



## ANIMAL CONTROL BOARD

### MINUTES

June 27, 2023

The City of Knoxville Animal Control Board considered the following permit applications and topics for discussion at their October 17, 2023 meeting at 2:30 pm in the Young-Williams Animal Center conference room, 3201 Division Street, Knoxville, Tennessee.

*This meeting and all communications between the Board members is subject to the provisions of the Tennessee Open Meetings Act, Tenn. Code. Ann. § 9-44-101, et seq.*

#### **CALL TO ORDER**

Chairman Janet Testerman called the meeting to order at 2:35pm.

#### **ROLL CALL**

Board members present were: Heidi Wyrosdick, Sarah Glass, Darlene Gwaltney, Dr. Lisa Chassy, Janet Testerman, Deputy Chief David Powell

Absent: Lisa Skinner

In Addition: Ashely Ramos (lead epidemiology nurse at the Knox. Co. Health Department mainly doing consultations on rabies or potential exposure to rabies), Doug Gordon (City of Knoxville Law department), Allison Jackson (lawyer with \_\_\_ representing Petland), Teresa Lucas (Protect the Harvest), Savannah (intern at Health Dept.)

#### **PERMITS REVIEWED**

- 1) #876 James Wilkerson, 6916 Old Kent Drive applied for a hen permit. Heidi Wyrosdick made a motion to approve the minutes, Sarah Glass seconded. Unanimous **APPROVAL.**
- 2) Bernadette West, 2620 Belvedere Ave. for a hen permit. Sent back for lack of information.
- 3) #872 Jesse Marchese, 2817 Greenway Dr. for pig permit. Dr. Lisa Chassy motioned to approve, Sarah Glass seconded. Unanimous **APPROVAL.**
- 4) #873 Exotic Pet Wonderland animal exhibition at Convention Center. Sarah Glass motioned to approve, Dr. Lisa Chassy seconded. Unanimous **APPROVAL**
- 5) Hen permit. Sent back for lack of information.
- 6) #878 Judy Murray Memorial ALS Rodeo for animal exhibition at Chilhowee Park and Expo. Darlene Gwaltney motioned to approve, Heidi Wyrosdick seconded. Unanimous **APPROVAL.**

Deputy Chief Powell asked for clarification on the process of approval when animal control officers see things missing and asked if they should not kick it back to the applicant. Dr. Chassy said they should have gone to the property. Deputy Chief Powell asked if the officers are the one who sign off on them. Chair Testerman said that often times a permittee will have a goat or pig before they realize they need a permit so the officer will make a site visit to see if the specs meet code, and then it comes to the board for approval. She said, however, all the information should be on the permit before they sign. Deputy Chief Powell noted it appears ACOs are not even looking at the documentation to confirm and now applicants will get mad because they're getting a phone call saying the board can't approve for lack of information. Dr. Chassy said they may see the applicant is compliant, but the board has got to have all the information before they can approve the permit. Deputy Chief Powell asked if they should know that as the protocol. Doug Gordon confirmed that that is correct.

- 7) #877 Smoky Mountain Cluster Dog Show at Chilhowee Park. Darlene Gwaltney motioned to approve, Dr. Lisa Chassy seconded. Unanimous **APPROVAL**.

## **TOPICS DISCUSSED**

Chair Testerman noted their next mandated meeting is July 20 at 1:30, but she will be out of town, so the board will need to determine who wants to preside. She confirmed the board can't meet virtually, and if there isn't a quorum of four, permits could be discussed and a future meeting established to review.

Chair Testerman shared that an ACO came to her about a resident who had permanent goats and are not zoned agricultural. However, they have two relatives who live within a block of each other, so they plan to rotate and apply for grazing permits every 90 days. Doug Gordon said that scenario was considered when the ordinance was drafted.

Chair Testerman asked if anyone had any questions on the Animal Control transition proposal. Doug Gordon drafted a summary of what all the changes would be to members of the administration, but he has not heard back from them so he can then send the summary on to Charles Swanson and Ron Mills in the City law department. Deputy Chief Powell said he did talk to Erin Gill and that she was planning to get it back but did not see any issues. The summary is specific to any ordinance amendments.

Chair Testerman said as it stands the proposal is moving forward, but she would love to hear any feedback from members of the board and/or questions.

Heidi Wyrosdick asked if it was ever figured out about the liability that Doug Gordon brought up. Doug clarified what it was. He said that it doesn't make sense for KPD to be taking animal permits any more and that they would be going directly to the shelter. Chair Testerman said that part of the proposal recommended expanding the board to include the county so it's county wide. Doug said however the board is structured, he sees it as an advisory board and an appeals board like the Board of Zoning Appeals or Board of Environmental Appeals. The Animal Control Board is the only board that handles entry level permits. Chair Testerman asked why ACB would be any different than Plans Review and the permits being submitted. Doug Gordon said it wouldn't. It would be the same, and YWAC would serve as Plans Review approval as long as the permits have met the criteria. He also said, most all the permits ACB receives are non-discretionary.

Chair Testerman said she'd rather the board pursue other responsibilities like retail standards and ideally get out of the permit business. She said we've discussed this issue and would like to hear any concerns any one has and then vote, which she would abstain from. Deputy Chief Powell told the board that KPD wants out of the Animal Control business. It used to be the Health Department on the county side. On the city side, it's not much change because the current officers are civilian officers, and there's not a nickel's difference whether KPD is doing the work or Young-Williams is. If an officer is requested, then a patrol officer would come and stand by their side as they do now.

Heidi Wyrosdick asked if a vote needed to happen today. Chair Testerman said if there are no other questions, that would be ideal. Heidi asked Doug if there were any other questions he had, and he said "no" that everything is pretty clear. Dr. Chassy asked what the motion would be, and Doug said it would be a motion to approve the dissolution of the KPD Animal Control Unit. The ordinance says that this board makes recommendations to the Animal Control Unit and about the Animal Control Unit, and what the training should be, what forms they should use, and per the ordinance, this board would make the recommendation that the current unit should be dissolved and the functions be taken over by the staff of Young-Williams Animal Center.

Heidi asked if the staff of Young-Williams would still be protected? Doug said he didn't know the answer to that. Chair Testerman said they would absolutely have liability protection and have those protocols in place. Doug said City Council would ask what the recommendation of this body would be.

Heidi made a motion to approve the dissolution of the KPD Animal Control Unit and transfer those responsibilities to Young-Williams Animal Center. Dr. Chassy seconded. Passed unanimously with one abstention (Testerman).

Deputy Chief Powell said this is something he has been working toward for two-three years. When Chief Noel came in, he couldn't believe KPD was overseeing Animal Control, and Powell said the transition would create a much better system and thanked the board.

Chair Testerman said they could discuss briefly but was not sure the board would be prepared to vote on Doug Gordon's amendments from the law department to the animal welfare ordinances that passed in February. There are recommendations/changes that the American Kennel Club brought. The AKC representative, Patty, could not attend, but Teresa Lucas from Protect the Harvest said AKC is asking for the world, and that her group is asking for what is highlighted in yellow, which are things that are legally a problem. The yellow is what Protect the Harvest proposed to other jurisdictions and covers things that Petland was concerned about. Doug said most of them are pretty reasonable. Protect the Harvest is virtually recommending removing the word commercial pet retail establishments.

Doug said he'd send a copy to Allison Jackson. His summary is:

We had that no retail establishments can sell animals 8 weeks old, but that doesn't make any sense when you're talking about fish and rabbits, so we're changing that to dogs and cats. We had pet retail establishment could not be found to violate a USDA code, but there are a lot of code sections so we added the words "and incident or condition that has a serious or severe impact to the welfare of an animal in the past two years that had not been resolved."

Sarah Glass said there is a lot of subjectivity in the USDA codes and is like the wild, wild West. Birds are also going to be under the USDA provision starting next year.

Doug said a few other changes were:

- Clarifying that inspections have to be during normal business hours.
- When regarding temperature parameters, he added excluding livestock.

Chair Testerman said now that we have better context on whose revisions are whose, we can better review. She asked if Teresa and Protect the Harvest was working with AKC on their changes and she said no, not on this.

One section debated by the board was the part where it said you couldn't inflict burns, cuts, lacerations on an animal but the recommendation was to exclude common veterinary procedures. The point was made that scoring is common practice but illegal in Tennessee. However, common practices include such things as tattoos and microchips. Dr. Chassy questioned Section 5 regarding the molestation of an animal, and Doug said Section 5 brings criminal code into civil ordinance, which could be problematic, so the recommendation was to strike that entire section.

Heidi said that she had written down regarding the change to commercial retail establishment to say, "includes all entities required by this ordinance to obtain a permit from this board." Teresa said Patty made mention of an issue we made need to research in Section 11 3,f stating the USDA requirements for the actual full run. Her example was if you have a 2' dog and the requirement would mandate a 9' doghouse, which doesn't make sense given you wouldn't be able to keep it warm during the winter.

Chair Testerman said for all of us to take these recommendations and review, and a meeting would be set in August since she won't be there in July, and that meeting will be relegated to permits only. She mentioned the animal retail standards, and Doug said with everything else, let's wait to pursue that further.

The meeting was adjourned at 3:29pm.