill. Luna saw her, got away from Cecelia, came over and bit Lily on her tail, legs and chest. Ms. Mason explained that Lily's injuries actually looked worse than Sam's, but his were harder to heal. In September, she was walking Sam and stayed back because she saw Luna being walked. She waited until Charlie was at the other end of the cul-de-sac and quickly tried to get to her house. She heard something and turned around and Luna was darting towards them. This scared Sam and he snapped the leash. Luna grabbed him by the back leg and shook him. Ms. Mason screamed and hit the back of Luna telling her to stop and Charlie tried to get closer to help. Sam escaped and ran into their garage. Luna ran after him and attacked him again in the garage. Ms. Mason got her son's hockey stick and tried to hook her and pull her away but Luna is very strong. The neighbor came over and helped separate the dogs. She concluded by expressing that her biggest concern is that this could happen again. She has three children who walk Lily and Sam and they sometimes have dog walkers walk them. She just wants to feel safe walking in her neighborhood. She acknowledges that the Murphys are taking precautions. She and Cecelia have talked and they can't determine why there is a conflict between the dogs as the factors are not consistent. Sam is a red heeler and Chiweenie mix, who does have anxiety and barks. Lily is a Jack Russell and beagle mix that does not like large dogs. Both were adopted around seven years ago.

The Commission discussed. Officer Steury referred to the bite severity scale, referred to the photos and explained that crushing and tearing makes it Level 4. Sita noted that this was the second incident and due to the significant bites, PD II is appropriate. Sita stated that Ms. Murphy is doing everything and more and is doing a great job taking accountability, getting help and not walking her in the neighborhood. Sue agreed with Sita and asked if Luna was spayed. Ms. Murphy answered in the affirmative and added that she will need to get Luna microchipped. Virgil provided several options for microchipping and noted that the declaration doesn't move with her it just applies to Bloomington.

Sita moved to declare Luna Potentially Dangerous II, but noted that Ms. Murphy is doing everything and then some that would be asked for in this situation.

Sue seconded. Roll call vote: Sue – "yes," Sita – "yes," Chris – "yes," Laura – "yes."

Motion passes. 4-0-0.

### **III. REPORTS**

#### **i. Animal Care and Control Report**

Virgil explained that it has been busy at the shelter and apologized for getting the statistics out later than normal. Compared to 2021, the statistics are relatively close with just one hundred more animals coming in. The difference in intake has been due to strays and animal control and not due to an increase in owner surrenders. This could be due to some new programs that were initiated but he will research more to determine whether or not this is true. Adoptions are keeping pace with the increase in intake and the live release rate is higher than last year at this time. October is Adopt a Dog Month and there are several fun off-site adoption events. In order to focus on adult dogs, their fee was lowered to \$30. Puppies have

the standard fee. A local business will be sponsoring a Home for the Holidays adoption promotion which will be starting a couple weeks before Thanksgiving.

**ii. MCHA Update**

Sue reported that Run for the Animals took place this past Sunday. They made around \$12000 in profit. There were around 150 runners and 40 dogs who ran. There were several vendors who appreciated the turnout and plan to return next year.

**iii. AMC Update**

Virgil explained that they are short two positions on the AMC and if anyone has someone to recommend to encourage them to apply. The AMC met this month and started talking about PD and Vicious ordinances. Due to overlap, they are looking at simplifying from the four declarations down to three. Valerie nominated Sue to help.

**IV. ANIMAL CONTROL COMMISSION DISCUSSION**

Nothing to discuss.

**V. PUBLIC COMMENT**

No public comment.

**VI. ADJOURNMENT**

Sita moved to adjourn.

Chris seconded. Roll call vote: Sue – “yes,” Sita – “yes,” Chris – “yes,” Laura – “yes.”

The meeting adjourned at 7:15pm.