

## BOARD OF PUBLIC WORKS AND SAFETY

Regular Meeting

May 28, 2024

The regular meeting of the Board of Public Works and Safety of the City of Shelbyville, Indiana, was held in the Council Chambers of City Hall on Tuesday, May 28, 2024 at 8:30 A.M. Mayor Furgeson called the meeting to order. All members were present.

Mayor Furgeson entertained a motion on the minutes as presented, and Mr. Reaves moved to approve. Mr. Phares seconded, and the motion passed 3-0.

Mayor Furgeson entertained a motion on the claims as presented, and Mr. Phares moved to approve. Mr. Reaves seconded, and the motion passed 3-0.

Under old business, Assistant City Engineer, Jacob Stevenson, requested signatures for the substantial completion as well as the maintenance bonds for the Miller and Mechanic Street project. Mayor Furgeson, and other department heads met with contractors on site last week, and came to an agreement regarding the matter. With that being said, Mayor Furgeson asked for a motion to approve the substantial completion, and the maintenance bonds. Mr. Phares made a motion to approve, and Mr. Reaves seconded. The motion passed 3-0.

There was no further old business to discuss.

Under new business, Blue River Community Foundation Grants & Nonprofit Relations Director, Jordan England, provided a packet with artwork to wrap the traffic utility boxes located downtown. There are four boxes total, and on the first box, they planned to wrap it in a floral design that was created by a former scholar they have previously commissioned artwork from. The artwork for the second box was created by a 4H participant who received first place for the submission. The artwork for the third box was for a mini 4H project that also received first place, and the artwork for the fourth box was created by a local student from Shelbyville Central Schools. The project will be paid through grant money, and other local dollars. Mayor Furgeson felt this was a great project, and asked for a motion to approve the request as presented. Mr. Phares moved to approve, and Mr. Reaves seconded. The motion passed 3-0.

Under further new business, City Attorney, Jenny Meltzer, provided a utility easement for Duke Energy. They want to extend their transition lines along Enterprise Drive. Attorney Meltzer, along with the engineering department, have been working with Duke Energy on the easement since August of last year. There is an above-ground easement because it is technically outside of city limits in which the ordinance does not apply. In addition to that, Attorney Meltzer indicated that the transition lines were not able to go underground due to the gravel pit in the area. They shifted the easement so Enterprise Drive can be extended if that was ever a project the city would want to do in the future. With that being said, Mayor Furgeson asked for a motion to approve the easement as presented. Mr. Reaves moved to approve, and Mr. Phares seconded. The motion passed 3-0.

Following that, Assistant Engineer Stevenson presented the contract for Dave O'Mara Contractor Inc. for the next round of overlays. The bids for this project were opened approximately two weeks ago, and the total amount of the bid received from Dave O'Mara was \$794,404.15. This project would be paid for with community crossing grant funds. Mr. Reaves asked if the overlay included McKay Road to which Mayor Furgeson responded that it did not. This project was for all of the overlays in the city which included thirteen streets. Assistant Engineer Stevenson confirmed that was correct, and Mr. Reaves made a motion to approve the contract as presented. Mr. Phares seconded, and the motion passed 3-0.

Next under new business, Shelbyville Fire Chief, Doug Lutes, requested an official approval for their newest hire, Jonathan Trimble. He turned 20 years old the day of request, and it was his official start date. Additionally, he was a part of the local Advantage Shelby Program. There being no further comments or questions, Mayor Furgeson asked for a motion to approve, and Mr. Reaves moved to approve. Mr. Phares seconded, and the motion passed 3-0.

Next under new business, Mayor Furgeson introduced, and congratulated, Billy Leffler who was the new Shelby County Animal Shelter Director.

Lastly, under new business, was a dog bite case. Director Leffler, along with the Shelbyville Police Department, was called out to 845 Miller Avenue, on May 12th, 2024, regarding a child that was bitten in the face by a dog. When he got there, the child was already in the back of the ambulance, however photos of the bite were provided by police officers. Director Leffler spoke with the owner, Ms. Shaw, and reiterated the events that took place that day. Seemingly, the child came over to Ms. Shaw's house to play with her son, and he wanted to see if he could pet her dog. During the interaction, Ms. Shaw was holding the dog by the collar, when it lunged up and bit the child in the face. Director Leffler indicated that the dog had good days at the shelter, and bad days where he aggressively barked at staff. Ultimately, Director Leffler felt that the dog should not be released to Ms. Shaw due to the aggression, and the bite. He felt it would be best for the dog to never leave the shelter.

Ms. Shaw spoke about the incident that took place that day. She indicated it was on Mother's Day, and her son was playing a game inside their home with a friend that he goes to school with. She was outside cooking dinner on their grill, when her son told her that his other friend was coming over. Ms. Shaw indicated she has never met the child before, has never met the child's parents prior to the incident, and still has yet to hear from the parents as of the day of the meeting. She agreed to let the child come over to the house with the intention to meet the parents, however she stated that the parents dropped the child off near a dumpster, and never spoke to her. Ms. Shaw added that she told the child to stay away from the dog, Lincoln, who was on a cable lead within the parameters of the property. Ms. Shaw stated that she directed the child to wait for her son near the front of the property where the bikes were. She claimed the child did not follow directions and walked around a neighbor's vehicle.

Ms. Shaw prefaced that Lincoln had never harmed anyone prior to this incident, but added that he is very protective of their family. She stated that all of her neighbors, aside from one, loved the dog, and would agree that he has never hurt anyone. Ms. Shaw has had Lincoln since the beginning of her recovery when she got out of jail around five years ago. He has been a big part of her life since then, and reiterated that he has never hurt anyone before this incident.

Circling back to the incident, Ms. Shaw continued her version of events. She stated that she directed the child to not go around the neighbor's vehicle, and saw that Lincoln noticed the child. She grabbed Lincoln by the collar as soon as the child reached his hand out to pet him, and that was when the bite took place. She speculated that her dog might have sensed fear or danger, and that was the reason why he lunged. She reiterated that Lincoln was on the cable when the bite took place, and that the child was told not to go near the dog. Ultimately, she felt awful that Lincoln bit the child, and did not condone it at all. However, at the same time, she did not feel as though her dog should be killed because of a "freak accident." She added that she has still yet to hear from the child's parents regarding the incident.

Mayor Furgeson asked if Ms. Shaw had a fenced in area to which she responded that she did not; however Lincoln was on their property, in their area, attached to a cable lead. Mayor Furgeson understood, but was concerned if there was a barrier to stop the incident from potentially happening again. Ms. Shaw stated that she was willing to put up "beware of dog" signs, and put into place every measure she had to if it meant that she could have her dog back. Mayor Furgeson understood, but stated that she had to understand the curiosity of a child. Without a fence, something like this could happen again. Ms. Shaw gave her word that something like this would not happen again, reiterating that her dog was chained up. Mayor Furgeson stated that the incident took place while she was holding on to the dog, and his main concern was that if no one was around when the dog was outside, how would that stop this from happening again? Ms. Shaw was unable to answer that question, but reiterated that Lincoln had never hurt anyone prior to this incident. She indicated that she has used a shock collar to train him in the past that was seemingly effective. Ultimately, Ms. Shaw did not want her dog to be put down because he has been a big part of her life and her recovery.

Mayor Furgeson understood, however from his standpoint, the city was now liable. Knowing the dog had bitten someone, and there was no fence to protect the public from the dog, if they released the dog back to Ms. Shaw, and something like this were to happen again, the city would then be held liable. Unless there were other accommodations for the dog to keep the dog somewhere else. Ms. Shaw was working on getting her own house, however she suggested that the dog could go live with her dad in the country. Mayor Furgeson was willing to work with Ms. Shaw, and commended her for her journey to recovery.

Ms. Shaw indicated that animal shelter staff told her that Lincoln was behaving well at the shelter, and she did not know he was having behavioral issues. Director Leffler reiterated that Lincoln had bad days, and had good days at the shelter. Some days he was doing well, and other days he would growl, and bark at staff. Ms. Shaw understood that however in her

dog's defense, he was taken from his home, and does not know the shelter staff. Mayor Furgeson stated that was the issue. Anyone could walk up to her dog, that he does not know, and become aggressive. The dog needed to be somewhere else other than at her place.

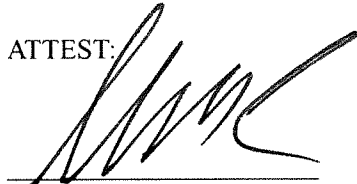
Mayor Furgeson asked Director Leffler, if they granted Ms. Shaw 15 days to find better accommodations for the dog, would that be agreeable? And if she could not find better accommodations, then the dog would be euthanized? Director Leffler stated that was fine. He just did not want to release the dog back to Ms. Shaw. Mayor Furgeson agreed. He wanted to work with Ms. Shaw due to her commendable effort to maintain her sobriety. At the same point in time, the city was liable to ensure this would never happen again. Ms. Shaw understood, and agreed to the terms. She was willing to take the dog to her dad's property, in Flat Rock, where the dog was initially raised, on a lot of acreage with two other German Shepards. With that being said, Mayor Furgeson entertained a motion to grant Ms. Shaw 15 days to find a more suitable location, for the dog with a fenced in area, hopefully outside with a fenced in area where the dog could not get to anyone, and if not the dog would then be euthanized. All parties agreed, and Mr. Phares made a motion to approve the terms as presented, and Mr. Reaves seconded. The motion passed 3-0.

There being no further business to discuss, Mayor Furgeson asked for a motion to adjourn, and Mr. Reaves moved to adjourn the Board of Public Works.



Scott Furgeson  
Mayor

ATTEST:



Scott Asher  
Clerk-Treasurer