

# **WHITE COUNTY BOARD OF COMMISSIONERS**

## **MINUTES OF THE REGULAR MEETING HELD**

**MONDAY, MARCH 5, 2012 AT 4:30 P.M.**

The White County Board of Commissioners held a Regular Meeting on Monday, March 5, 2012 at 4:30 p.m. in the Grant Jury Room of the White County Courthouse. Present at the meeting was Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, Interim County Manager Jean Welborn, County Clerk Shanda Smallwood, and Finance Director Vicki Mays.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor Jeff Groves of The Bridge Church provided the invocation.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to adopt the minutes of the Regular Meeting held February 6, 2012, the Called Meeting held February 15, 2012, and the Called Meeting held February 27, 2012. Commissioner Bryant was not present to vote on this motion.

Upon presentation of proclamation, the week of April 9, 2012 was proclaimed Special Olympics Come Be Inspired Week in White County".

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve the following consent agenda:

- Approval of the surplus of county property by resolution (County Resolution No 2012-06), declaring the balance of the tract whereon the Public Defender's Office was located as "Incapable of being used independently under applicable subdivision or other land-use controls" and approval of offering the parcel for sale to the abutting property owners for the highest sealed bid, all in accordance with O.C.G.A. § 36-9-3(H);
- Approval of the installation of a 4-way stop at the intersection of Webster Lake Road and New Bridge Road with a battery operated flashing beacon;
- Approval of the purchase of radio equipment for the White County Road Department in order to meet the digital radio system project requirements from Mobile Communications of Hall in an amount not to exceed \$19,000.00 – with \$9,500.00 to be paid from budgeted 911 funds and \$9,500.00 to be paid from existing grant funds;
- Approval of the Statewide Mutual Aid and Assistance Agreement;
- Approval of the White County Senior Center expansion plan (County Resolution No. 2012-07) design as required by the Department of Community Affairs (DCA) for the Community Development Block Grant (CDBG) awarded for this project;
- Approval for the White County Board of Education to be assigned as the fiscal agent for Work Ready Grant Funds; and
- Approval of the 2012-2013 Safety Discount Certification Form from ACCG-IRMA / GSIWCF (Property/Liability/Worker's Compensation Insurance).

Chairman Turner stated the Board would be conducting a dangerous dog hearing on an appeal filed by Mr. William and Mrs. Esther Conley regarding the designation of their pit bulldog located on Black Road as a dangerous dog by White County Animal Control.

Chairman Turner asked Ms. Pat Cooper, Chief Animal Control Officer, to provide the Board of Commissioners with a summary of the facts relating to the designation of this dog as a dangerous dog. Ms. Cooper stated the Conley's own a female pit bull named Rose who had bit Ms. Carol Underwood on September 9, 2009 and had bit Ms. Wanda Foster on February 6, 2012. She explained that Ms. Foster had been previously bitten by the same dog last summer; however she did not report this incident because Ms. Conley had asked her not to. Following the latest incident, Ms. Cooper declared the dog dangerous – with which the Conley's disagree.

Mr. William Conley said he had owned Rose for four years and she was a great dog. He provided a statement for the record from Cleveland Veterinary, signed by a kennel technician, stating Rose was not an aggressive dog as well as statements from others who had been around the dog.

Attorney Don Ferguson who is representing Ms. Wanda Foster asked Ms. Foster to show the Board of Commissioners her arm which was bitten by Rose. There was an obvious laceration several inches long on Ms. Foster's left forearm, which required twenty-six stitches. Mr. Ferguson stated that Ms. Foster had called the Conley's prior to coming to their house and had been invited to come onto their property and the dog broke the chain it was on and bit Ms. Foster. Ms. Foster stated that she believed the dog was a very dangerous dog.

Several others spoke on behalf of the Conley's stating they were familiar with the dog, the dog had played with their children, and that the dog had never shown any aggression. Those speaking on behalf of the Conley's were: Mr. Jason Myers of 71 Bennett Drive Cleveland, GA, Mr. Steven Evans of Cleveland, GA, Ms. Megan Evans, and Mr. David Murphy.

Ms. Jenny Anderson, 381 Barn Field Road Dahlonega, GA, identified herself as Ms. Foster's daughter and stated that a dog would not attack someone who fed it. She stated that her mother is afraid and that her children cannot play outside at their grandmother's house because of the dangerous situation.

Ms. Conley re-emphasized that the dog was not dangerous and contended that the bite was a result of Ms. Foster falling on the dog.

Ms. Foster said she did not get close to the dog as she was already fearful of the dog and the dog broke the chain, bit her, and then she fell due to the bite.

Ms. Carol Underwood stated she was bitten by Rose in 2009 when she worked as a home healthcare nurse at the Conley's. She said this was not a good dog.

Chairman Turner asked Ms. Pat Cooper for her recommendation. Ms. Cooper said Animal Control's recommendation was to declare the dog dangerous – because although the dog is

not aggressive at all times – there is obviously an unknown thing that triggers this aggressive behavior.

Chairman Turner clarified for the Conley's that if the Board of Commissioner uphold the dangerous dog ruling that the dog does not have to be euthanized; however the County Code establishes conditions required for the dog to be kept.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to uphold White County Animal Control's designation of the tan and white female pit-bull named Rose – which is owned by William and Esther Conley of 1125 Black Road – as a dangerous dog; thereby requiring the Conley's to comply with the requirement set forth by White County Code Chapter 10, Animals – Article V. Dangerous Dog Control.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a motion to implement a three-percent (3%) across the board increase for county employees to be retroactive to January 1, 2012 and to be paid from surplus funds through the remainder of the current budget year. Chairman Turner, Commissioner Lyn Holcomb, and Commissioner Edwin Nix voted in opposition to the motion – with the motion failing by a 2-3 vote.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a motion to provide a \$600.00 bonus to all full-time county employees who had completed one year and one day of service with the bonus to be divided into the next eight (8) pay periods remaining in the current fiscal year. Chairman Turner, Commissioner Holcomb, and Commissioner Nix voted in opposition to the motion – with the motion failing by a 2-3 vote.

Upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to approve the Memorandum of Understanding with the City of Cleveland which detailed the commitment of future relocation costs in an amount not to exceed \$30,000.00 from White County for the Hulsey Road Force Main and Lift Station relative to Phase III of the White County Bypass.

Mr. Kevin Hamby, CHA/SPLOST Manager, presented the monthly status update for the 2008 SPLOST Program (see the following report).

Chairman Turner asked that the White County Road Department prepare an estimate of the cost to repair the driveway and parking area at the White County Park on Asbestos Road.

Mr. Vicki Mays, Finance Director, presented the monthly financial status report for the month of January 2012 (see the following report).

Chairman Turner asked that a letter be drafted to Governor Nathan Deal regarding White County's desire to be conferred with the Superior Court Judge appointment to the Enotah

Judicial Circuit. Commissioner Nix expressed the Board's appreciation for the late Dr. Myron Eberhart's contributions to the community.

Mr. Charlie Thomas, Chairman of the White County Planning Commission, stated the Planning Commission was looking for guidance from the Board of Commissioners regarding the regulations adopted in 2007 which did not allow for the subdividing of property off of easements.

Chairman Turner asked that Mr. Tom O'Bryant, Director of Community & Economic Development, prepare information on this for the Board prior to the next work session.

Chairman Turner opened the floor for citizen participation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to exit into Executive Session in order to discuss personnel.

-See the Following Closed Meeting Affidavit-

Upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to exit Executive Session.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to adjourn the meeting.

The minutes of the March 5, 2012 Regular Meeting are hereby approved as stated this 9<sup>th</sup> day of April, 2012.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis C. Turner, Chairman

s/Terry D. Goodger

Terry D. Goodger, District 1

s/Lyn Holcomb

Lyn Holcomb, District 2

s/Edwin Nix

Edwin Nix, District 3

s/Craig Bryant

Craig Bryant, District 4

s/Shanda Smallwood

Shanda Smallwood, County Clerk