



BURTON, MICHIGAN
BURTON LEGISLATIVE COMMITTEE MEETING
JULY 22, 2014
MINUTES

Council Chambers
Special Meeting
6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairwoman Ellen Ellenburg at 6:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis O'Keefe	Councilman	Present	
Steve Heffner	Councilman	Present	
Ellen Ellenburg	Chairwoman	Present	

B. STAFF PRESENT

Teresa Karsney, City Clerk

C. AUDIENCE PARTICIPATION

Vicious Dog Discussion

Linda Hartman of Burton came before Council about a Pitbull that has attacked 4 people that she knows of. The City needs something in place because it goes back and forth that it's the City of Burton's problem to Animal Control. The Ordinance we have doesn't solve anything for the owner to just pay a ticket if a dog bites someone or something.

Judy Estes of Burton has a Pitbull in her back yard that came under her fence and attacked her Black Lab. She has offered to help put up a fence with that neighbor but to no avail. This dog is vicious and something needs to be done about it because the owners aren't doing anything.

Alissa Neilson of Burton said she came before the board 3 years ago expressing that dogs are not the problem, owners are. She was previously attacked by a vicious dog. She hopes the board does not put an ordinance in place that is breed specific.

Feral Cat Discussion

Chris Johns of Burton thanked the board for considering this matter and asked that they rely on local leaders who are experts in feline population containment. He would like Burton to be a leader in the humane treatment of animals in Genesee County.

Bill Heatley of Davison is very involved with animal advocacy within the County. He goes out many days and picks up Pitbulls. Right now there is a group of people working hard to get All About Animals in to the City of Flint. They have free spay/neuter clinics because they get sponsored. He said if All About Animals sees the need they will establish a clinic here. The volunteer base for animals in this County is huge. People want to make a difference and want things to change. He has been dealing with Stepheni Lazar, the Animal Control Director and her judgement with animal situations is very poor. When you have her making a decision to euthanize a cat or dog please take things into account. There are a few colonies in Burton right now. One is behind Wendy's on Belsay Rd. The number of cats there has been diminished down to about 5 from over 20.

Sharon Swanson of Burton said she has taken in animals, fed them and had them fixed all of her life. She has several animals she is responsible for and she can't do this anymore. It would be nice if Burton could provide even a list of organizations that might help people like her who want these animals taken care of. She knows many people don't like animals but to her, they are alive and they are precious.

Pam Houston of Mt. Morris said people don't realize these cats keep down the rodent population. Even Disneyland has a TNR program to control the rodent population.

Jerry Kutcher of Burton has a really bad cat problem of about 15 cats in his neighborhood. They have ruined his property and sprayed his house. He attended this meeting to see what he can do to help this situation. He has called Animal Control and they said they would not come pick up these cats.

Holly Miller of Burton has been getting educated on the TNR program. Her idea of this program is to sterilize the cat and turn it back out. It is left homeless, fending for food and hunting in the wild. A cat should be treated like a dog. It should be with a loving family. When did a stray cat become part of our society of wild animals? She is not totally for this program. People feeding animals are compounding the problem. If you don't have food around your property you probably won't have rodents. How about an ordinance pertaining to cat owners having to be responsible for their animal?

John Stapish of Burton has rental properties in the south end of Burton and there are cats living a house over there. He doesn't like it.

D. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

1. Discussion on Animal Ordinance regarding Vicious Dogs and Feral Cats with possible recommendations to the City Council.

Vicious Dog Discussion

Mrs. Ellenburg said she received ordinances from many other communities regarding dogs. She said the City of Flint one seems to fit our needs.

Attorney Austin referenced the dog who has attacked others. The dog is at Animal Control and will be kept there pending the appeal to Judge Neithercut at Circuit Court. He is not involved in those proceedings and unless someone calls him in, he will not be involved in the appeal. Many of the ordinances they were provided did not have vicious dog provisions. What they do have is not breed specific and he urged them not to go down that path again. Some provisions were to be on a leash, muzzled, properly secured, confined outside, putting up a sign, insurance, etc. He said if any vicious dog ordinance is adopted it needs to be very specific otherwise there is no purpose in adopting an ordinance. Almost all of these dog cases the dog is running at large.

Mr. Heffner asked if a dog bites someone who is trespassing in that yard or home would they be deemed a vicious dog.

Mr. Austin referred to the City of Flint ordinance where it says a definition of what a vicious dog shall not include.

Mr. O'Keefe said we need something putting liability on the owner. He said Animal Control rarely shows up and if they do come there is 1 person and he has been told a tranquilizer gun cannot be used unless there is 2 people. He feels there need to be

another provision for the police officers, who can deem what is necessary to take place.

Mrs. Ellenburg went over some fees that owners of vicious dogs could incur if the dog bites. She wondered what has happened to these dogs to make them vicious. Sometimes dogs become what their owners teach them.

Mr. O'Keefe feels there should be misdemeanor charges to go along with fees.

Mr. Austin said an ordinance would need to be consistent with our criminal code provisions. This would be punishable by a fine of up to \$500 or jail time of up to 90 days or both. That's the kind of ordinance he would draft for Burton. We can add that the police officers can take whatever action necessary.

Mrs. Ellenburg would like it expanded to our Fire Department staff, Public Safety, DPW staff so they can protect themselves.

Mr. Heffner would like it limited to the Police Officers.

Mrs. Ellenburg said if a City of Burton employee gets hurt by a dog then the City has to pay out Workman's Compensation.

Mr. Austin feels Mr. Worthing or firefighters would contact the police if they came across a vicious dog. He said Stepheni Lazar of Animal Control will be looking for certain provisions in the ordinance so the dog can be picked up and kept at Animal Control as a quarantine situation.

Feral Cat Discussion

Mrs. Ellenburg said there isn't anybody who has an ordinance for feral cats. She has been researching this and there are a lot of grants out there but there are no municipalities that front the money for it because that is taxpayer dollars. She asked Tammy Beal to speak on this.

Tammy Beal of Grand Blanc has been doing Trap Neuter Return for about 3 years. There is an estimation of about 70 million feral cats in the U.S. The cats belong to no one. And one cat can produce 3 litters in 1 year. She explained that TNR is when a colony of cats is humanely trapped, sterilized and vaccinated. The kittens are adopted into homes if possible. Adult feral cats are ear tipped for identification and returned to their outdoor homes and the numbers gradually go down over time. Trap Neuter Remove require continuous trapping and killing is an unending budget expense. This is normally not supported by the community. You can make a difference and save lives by doing TNR. It is not about rescuing cats but about population control or getting cats great homes but about lowering stray intake and lowering euthanasia rates, which reduces rates for animal control. In her experience the neighbors become relieved to know that something is being done to stabilize the cats population.

Mrs. Ellenburg said the residents need to understand that if you care enough to feed the cat then you should care enough to get it sterilized.

Mr. Austin doesn't see a place for a new City Ordinance. It probably wouldn't be productive.

Mr. O'Keefe said maybe the people that represent groups here can help us. Maybe Mrs. Ellenburg can get with these people and we can list on our website who

residents can call for assistance. We are a City that pays to a County for Animal Control and he would be interested to know what their stance is on this.

Mrs. Ellenburg said maybe we can work together and maybe everyone can help their own neighborhood.

Mr. Austin said recently the City of Burton arrested a man who was soliciting money on a public roadway. They arrested him based upon our Disorderly Person Ordinance, which outlaws this behavior. Lieutenant. Odette had him released based upon what the Supreme Court currently spoke upon with this issue. Our Ordinance is out of date, doesn't comply with recent Supreme Court Opinions and must be revised. Ms. Doyle has drafted 2 new proposed ordinances for this purpose for your consideration. We either outlaw all street solicitation's panhandler's, which would include the Burton Firemen, Old Newsboy's and Boy Scouts or we do not outlaw it.

2. To direct Attorney Austin to write an ordinance pertaining to vicious dogs to be reviewed on August 18th at 6:00 p.m. and if approved to be on the City Council agenda that same night.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steve Heffner, Councilman
AYES:	O'Keefe, Heffner, Ellenburg