

January 2, 2018  
5:30 p.m.  
Public Hearing  
Ripley City Courtroom

- Proposed ordinance to amend Section R313.1 of the Ripley Municipal Residential Code relating to the placement of automatic sprinklers in townhouses

Mayor Pavletic presiding

Aldermen present: Alston, Chipman, Hankins and Davis

Aldermen absent: Beard and Treadway

Also present: Donna Buckner, Attorney Rachel Jackson, Chief Tracey Worlds, Chief Donnell Baltimore and Superintendent Johnny Ford

No negative comments received.

Meeting adjourned at 5:35 p.m.

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Donna Buckner, Recorder

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Jon Pavletic, Mayor

January 2, 2018  
6:00 p.m.  
Regular Monthly Meeting  
Ripley City Courtroom

Mayor Pavletic presiding

Aldermen present: Alston, Beard, Chipman, Davis, Hankins and Treadway

Aldermen absent: none

Also present: Donna Buckner, Attorney Jackson, Chief Tracey Worlds, Chief Donnell Baltimore, Superintendent Johnie Ford, and Director Randy Danley

Visitors: Ron Goforth, Sammy Grantland, Amanda Adkerson, Linda E. Love, Willie L. Pounds and Reverend Leon Baltimore

Phillip Jackson, Ripley resident, Bradford, Tennessee pastor opened meeting with prayer.

Mayor Pavletic led in the Pledge of Allegiance.

Correspondence: none

1. Motion by Alderwoman Alston and second by Alderman Hankins to approve December 4, 2017 minutes as printed and delivered in agenda package. All aye

2. Motion by Alderman Hankins and second by Alderman Chipman to approve December 2017 financial statement as printed and delivered in agenda package. All aye
3. Motion by Alderwoman Alston and second by Alderman Chipman to approve Ripley Downtown Development board's recommendation to re-appoint Gwen Blackman, Donna Buckner, Don Connell and Craig Fitzhugh for five (5) year term to Ripley Downtown Development Board. All aye
4. Motion by Alderman Hankins and second by Alderwoman Treadway to approve advertisement for off-premises beer permit for Fred's Stores of Tennessee, Inc. d.b.a. Fred's Store #2845, 288 S. Washington Street, Ripley, Tennessee 38063. All aye
5. Motion by Alderman Davis and second by Alderwoman Treadway to approve Certificate of Compliance for Michael A. Pike, Sr., Southside Beverage, 500 S. Washington Street, Ripley, Tennessee 38063. All aye
6. Motion by Alderman Chipman and second by Alderman Davis to approve 2<sup>nd</sup> reading ordinance to amend Section R313.1 of the Municipal Residential Code relating to the placement of automatic sprinklers in townhouses. All aye
7. Motion by Alderman Chipman and second by Alderman Beard to approve Animal Control Committee recommendation for changes to Title 10 of the Ripley Municipal Code for city attorney to draft.

Discussion:

Attorney Jackson stated by doing this the board is taking a lot of the teeth out of the existing ordinance. Which seems to be intentional. Revisions would eliminate the banning of ownership of certain breeds of dogs within the city limits. Non-breed specific. In doing so there won't be any finding that a dog is a vicious dog until after some type of aggression has happened. That doesn't necessarily mean a biting or an injury but it does mean a dog would have to show some form of aggression to be labeled vicious before subsequent action could be taken. Sections 6 and 7 involving permits and insurance are being removed. Some references to certain provisions to include "all" animals/pets means confining all animals/pets literally even outdoor animals/pets (outdoor cats).

Alderman Hankins stated that the intent of the committee wasn't necessarily trying to keep all pets confined but to keep owners that are out walking their dogs from allowing their dogs from urinating/defecating on someone's tree every single day.

Attorney Jackson stated what you're talking about is dogs but what the recommendation says is Chapter 2 dogs are okay but we recommend additions to include the same additions recommended in #3 above. Which includes "all" pets/animals. This is a serious departure from the ordinance we already have. The board should discuss this before she bills the city for the time she spends drafting a new ordinance only to realize it wasn't what the board really wanted. There's nothing unlawful about what's being recommended but she does want the board to be aware of the legal ramifications in terms of enforcement. In terms of enforcement there's going to be a good deal less enforcement as it relates to the breeds we've had difficulty with. We had two attacks back to back related to Pit Bull ownership. We are removing any indicia of there being problems with Pit Bull ownership. They are going to be considered as any other breed. As will Rottweilers and Dobermans.

Alderman Hankins stated that as soon as a dog attacks it's considered a vicious dog. Doesn't understand why that's such a hang up.

Attorney Jackson stated because the difficulty would be enforcement with a vicious dog. As a result of the first incident they are going to be declared a vicious dog but there won't be any citation until after their declared a vicious dog and then there's a violation. You don't have a vicious dog until after there is an incident.

Alderman Hankins stated he feels it's discriminatory to be so breed specific when any dog can be vicious. If you can word it to where it's fair to everybody because just because someone has a

Pit Bull doesn't mean it's vicious and just because someone has a mutt that looks friendly doesn't mean it's not vicious.

Attorney Jackson stated she doesn't necessarily disagree and it's not a question of lawfulness and unlawfulness. But the vicious dog provision arose from the response specifically to a death in the community. It was an unprovoked Pit Bull attack. Statistics in the last year showed what ordinances other cities and communities have. This ordinance arose specifically in response to that attack and fact there were so many in the Shelby County area. It was found that there were many people breeding Pit Bulls and other security type dogs and the lack of regulations in doing so resulted in a lot of attacks including attacks on children in the Shelby County area. Then we had two Pit Bull related attacks that resulted in injury to one human and one death to another domestic animal. So in response to looking to update this ordinance, again, you are taking the teeth out. However, it is in your discretion to do it.

Animal control officer Grantland stated that any dog can be vicious at any time. The dog that attacked him was a small mutt dog. German Shepherds are in the top ten of most dangerous dogs. It's not just the Pits, Dobermans and Rottweilers. At any given minute a dog can attack. He agrees with the committee in taking others breeds out. If a dog bites somebody you can cite owner into court. He would like the opportunity to determine if a dog is vicious and if so they would have to abide by the rules of a vicious dog.

Attorney Jackson stated there is no problem with that. Under our existing ordinance any dog can be vicious. But the enforcement as to a vicious dog after it's shown a known propensity, tendency or disposition to attack unprovoked (which means it's done it before) or because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm (very large difficult to control dogs) or any dog which without provocation attacks or bites or has attacked or bitten a human being or domestic animal. So again it would have to result in a bite or attack of some sort. The enforcement comes after a dog has been labeled vicious which means after the first incident, whether it's the showing of the propensity or an actual attack. If a dog just becomes aggressive, Mr. Grantland is not going to be able to do anything about that except label it as a vicious dog and do something the next time. That is true now with breeds other than those security type dogs that are labeled in the three (3) breeds of Pit Bull, Rottweiler, and Doberman because largely those were the three (3) dogs that have a history of being used as security. What he (Grantland) is describing is true already of any breed. By mere breed alone those types of security dogs are considered vicious. Their owners can be taken to court for failure to abide by the ordinance.

Alderman Hankins stated that so as of today if a dog within those three (3) breeds attacks and kills someone or a domestic animal we can't do anything about that because it's its first incident. (you get one free incident). Is that what you're are telling me

Attorney Jackson stated that makes a dog a vicious dog. Not saying that things can't be done in a civil suit. That Mr. Sammy couldn't go to General Sessions and file some sort of action for running at large under the state statue which is more restrictive, but under our ordinance the vicious dog provision is designed to require certain kinds of confinement, permit and insurance for vicious dogs. Until those things have happened then those provision aren't going to kick in. The requirement won't have to be followed in terms of the confinement restrictions, the permit and the insurance until something happens to label them a vicious dog.

Alderman Hankins stated that so at the end of the day those three (3) breeds we specifically mentioned in ordinance we are currently using already had that one strike against them just for being the breed that they are.

Attorney Jackson stated that's correct based on the history of attacks.

Alderman Davis stated the intent of the committee was obviously to protect our citizens and other domestic animals which is why the committee labeled all dogs vicious. From what you (Jackson) is telling the board as he understands it by leaving in the Rottweiler, Pit and Doberman they already (as stated) have the one strike and can continue to have to be certified or licensed.

Attorney Jackson stated they have to meet those confinement requirements. At a previous board meeting we had a young lady that owned a Doberman who she says was very docile Doberman

and the neighbors knew and loved the dog. The dog had no history of anything having happened but that dog, by mere breed alone, is subject to confinement, permit and insurance restrictions if kept within the city limits that other dogs would not have to be until or unless something happened to label them a vicious dog.

Alderman Davis stated that maybe as a committee member he didn't take that serious enough as now he leans toward her being right.

Attorney Jackson stated that she doesn't think these are bad suggestions, per se, she just wants the board to understand that if there is a later attack or something happens the change you are making now significantly departs from what you have. That you understand that change and you intend it.

Alderman Hankins stated he doesn't think the change is as big of a deal as it sounds. If something serious happens we'll be forced to charge the owner anyway whether it's one of the specific breeds or not. It's like saying short people are more apt to walking out in front of cars and get hit because people can't see them. To him it's just a form of discrimination that he wishes we could avoid. We are trying to protect the citizens, domestic animals and the people who want to own different animals. We need a better ordinance and maybe we could actually end up being an example of someone with a better ordinance. Maybe this isn't all that needs to be done which is why we have brilliant legal minds like yourself (Jackson) to help us know what's what. It's labeled "committee recommendations" and that's what it is. If we can come up with some way to do both that would be wonderful. Doesn't think we should have the right to pick out specific breeds and pre-label them vicious and give them one strike. Either that or all of them.

Attorney Jackson stated that's the decision that has to be made. The only other significant thing found in the recommendation was the reference to wanting to make certain of the dog provisions applicable to, especially as it relates to dogs defecating in other's yards, to all pets. Seems as those you're going to have Mr. Sammy chasing cats.

Alderman Hankins stated the leash law situation doesn't necessarily apply to cats.

Attorney Jackson stated she doesn't think the board wants Mr. Sammy constantly answering cat calls because citizens are calling.

Alderman Hankins stated if somebody's cat starts crapping on his porch, Mr. Sammy's going to get a call.

Attorney Jackson stated she just wants the board to realize sometimes there are unintentional consequences.

Alderman Hankins stated that there are unintentional consequences in place right now. We need to mention all of the breeds or none of the breeds. Understands that Pit Bulls are more apt to be aggressive. But at the same time and you're a Pit Bull lover and you're not one that's teaching them to fight and attack, you just have a sweet dog that's a Pit Bull you still have that one strike against you and your dog. Just trying to have the best of both worlds.

Mayor Pavletic asked Attorney Jackson if she had met with the committee at all.

Attorney Jackson stated no. She was made aware of the recommendations after they were formulated. Mr. Hankins did go over them with her and asked her to draft something based of the recommendations. It was her suggestion the board have a discussion before a draft was made. These are not questions of lawfulness or unlawfulness necessarily. Just questions of what you all intend and being aware of potential consequences.

Alderman Chipman asked if the board goes along with the recommendation as they are tonight does that take the three (3) breeds listed as vicious animals out and puts them back on the street. The rules and regulations we set for the confinement, permit and insurance goes away, correct?

Attorney Jackson stated correct until or unless those dogs show aggression.

Attorney Chipman stated he understands what Alderman Hankins is saying, too. Just because you own a vicious animal doesn't mean it's going to be vicious. It all has to do with the owners and how they treat them.

Alderman Hankins stated, again, is to not single out those particular breeds simply because they are that breed

Alderman Beard stated he was in favor of any dog being vicious.

Alderman Hankins stated if we did that then any dog would be subject to the permit and insurance requirements.

Attorney Jackson stated it currently already does. But only as it applies to vicious dogs which means that something has to have happened first for them to be labeled or has a history of being a vicious dog. In terms of the confinement, this can be applicable to any dog that is a vicious dog. Right now it is applicable to those three (3) breeds regardless if they have previously shown aggression. So it currently does apply to all breeds once they've shown aggression. It's just the three (3) breed specific labels that are required to have the confinement, permit and insurance regardless.

Mayor Pavletic asked Mr. Grantland what percentage of our citizens that own one of these three (3) dogs are in compliance with our ordinance.

Mr. Grantland stated not sure without looking at paperwork but the majority of the people gave up their dogs when they were informed of the ordinance requirements. Not as busy with the issue now. In agreement that any dog can bite at any time. Doesn't agree with labeling the three (3) breeds. Not everybody treats their dogs the same. Some are made to be mean. Can tell when a dog is mean.

Alderman Hankins stated he doesn't want to take teeth away from what we are currently doing. But at the same time we need to be fair and not pick on one specific breed.

Attorney Jackson stated in regard to the three (3) breed specific references you are necessarily removing the teeth from those in the sense that you are not requiring the people who own those dogs to have to meet those requirements before the dog shows aggression.

Alderman Hankins asked if there wasn't something in the middle.

Attorney Jackson stated the board should discuss.

Alderman Hankins suggested committee meet with attorney for further discussion.

Alderman Chipman withdrew his motion.

8. Motion by Alderman Chipman and second by Alderman Beard to approve resolution to select Community Development Partners, LLC to provide administrative services of the city's 2018 CDBG grant application. All aye
9. Motion by Alderman Hankins and second by Alderman Davis to approve resolution to select Allen & Hoshall to provide engineering services of the city's 2018 CDBG grant application. All aye
10. Motion by Alderman Beard and second by Alderman Hankins to approve resolution of the City of Ripley urging the State of Tennessee General Assembly to support the urgent need for additional funding for the Memphis Regional Mega Site. All aye

Department Reports:

*Ripley Parks & Recreation:* Director Randy Danley gave monthly report.

*Ripley Public Works & Codes Departments:* Alderwoman Treadway gave monthly report.

*Ripley Police Department:* Chief Donnell Baltimore gave monthly report.

*Ripley Fire Department:* Chief Tracey Worlds gave monthly report.

*Ripley Gas, Water & Wastewater Department:* Alderman Davis gave monthly report in Superintendent Scott Nelson's absence.

*Ripley Power & Light Department:* Alderman Beard gave monthly report.

*Ripley Housing Authority:* Alderwoman Alston gave monthly report.

Lee Johnston gave update on Ripley Downtown Development activities

Meeting adjourned at 7:10 p.m.

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Donna Buckner, Recorder

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Jon Pavletic, Mayor