

Animal Control Commission

February 13, 2023 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 – not present
Valerie Pena – present in person
Nancy Riggert - present in person
Laura Soto – present via zoom

GUESTS

Meranda Lovell
Sandy Tibbett

STAFF

Lisa Ritchel – present in person
Virgil Sauder – present via zoom
Aleksandrina Pratt – present via zoom
Kat Ennis – present in person

Virgil introduced Aleksandrina, representative from City Legal. He added that she goes by Alex.

I. APPROVAL OF MINUTES

Sita noted one correction in the **November 13, 2022**, minutes in the first sentence of the **Ordinance updates**. “Sue and Virgil have *meet*,” should read, “Sue and Virgil have *met*.” Sita thanked Lisa for her wonderful notes.

Sue moved to approve the **November 13, 2022**, with the above correction.

Nancy seconded. Roll Call Vote: Sue – “Yes,” Sita – “Yes,” Nancy – “Yes,” and Laura – “Yes.”
Motion passes. 4-0-0.

II. NEW BUSINESS

i. Appeal of Neuter Requirement – Dozer/Tibbett

Adam Tibbett was not present at the meeting. He was arrested in the shelter parking lot before the meeting on an outstanding warrant. His acquaintance Meranda Lovell came to the meeting stating that she was here to get Adam’s dog for him. His mother Sandy Tibbett also came in and stated that the cops just slammed him to the ground. Meranda asked if they could do that to someone. Sita explained that the Animal Control Commission could only hear the appeal at this meeting.

Officer Ennis explained that Dozer was first brought to the animal shelter by a member of the public when he was around six months old, unneutered. The second time, Officer Ennis picked up Dozer from a member of the public who had found him by the golf course behind the north side Kroger, and brought him to the animal shelter. This was his second time at large within one year. Officers explained to Adam Tibbett, the owner of Dozer, that he could appeal the mandatory neuter, as Mr. Tibbett did not want Dozer neutered. During the waiting period before the ACC meeting, the owner came in and removed the dog without permission. Since then, Officer Steury picked up Dozer when it was reported that he was sitting out in a parking lot shivering in the cold, and brought him to the shelter. Officers confirmed that it was Dozer and it was his third time at large within a year. Officer Ennis explained that Dozer is still at

the animal shelter and reported that Mr. Tibbett still does not want him neutered. She added that during the third incident there was a question of ownership, but Mr. Tibbett has since claimed ownership.

Meranda Lovell explained that during the third incident, Dozer was at her house. She explained that Mr. Tibbett was around, but that they were watching Dozer for him. She let Dozer go out to use the bathroom, but he disappeared. She and her son searched the neighborhood, but learned that the mailman had called animal control. She stated that she came to the shelter to get the dog, but that went poorly. Sue asked if she let him out into a fenced-in yard. Ms. Lovell answered that she has let him out numerous times and he usually stays close by. She guesses that he must have chased after something. Sita asked why Mr. Tibbett does not want to neuter his dog and Meranda answered that he wants to breed Dozer.

Adam's mother Sandy Tibbett also acknowledged that Adam does not want to get Dozer neutered, but shared that he has said that he would get him microchipped and neutered on his own. She emphasized that this dog is everything to Adam. She explained that he lost his fiancé and a friend gave him Dozer and they have been together twenty-four hours a day. She added that her dogs and cats are all altered, but this is Adam's dog. She is very concerned and stated that he will go off the deep end if he loses his dog. Nancy inquired about specifics on Dozer and Ms. Tibbett answered that Dozer was around six months old when Adam got him and he has had Dozer for almost two years. She shared that Dozer is very sweet.

Sita began by explaining that the Commission is not trying to take away Mr. Tibbett's dog. From her perspective she advocates neutering because it will be beneficial to his health, help eliminate the need to run, and if he does get loose it will prevent him from impregnating another dog. Sita feels that neutering is the right thing to do especially since Dozer has been to the shelter a few times and it is within City ordinance. Nancy agreed and added that it is also beneficial for other dogs and for public safety. It can be very dangerous if an intact male dog gets loose and goes after a female dog in heat. It could bolt across traffic and put people in danger. Mr. Tibbett has not proven that he can keep Dozer secure and Nancy feels that in order to maintain ownership Dozer needs to be neutered. Sue summarized that they have a habitual offender and there have been three instances within a year. She cautioned that their judgement could be more stringent. She also advocates neutering and microchipping but would also like to discuss how to maintain the dog afterwards, since there is no fence and at times no supervision. Meranda interjected and stated that Dozer will not be at her home going forward. Sita explained to those present that there is an ordinance that no dogs can be off leash when they are off property. Sita cautioned that if Dozer continues to get loose, the consequences could be more severe and could eventually affect Mr. Tibbett's ownership of Dozer. Dr. Soto expressed agreement with everything aforementioned and supports proceeding with the neuter. Sue asked Virgil about financial obligations. He answered that there are fees for boarding, at large and neuter. He explained that the shelter will work with Mr. Tibbett or his representative to set up a payment plan.

Nancy moved that Dozer be neutered and microchipped and there is payment or a payment plan in place before Mr. Tibbett is able to claim Dozer. Once those criteria are met he is able to take ownership back of Dozer at that time.

Sue seconded. Roll Call Vote: Sue – “Yes,” Sita – “Yes,” Nancy – “Yes,” and Laura – “Yes.”

Motion passes 4-0-0.

Sue explained that the shelter will inform Mr. Tibbett of the judgement. Ms. Tibbett asked that they contact her because Adam does not have a phone. Virgil confirmed that the shelter does have all the various contacts and explained that Mr. Tibbett would need to give permission for another party to pick up Dozer. Virgil added that Mr. Tibbett will be getting a notice of his rights from City Legal.

ii. Title 7 Ordinance changes

1. Dangerous Dog and Habitual Offender Ordinance Updates

Virgil referred to the document he sent to the members with the updates. He explained that the group, consisting of Sue, Valerie and himself, focused on streamlining the ordinances to make them more accessible. The main purpose of the Dangerous Dog ordinance is to ensure public safety by monitoring dogs that have shown to be dangerous to human safety or have the potential to be dangerous to human safety. The former levels of Potentially Dangerous I, II, III and Vicious were simplified down to Potentially Dangerous, Dangerous and Vicious. The group determined these by using the level of each individual bite in reference to Ian Dunbar's bite scale, rather than the number of bites. The Habitual Offender declaration could then be used for dogs who continue to bite because it is likely a human control issue and not necessary a dangerous dog issue. Virgil then asked the members for feedback on the proposed language.

Sita asked who determines *obnoxious or aggressive behavior*. Virgil answered that it would be determined first by the Animal Control Office and second by the Animal Control Commission. Virgil then expounded on the six levels of bites in Ian Dunbar's scale. Sita asked if in level six, the word *deceased* could be used instead of *dead*. Virgil explained that is Ian Dunbar's language and it will not be in the ordinance.

Nancy asked for clarification on whether or not invisible fences are permitted noting that the wording was crossed out. Virgil answered that the language could be left in, but explained that the first clause which notes that the enclosure must be approved by the animal control department, makes the second clause redundant. Nancy asked Officer Ennis for her preference. She answered that some people will need it to be pointed out to them exactly, but Officers can always refer to standard policy. Sue offered that an invisible fence is not a secure enclosure. The members agreed that invisible fences do not always work and okayed the language as presented.

Sita then inquired about the responsible pet ownership course. Valerie explained that they hope to work with the Monroe County Humane Association to create this course. Sue added that trainer Leslie Hudson is back on the Board for the MCHA and she will be creating something similar and the hope is to benefit from that. Virgil added that the shelter will also be involved as a component of the course will be to discuss basic veterinary care per the ordinance. Sita asked if this will be available online as it could be beneficial for many especially adopters. Valerie noted that an online course could be appropriate for an adopter, but if it is for someone with a violation, an in person course should be required.

Sita asked Officer Ennis if the updates are helpful. She answered in the affirmative explaining that it will make it easier to get ahead of problems before they progress. Sita asked if there was anything she would change and Officer Ennis explained that they had the opportunity to give their input prior to the meeting. Nancy expressed appreciation for Officer's Ennis' input. Sita congratulated the group for doing a great job. She feels that it is more streamlined and easier to understand. Valerie explained that they presented this to County last Monday and there was a similar response. She added that Ken will be making a new

flow chart with the updates. Nancy asked Valerie to pass along her thanks to him and thanked everyone who worked on the updates.

Valerie moved to approve the language as presented.

Sita seconded.

Roll Call Vote: Sue – “Yes,” Sita – “Yes,” Valerie – “Yes,” Nancy – “Yes,” and Laura – “Yes.”

Motion passes 5-0-0.

2. Wildlife feeding ban

Virgil referred to a discussion from last spring when the Commission reviewed the Deer Task Force information and the wildlife documentation and reminded them of the plan to include a deer feeding ban in the next update. This language was developed by the Deer Task Force in 2012 and is still fairly sound per Virgil.

Sita suggested putting an information sheet in with the water bill to help educate the public to not feed wildlife. Virgil stated that they started with social media and later updated the website with this information. He noted that Sita’s suggestion would be a good next step.

3. Fee Changes

Virgil explained that fees were last revised two or three years ago, but when presented to the Mayor, he decided not to act at that time. Virgil now recommends increasing fees as costs have sky-rocketed. Virgil asked the Commission to consider using a “not to exceed” amount for adoptions. The fees for adoptions were originally based on the cost of vaccinations, spay/neuter, microchips and bloodwork when developed years ago. These costs are now much higher. Valerie added that the fee would not exceed \$120. The shelter would then have the discretion to choose the fees as long as they do not exceed that amount. Sita asked for clarification. Virgil answered that there will be adoption fees under that amount, but if there is a huge increase in expense, there would be flexibility to increase them. Nancy asked about the pets that have been at the shelter the longest. Virgil answered that long termers are targeted for sponsorship and specials. Valerie asked about the impounded fees and asked if the \$20 starts on the sixth day. Virgil answered in the affirmative. He explained that he did not change the impound fees, but feels that they may want to increase boarding fees because it costs much more than \$10 a day to house an animal. The caution is that the majority of people affected by this are not financially able to handle an increase and as a result, fewer strays may be redeemed. Sita asked what the shortfall is for boarding and Virgil answered that \$20 is closer to the actual cost. Valerie was surprised that vaccinations only cost the shelter \$7. Virgil stated that it is closer to \$12 using cost of product, not staffing costs. Sita asked for clarification on the fee for monitoring a Dangerous Dog. Virgil explained that currently there is a fee to monitor PDIII and Vicious dogs to make sure they have the proper fencing, signs and they are being safely housed. The members agreed to support the “not to exceed” adoption fee and to continue to ponder the updates.

III. REPORTS

i. Animal Care and Control Report

Virgil referred to the statistics and reported that intake is increasing but the shelter has not returned to pre-Covid levels. His biggest concern is that the redemption rates are decreasing slightly. This could either be due to fewer matches made in house or more likely that the strays are truly unwanted animals.

He shared that there are programs in place including a volunteer position to assist with the lost and found program. The live release rate and adoption programs continue to do well.

ii. MCHA Update

Sue reported that there are three positions currently available: Executive Director, Development Director and Bookkeeper. Tails on the Town is the next big event and will take place on April 15, 2023, at the Convention Center. Tables seat six and are \$500 if purchased by March 6 and are \$600 if purchased after. They are currently collecting items for the silent auction. Sue recommended contacting Kimberly Goy at kgoy@monroehumane.org with any items to donate. The Board hired Kimberly as a consultant at the request of the Development Committee as Tails on the Town was her big event in the past. Sue concluded by reporting that there are four new Board members and they are doing extremely well.

iii. AMC Update

Valerie reported that the meeting was short and they reviewed the ordinance updates with similar responses. There were three dogs that killed chickens, which prompted a larger discussion. The meeting was civil and ended well.

IV. ANIMAL CONTROL COMMISSION DISCUSSION

Sita asked if any follow-up was needed since the pet store ban has gone into effect. Valerie explained that the only fallout was from Delilah's with nothing from Anthony's. Virgil explained that they do permit facilities that sell rabbits and pocket pets and they are making sure they do not sell cats or dogs. He reported that Delilah's has stopped and is transitioning to a boarding facility while continuing sales of items. Anthony's door are shuttered but he does appear to be selling online. He is a County resident so the AMOs would follow up with him.

V. PUBLIC COMMENT

No public comment.

VI. ADJOURNMENT

Sita moved to adjourn the meeting.

Sue seconded.

Roll Call Vote: Sue – “Yes,” Sita – “Yes,” Valerie – “Yes,” Nancy – “Yes,” and Laura – “Yes.”

Motion passes 5-0-0.

The meeting adjourned at 6:40pm.