

Dangerous Dog Hearing Minutes October 2, 2012

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Animal Control Board of the City of Bedford met at 6:45 p.m. in the CID meeting room of the Bedford Police Department, 2121 L. Don Dodson Drive, on the 2nd day of October, 2012, with the following members present:

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| Dr. Jason Risley Dr. Kim Simpson Connie Ziegler-Stout | Board Members |
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constituting a quorum. Also present:

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| Cathy Cunningham Matt Butler Mark Bellinghausen Rodney Yanai Steve Paris Tracy Robertson Ken Horn Daniel Murphy Cynthia Coomer Amy Mills Clyde Sebastian Diane Sebastian Gerald Murphy Jessie Jones | Attorney for the City of Bedford Attorney for the City of Bedford Animal Control Supervisor Animal Control Officers Animal Control Officer II Owner of dogs 1105 King Dr Owner of dog 1109 King Dr Owners of property at 1109 King Citizens |
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Officer Rodney Yanai reported that he was called out to 1109 King Drive in response to a dog on dog attack in the evening. When he arrived at the property, the animal victim had already been taken to the veterinarian. He advised that he spoke with a police officer that had been on the scene before him, took a report of the incident and he spoke with one of the residents of 1109 King Dr. Officer Yanai advised he had observed all dogs at 1105 and 1109 King Dr. previously on other calls, but not on this date. Officer Yanai advised that when he spoke with Mr. Murphy, Mr. Murphy advised that the dogs went over the fence and attacked the dog. Officer Yanai stated that he issued a citation for no rabies vaccination and dogs at large.

Animal Control Supervisor Mark Bellinghausen stated that he and Officer Steve Paris went out to the address on 9/12/12 and met with Mr. Daniel Murphy. They observed the dogs and the changes made to the fence, as well as Mr. Murphy signed a home confinement agreement to be in place until the hearing.

Ms. Amy Mills stated that on the day in question, her neighbors from 1201 King Dr knocked on her door and told her that two dogs from the other side had one of her dogs down in the backyard. She stated that she went outside and two pit bulls had her dog on the ground. She stated that Mr. Murphy was standing outside of the fence in between the two houses and Ms. Coomer was standing in the backyard of 1105 King Dr and were not speaking. Ms. Mills picked

up a big stick and started screaming and the dogs ran away from the dog on the ground. She stated that Mr. Murphy and Ms. Coomer then started yelling for Ally and Sheeba to come home. Ms. Mills stated that her dog was bleeding profusely and she removed one of her shirts to cover the wound and her son came out to hold the wound until they could get her dog into the back of her truck to get the dog to a vet. Ms. Mills stated that the dogs had been in her yard before without incident. She stated that there is record of the dogs attacking other neighbor dogs and their own dogs. When they arrived at the vet, they did not believe that it was too bad, however, they came back and stated that the fur and chest lining had been ripped away from the dog and there was extensive muscle damage and even with drainage and daily vet visits for care most likely the skin will become necrotic and her whole chest plate would fall off. Ms. Mills stated the vet told her the best thing that they could do was euthanize so she agreed. Ms. Mills agrees that the dogs at most times do not show aggression towards people and they had not shown aggression to her dog in the past. She states that on this date the dogs snapped and attacked for no reason in her own back yard. She states she does not want the dogs put down; she would like them removed from the city limits where everyone is safe. Ms. Mills states that she has a small child and an older child and they do not feel safe going in the back yard.

Board member Connie Zeigler Stout requested a statement from the veterinarian.

Board Member Dr. Jason Risley explained that the wounds described here would take excessive treatment and it could be weeks to a couple months until the dog would not require vet care and the damage could be long term. The total cost could be anywhere from \$2000 to \$5000. Dr. Kim Simpson was in agreement stating that the therapy is very painful and may not be successful due to infection and in this situation would not give a great prognosis to full recovery.

At this time a video and pictures were shown of the dogs.

Mr. Murphy stated that Sheeba has been sold and is no longer in the city of Bedford and Abby is currently residing at 1105 King Dr.

Cynthia Coomer stated that the dogs were allowed to be in the backyard off chain per Supervisor Mark Bellinghausen because they were having problems having a bowel movement.

Daniel Murphy stated that on the day that the incident happened, he left the house to run errands and when he returned he heard the dogs barking and went between the two houses to look into the yards. He stated that he did not see the dogs attacking the other dog. He stated that he and Ms. Coomer called the dogs and they jumped back over the fence. Mr. Murphy stated that he took photographs of his dogs immediately after the incident. He stated that Abby's back was "torn up". He stated that he knows that his dogs should not have been in the neighbor's back yard and he has been taking steps to improve the fence that he has now. He also stated that the dogs have not been in the neighbor's yard since the incident happened. Mr. Murphy states that he has not had an aggression issue in the past. Mr. Murphy also has a dachshund, yorkie mix at the residence as well. On occasion this dog digs out and Mr. Murphy stated that they address the issue when he does and has repaired the fence in the past.

Cynthia Coomer stated that she is sorry for the loss of the dogs. She stated that they have made improvements to the fence in the time since the incident. Ms. Coomer stated that the dogs at 1109 King bark constantly and she does not call animal control. Ms. Coomer asked Supervisor Mark Bellinghausen how he felt about the animals on the day that he came to the house and spent about two hours with the dogs. Supervisor Bellinghausen stated that he did not see the animals display any human aggression, one dog was protective, but that was not a sign of aggression. He did state that he did not bring any dogs with him and there is a difference between canine and human aggression. He stated that he was out at that time to assess the fence and listed his concerns with the fence at that time.

Dr. Jason Risley stated that a chain link fence will not be sufficient, it must be a stockade fence at least seven foot with a concrete border or the dog cannot be there. Dr. Kim Simpson was in agreement with this. Dr. Risley also stated that in the past he has observed dogs climbing chain link fences. He stated that with the history of escaping, his opinion is the dog cannot stay at the home without the modifications made to the fence or the dog being on a leash when outside. He states that fact that the dog was involved with the incident, the dog would be a dangerous dog to other animals.

All members of the board agreed that the dog is to be deemed dangerous.

Mr. Murphy stated that he will be making an appeal.

Cathy Cunningham advised that the judgment has been made and the owners of the dog have ten days to appeal.

This concluded the Dangerous Dog Hearing portion of the meeting.

The minutes of the previous Animal Control Board meeting were read and approved. Dr. Jason Risley made a motion to accept the minutes as presented. Dr. Kim Simpson seconded the motion and the motion passed.

Supervisor Mark Bellinghausen stated that they should schedule the next Animal Control Board meeting to review and approve the minutes of this meeting. It was agreed to schedule the next Animal Control Board meeting on 10/09/12 at 6:00 PM.