

Meeting Minutes - Draft BOARD OF HEALTH FOR MADISON AND DANE COUNTY

Thursday, February 13, 2014

5:30 PM

Madison Water Utility
119 E. Olin Ave., Conf. Rm. A and B

CALL TO ORDER / ROLL CALL

Present: 8 -

Matthew J. Phair; Carl Chenoweth; Mark E. Edgar; Judith M. Wilcox;
Patricia A. Lasky; Lori Kay; Renae Sieling and Jerry L. Halverson

OTHERS PRESENT: Pamela Abel (recorder), Doug Voegeli, Mary Michaud, David Caes,
Jeff Golden, Patrick Comfort, Alder Lisa Subeck, Alder John Strasser

REQUEST FOR CHANGES IN AGENDA ORDER

None

APPROVAL OF MINUTES

A motion was made by Edgar, seconded by Halverson, to Approve the Minutes.
The motion passed by voice vote/other.

PUBLIC COMMENT - 5 minute limit per speaker

Pit Bull Ordinance Item 11

Myla Burns – Opposes this ordinance and believes it is breed discrimination. Also, this is a poor and ineffective way to reduce overpopulation. Free or low cost neuters are less expensive than the increase cost of impoundments that would be generated.

Shannon Meyer – Supports this ordinance. As an Animal Services Officer, she expressed the need for staff to have the tools to make communities safer. She thinks this is a breed specific problem and cited examples of abuse and neglect. This will be complaint driven, a fix it ticket with a grace period for neutering/spaying will be issued and then withdrawn if the person complies.

Lisa Juday – Supports this item and in the 13 years she has worked in Animal Services, has seen drastic changes in the nature of dogs in Madison. The genetic make-up of pit bulls is to fight, they generally have a strong jaw to hurt a person or another animal. They have seen an increase in calls, dangerous declarations, and abandoned pit bulls.

Cheryl Elkinton – Opposes the ordinance and suggests any breed of dog can recover from abuse.

Sharon Funkhauser – Represents Midwest Area Pit Stop and opposes the ordinance. They help rescue dogs and find homes for them. Her experience is that it is owner of the dog, not the dog, and in the hands of the right owner makes a difference. She suggests opening a dialogue with others to come together with a different solution to reduce the population.

Tom Malone – Represents Midwest Area Pits Stop and is opposed to the ordinance. Most people agree with the goals but feel this is not the way to address overpopulation. In Ypsilanti Michigan they obtained a grant to neuter pit bulls at no cost. There is no need to focus on pit bulls, he suggests an ordinance on backyard breeders or how people treat their animals.

Peter Anderson – Opposes the ordinance and provided a handout about guessing breeds and the consequences. Since you cannot reliably tell the breed of a dog by looking at it, 80% of the time the wrong breed is guessed. Stakeholders, Animal Services and Dane County Humane Society need to move in the same direction to address the issue.

David Elgar – Opposes this ordinance and is in favor of spaying and neutering. He feels this is not an effective way to accomplish the goal. He does have ideas about encouraging spaying/neutering that does not involve a ticket. The fix it ticket previously mentioned is not listed in the ordinance. This is a subjective way to consider what dog is a pit bull.

Melissa Sargent (statement sent via Board member) – State Assembly Woman and County Board member is in opposition to the ordinance. We need to address spaying and neutering of all pets and not be breed specific. Studies from other communities show the problem to be the result of lack of education and affordable vet services.

Nuisance Ordinance

Noel Hooper Lofton – Is of the opinion that the nuisance ordinance is highly subjective about the definition of a nuisance.

There were 3 registrants in support of the ordinance, not wishing to speak.

General Comment

Cheryl Elkinton – Represents Vegan Haven Central Inc., is concerned about the damage caused by the amount of rock salt we use. It damages the bases of building, trees and animals. She suggests using sand instead of salt.

Buffer Zone Ordinance Item 10

Greg Packnett – Supports the adoption of this ordinance. Women do not feel safe going into clinics, specifically for abortion care. One person brought a weapon to a Planned Parenthood protest. An eight foot buffer is not unreasonable.

Wendi Kent – Support this ordinance and wants women protected. She has personal experience being harassed when she received services. It was enough to deter her from getting prenatal services. Protestors treat everyone who enters a clinic as if they are getting an abortion. People deserve eight feet of personal space.

Gwen Finnegan – Opposes this gag rule and feels it violates First Amendment rights. She is the director of “Vigil for Life”, who engage in peaceful or prayerful witness and encourage life, done on public sidewalks at Planned Parenthood. Other protests, such as those at the Capital, are encouraged by the city. HANDOUT

Jenni Dye – Supports this ordinance and is representing NARAL, a pro choice organization, as their executive director. She also serves as a County Board Supervisor. All should have access to health care with dignity. Women not even using the services of Planned Parenthood have been harassed by protestors. The first amendment rights can still be exercising within 160 feet of the clinics.

Chris Lee – Oppose this ordinance as unnecessary and unreasonable. Arrests can already be made for disorderly conduct. You have to speak louder in order to be heard the farther away you stand. You might consider what if pro choice wanted to do the same.

Cheryl Elkinton – Opposes the ordinance since there is an unspoken truth about abortions is that it causes uterine scars. Protestors have sense about the problems related to abortion.

There was 1 registrant in support of the ordinance, not wishing to speak. The department received 80 e mails in support of creating the buffer zone ordinance.

DISCLOSURES AND RECUSALS

None

REPORTS

1. [27914](#) CHAIR'S REPORT - 5 minutes

None

2. [32728](#) DIRECTOR'S REPORT - 5 minutes

No February Report

3. [31824](#) OPERATIONS DIVISION REPORT - 5 minutes

With the retirement of Judy Howard, Caes will be supervising the Wisconsin Well Woman Program. There are changes in the way the state handles funding, partially due to the Affordable Care Act. Instead of the current number of 72 coordinators, there will only be 6 or 12 people working statewide. The number of providers will go from 900 statewide to 10 or 15. More changes could be coming.

4. [27918](#) ENVIRONMENTAL HEALTH DIVISION REPORT - 5 minutes

There was a completed compliance conference and a licensed establishment will operate at a higher standard and continued to be monitored. The 2013 road salt report is near completion and will be presented at a future Board meeting. The Madison Kipp update is the excavation of PCB from the edge of the property will happen after the ice melts.

- 4.a. [32511](#) Safe Food Advisory Committee - Meeting January 21, 2014

Attachments: [SFAC Meeting Minutes 1-21-14.pdf](#)

5. [32731](#) COMMUNITY HEALTH DIVISION REPORT - 5 minutes

Staff is involved in conducting communicable disease investigations after a patient at UW Hospital had a confirmed case of measles. Over 569 potential exposures included 362 UW Hospital staff, 99 patients, 108 visitors and emergency personnel in over 6 counties. Four people have been quarantined after it was determined they were not immune to measles. Staff worked overtime contacting people about exposures and screening for immunity.

LIAISON COMMITTEE UPDATES - 5 minutes

6. [28747](#) Committee on the Environment - Pat Lasky

7. [28748](#) Madison Food Policy Council - Alder Matt Phair

The seed grant the city put out is due back Friday and then a work group will be evaluating them.

NEW BUSINESS - 30 minutes

Referrals from Madison Common Council

8. [32785](#) Amending Section. 1.08(3)(a) of the Madison General Ordinances to create a bail deposit for violation of required dog license and second violation of required cat license.

Attachments: [BODY](#)

A motion was made by Lasky, seconded by Kay, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

This is an administrative action only.

9. [32804](#) Amending Section 7.05 of the Madison General Ordinances to create a definition of a health nuisance and a violation to permit a health nuisance and amending Section 1.08(3)(a) to establish a bail deposit for creating a health nuisance.

Attachments: [Body](#)

A motion was made by Phair, seconded by Lasky, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

This adds a definition of a health nuisance based on state statute and creates a bail schedule to set up citations.

10. [32827](#) Creating Section 23.01 and amending Section 1.08(3)(a) of the Madison General Ordinances to create a buffer zone at the entrance of health care facilities to protect patients from protestors and creates a bail schedule for violation thereof.

Attachments: [Buffer zone ord handout.pdf](#)
[E mail registrants.2 13.14.pdf](#)
[Gwen Finnegan testimony.pdf](#)
[Registrations 2 13 14.pdf](#)
[Support e mails.pdf](#)
[Support e mails.II.pdf](#)

A motion was made by Kay, seconded by Edgar, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

Alder Lisa Subeck, District 1 and author of the ordinance, stated why she felt this was needed. As a social service provider and while working at NARAL, she has heard of or experienced harassment. Enforcement rests with the Police Department.

11. [32949](#) Creating Sections 23.60 and 23.61, renumbering Section 23.60 to Section 23.90 and amending Section 1.08(3)(a) of the Madison General Ordinances to mandate the spaying and neutering of pit bulls, require registration for pit bull dog breeders and establish a bail deposit schedule for violation of such.

Attachments: [Body](#)
[City Attorney Memo dated 2/12/14](#)
[MAPS handout.pdf](#)
[MAPS-Guessing Breeds.pdf](#)
[Registrants-Feb.13, 2014.pdf](#)

The Chair, Judy Wilcox, would like the message to Council to be to go back to the drawing board, that this ordinance is not the right way to begin. Consider limiting the number of dogs a household can own.

A motion was made by Phair, seconded by Halverson, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion failed by the following vote:

Ayes: 4 -
Matthew J. Phair; Lori Kay; Renae Sieling and Jerry L. Halverson

Noes: 4 -
Carl Chenoweth; Mark E. Edgar; Judith M. Wilcox and Patricia A. Lasky

Alder John Strasser explained how this ordinance came about. A constituent has a neighbor with female pit bulls that are constantly pregnant and the dogs are loud. Alder Strasser consulted with Animal Services and they found nothing can be done. Patrick Comfort, Animal Services Lead Worker, has done research on spaying and neutering and the biggest problem in Madison household breeders of pit bulls. Controlling breeders is a zoning issue. This is not intended to make a comment on pit bulls but to lower numbers in shelters, the numbers of pit bulls euthanized, and abandoned. Animal Services deals with pit bulls almost daily and over 30 years, this problem has evolved into epic proportions. The desirability for some breeders is to keep them unneutered, breed them so their temperament is aggressive to be used for guarding, and many are owned by people that don't care well for the dog. Another problem is puppies that are taken from their mother as early as four weeks before they are socialized. In other communities where similar ordinance was enacted, the first year or two numbers shoot up, and then in subsequent years the numbers plummet.

Phair/Halverson moved to recommend adoption.

Concerns about this ordinance from some Board members:

- in favor of requirement for all dogs, not just pit bulls
- would staff consider a sunset clause, so statistics can show the effectiveness of this program over a certain number of years
- major dog associations say it is not an effective approach
- consider limiting the number of animals owned per household before enacting breed specific
- if looking at public health evidence based practice, there is thin evidence that this could reduce injuries or hospitalizations
- consider working with community partners and staff to solve the problem

Phair/Kay moved an amendment to add a five year sunset clause to this ordinance for the purpose of evaluating the numbers at the end of five years and possibly reauthorize.

Ayes – Kay, Phair, Sieling, Halverson

Nays – Wilcox, Chenoweth, Edgar

Abstain - Lasky

Motion on amendment passes

Board of Health Resolution

12. [33068](#) Board of Health Resolution #2014-02 for Refugee Health Screening

Attachments: [BOH Resolution 2014 02 Refugee Health Screening.pdf](#)

A motion was made by Lasky, seconded by Chenoweth, to Grant Final Approval by the Board of Health. The motion passed by voice vote/other.

REPORTS OF STANDING AND SPECIAL COMMITTEES - 5 minutes

13. [27921](#) EXECUTIVE

14. [27922](#) BUDGET

15. [27923](#) ADMINISTRATIVE HEARING

16. [27924](#) PERSONNEL

16.a. [33056](#) Draft Meeting Minutes for Personnel Committee of the Board of Health on January 9, 2014

Attachments: [Draft Meeting Minutes for the Personnel Committee of the Board of Health or](#)

16.b. [33055](#) Agenda for Personnel Committee of the Board of Health on February 13, 2014

Attachments: [Personnel Committee Board of Health agenda for 2 13 14.pdf](#)

The committee continues the process of evaluating the Director. They will meet next prior to the Board meeting on April 10.

17. [27925](#) AD HOC BYLAWS

18. **ADJOURNMENT**

A motion was made by Chenoweth, seconded by Halverson, to Adjourn. The motion passed by voice vote/other.