

ANIMAL CONTROL COMMISSION  
MEETING MINUTES  
April 8, 2019

<u>MEMBERS</u>	<u>STAFF</u>	<u>PUBLIC</u>
Sarah Nickel	Vicki Minder	Jo Ann Vogt
Valerie Pena	Jacqueline Moore	Hana Cleveland
Tom Rea	Jim Pritchard	
Nancy Riggert	Lisa Ritchel	
James Schultz	Virgil Sauder	

**APPROVAL OF MINUTES**

Nancy moved to approve the March 11, 2019 minutes as written. James seconded. Motion passes 5-0-0.

**NEW BUSINESS**

i. Appeal - Cleveland

Officer Minder explained that Moose, a cat owned by Hana Cleveland, has allegedly been at large, visiting Jo Ann Vogt's home and agitating her cats which has caused them to violently fight. Officer Minder explained that she has never seen Moose during the many patrols she has made of the Bryan Park area. Ms. Vogt had sent out an email to her Bryan Park neighbors to see if anyone recognized the cat. Ms. Cleveland responded with a picture to see if it was her cat. Ms. Vogt said yes. Initially the two cat owners were in communication about the issue, but later, Ms. Cleveland insisted on having proof that it was indeed her cat. Officer Minder advised Ms. Vogt to file an affidavit. Ms. Cleveland was cited for public nuisance.

Hana Cleveland explained that she received the email from her neighborhood association in December. Since the issue was on Grant Street, she responded with a photo of her cat. She then engaged in email conversations with Ms. Vogt and now feels like she may have been overly sympathetic without having any real proof that it was indeed her cat causing the issue. She has seen multiple cats running around in the streets and several come to her property. The cat causing the issue, which has only been seen a couple of times, was described as brown and black. Ms. Cleveland describes her cat as grey and beige. Her cat is an indoor/outdoor cat that goes outside for exercise during the evening hours and overnight. Any time she calls her cat in, it is either under her deck or on her property. In conclusion, she feels that there is no real evidence that it is her cat causing the problem. She added that she will be moving in June.

Jo Ann Vogt explained that a cat has found her two windows where he can look inside her house, stare at her cats, stalk them and cause trouble. She has seen this cat looking in her windows. She doesn't have a picture of it because she doesn't have time to stop and take a photo when she is busy trying to keep her cats from killing each other. Her cats have had three murderous fights all happening around 7am. She had never before heard of redirected aggression, but now lives with her blinds down, is nervous in her own home, and had to rehome her cat, Moxie. The first fight between her three cats happened on December 30. She was able to separate them so no one was

hurt, but her cat Danny was soaking wet with saliva afterwards. She worked with her three boys for three months to get them back together, but on March 23, Moxie went ballistic again. Prior to these fights all the cats got along fine. Moxie lived with her old cat for four years with no trouble. He lived with the two brothers which she still has for three years with no trouble. The minute the cat showed up everything changed, her cats fought and fought every time it returned. She believes Moose is the cat because she recognized the light highlights around his eyes in Ms. Cleveland's photo.

The Commission discussed the appeal. After looking at the photo, Sarah stated that it looks like a typical tabby cat which is very common. Ms. Cleveland also provided photos of Moose on her phone. Nancy remarked that Moose's coloring looks different depending on the lighting. Sarah recommended to Ms. Cleveland to attach a bell on Moose's collar so that he can be identified. She also recommended to Ms. Vogt to get motion detector sprayers and spray lemon juice all over her property to repel cats. Valerie recommended exchanging phone numbers and staying in touch. Ms. Vogt stated that she is afraid to open her blinds and is okay to wait until June when Ms. Cleveland moves.

James moved to dismiss ticket because there is not enough evidence. Nancy seconded. Motion passes 4-0-1 with Valerie abstaining.

ii. Habitual Offender request - Flynn  
Douglas Flynn was not present.

Virgil explained that all of the officers at the shelter have dealt with Mr. Flynn and his dog, Chance, who is chronically at large. Initially Mr. Flynn claimed non residence and stated that he was visiting family. Last year, animal control was going to bring Mr. Flynn to the Commission, but he claimed that he was moving. Then in early spring, he resurfaced and Officer Pritchard started investigating the issue. Chance is microchipped, neutered and has a current rabies vaccination.

Officer Pritchard explained that on February 12, 2019 a complainant was holding two friendly, stray pit bulls at the corner of Howe and Ronson. He brought both dogs to the shelter and identified one as Chance, owned by Douglas Flynn. This was at least the third time that Chance was at large in the past 24 months. Officer Pritchard then spoke with Mr. Flynn and explained the habitual offender declaration. Mr. Flynn was cooperative and seemed to understand. Officer Pritchard delivered a letter to him about tonight's meeting. Due to Chance being at large at least three times in the past 24 months, he is requesting that Mr. Flynn be declared a habitual offender. Mr. Flynn has since moved to a trailer on Oolitic Drive and seems to be doing better keeping Chance restrained. There have been no further incidents since February. Vicki interjected that a dog matching Chance's description was seen at large near the Crestmont Community Center after yesterday's MCHA vaccine clinic.

The commission discussed the possible declaration. Nancy stated that Chance could be a hazard to drivers and could cause an accident. Vicki stated that Mr. Flynn has already been given

several chances. Jacqueline added that the three incidents occurred on the following dates: February 9, 2018; April 9, 2018; and February 12, 2019.

James moved to declare Mr. Flynn a habitual offender with the warning that if Chance gets out again within a year, the Commission has the ability to take the dog away from him and enact any of the four actions of the declaration. Tom seconded.

Motion passes. 5-0-0.

## **REPORTS**

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

Virgil sent out the statistics to the Commission and explained that numbers are about the same as last year. Offsite adoption events have started and the latest one was at the Restore. Spring is here as several litters of kittens have come in over the last week. Be Kind to Animals Week is coming up in May and the shelter is hosting an art, poetry and writing contest for school aged kids. There will be an art gallery evening for the contestants at the shelter.

### **ii. MCHA Update**

Sarah reported that Tails on the Town is coming up and tickets have to be purchased by Friday.

### **iii. AMC Update**

Valerie reported that there were several typical cases at last week's meeting. There was a habitual offender case and afterwards, the Commission discussed and felt that the declaration doesn't have a lot of "teeth." This issue needs to be researched and addressed. Virgil stated that he has done research on habitual offenders and they are often tied to dangerous dog declarations.

## **ANIMAL CONTROL COMMISSION DISCUSSION**

### **i. Potentially Dangerous changes**

Valerie recommended waiting until next month to address this topic due to time. Virgil explained that he sent the wording to the Commission and asks that they consider the following:

1. In Potentially Dangerous I, do we want do the microchip early?
2. In Potentially Dangerous II it doesn't have to be an unprovoked instance, so do we want to do a provoked instance of death higher than a dangerous dog?

James asked if something specific happened to warrant these changes. Virgil answered that there have been two instances where a pair of dogs have gotten loose and killed another dog. There is also a member of the public that feels strongly about the topic.

### **ii. Pet Store Ordinance**

James explained that he made a draft of the changes and asked if everyone had a chance to review them. Some did, some did not. He stated that there was an issue that he addressed in 7.16.040 Standards for Commercial Animal Establishments. Virgil and James agreed to meet and work on the wording. They will update the ordinance and provide options at the next meeting.

## **PUBLIC COMMENT**

Valerie told the Commission about an experience she had in Indianapolis with a stray dog. She then described a program she learned about called Fences for Fido. It is a non-profit organization that builds donor-funded fences free of charge for families who keep their dogs on chains, tethers and in small enclosures. Virgil commented that this is one of his favorite organizations.

Meeting adjourned at 7:30pm.