

MINUTES OF THE ANIMAL CONTROL BOARD MEETING
HELD ON WEDNESDAY, SEPTEMBER 15, 2010
CITY HALL COMMISSION CHAMBER, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA

Having been duly advertised as required by law, the meeting of the City of New Smyrna Beach Animal Control Board, was held on Wednesday, September 15, 2010, in the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida.

Member Kelly called the meeting to order at 2:16 p.m. and the following members answered present to the roll call:

Janice J. Kelly
Robert Leonard, Jr.
Bernard S. Stillwell
William Clarence Thieman
Robert C. Voshell

Also present were: Assistant City Attorney Greg McDole; Police Neighborhood Resource Officer Chris Norman; and, City Clerk Johnny Bledsoe.

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Mr. McDole advised the board members of the first item of business was to elect a chairman.

Motion:

Member Stillwell nominated Member Robert Leonard as Chairman. Member Voshell seconded the nomination. The motion carried unanimously by voice vote.

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Chairman Leonard thanked the other board members for their confidence and opportunity to serve as chairman.

Chairman Leonard outlined the purpose of the meeting was to conduct a dangerous dog hearing as requested by Kaylee King, 11302 Limestone Court on August 27, 2010, in response to an initial dangerous dog determination made by Neighborhood Resource Officer Chris Norman, in response to an incident that occurred August 6, 2010, in the vicinity of 11204 Limestone Court, involving Ms. King's dog and the dog belonging to Melissa Gomes.

Mr. McDole briefly outlined the dangerous dog determine hearing process and procedure for the board members, specifically Chairman Leonard, as it was his first meeting as a member.

Neighborhood Resource Officer Chris Norman read the definition of a dangerous dog as outlined in *Florida Statutes*.

Ms. Gomes outlined the incident as she felt it occurred on August 6, 2010, which resulted in her suffering injuries and her dog suffering injuries.

Members of the board discussed and clarified certain facts regarding the incident, which included the facts that the dog belonging to Ms. Gomes was leached; Ms. Gomes was attacked by Ms. King's dog first; Ms. King owned two dogs; Ms. Gomes' dog did sustain injuries; and, Ms. Gomes had to obtain medical care after the incident.

Ms. King responded to Ms. Gomes' remarks, and agreed with how the incident was described, and verified her two dogs were seven months old.

Member Thieman questioned whether Ms. King's dog had ever been trained. Ms. King advised they had not received training, and felt the dogs' reaction was not normal. Member Stillwell questioned whether obedience training had been considered. Member Thieman suggested Ms. King obtain obedience training for the dog.

Chairman Leonard commented on whether there were steps taken to restrain the animals. Ms. Gomes did not recall whether efforts were made to restrain the dogs.

Member Voshell questioned where the dog was being quarantined. Officer Norman clarified the dog was being quarantined at Ms. Kings' mother's home.

Ms. King reported that both her dogs were female, never been neutered, and had never been outside together, at the same time. Richard Lutz, Ms. King's fiancé, commented on how he and Ms. King cared for the two dogs since their birth.

Officer Norman addressed the board and outlined the incident scene upon his arrival.

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Chairman Leonard felt the *Florida Statutes* were clear in its interpretation and process in determining whether a dog should be considered as dangerous. Chairman Leonard felt the incident happened so fast and felt the dog should be considered dangerous. Member Kelly commented on child safety and feared a similar incident, involving a child may occur. Member Stillwell commented on the animal's size.

Officer Norman restated the provisions of *Florida Statutes* regarding dangerous dogs, and urged the members to pay strict attention to the definition of a dangerous dog.

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Member Voshell advised that Ms. King was relocating her residence to Edgewater. Chairman Leonard and Officer Norman discussed the process upon determination whether or not a dog was determined as dangerous. Officer Norman commented on past accidental dog bite incidents. Ms. King felt the initial dangerous dog determination was made as a result of her dogs' breed.

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Motion:

Member Voshell moved that Ms. King's dog be classified a dangerous dog. Member Stillwell seconded the motion and the roll call was:

Member Kelly	yes
Chairman Leonard	yes
Member Stillwell	yes
Member Thieman	yes
Member Voshell	yes

The motion carried unanimously and Ms. King's dog was declared dangerous.

Chairman Leonard commented on the dangerous dog process and advised Ms. King of her right to appeal the decision of the board.

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Bob Bell, commented on available obedience training for dogs at the Southeast Volusia Humane Society, which was offered free of charge. Chairman Leonard felt the Southeast Volusia Humane Society had a wonderful program.

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With no further business to conduct. Chairman Leonard declared the meeting adjourned at 2/50 p.m.

The minutes of the Animal Control Board Meeting of September 15, 2010 were approved at the regular meeting on June 2, 2011.