

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, APRIL 9, 2012 AT 4:30 P.M.

The White County Board of Commissioners held a Regular Meeting on Monday, April 9, 2012 at 4:30 p.m. in the Grand 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, Finance Director Vicki Mays, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Rev. Dick Huycke of Cleveland United Methodist Church provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adopt the minutes of the Regular Meeting held March 5, 2012, the Called Meeting held March 16, 2012, the Called Meeting held March 19, 2012, the Called Meeting held March 20, 2012, and the Called Meeting held March 26, 2012.

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

- Approval of Truett McConnell College's improvements to the White County Parks (Asbestos Road) Field #5, with the appropriate permits to be obtained, all work to be done to current code / county requirements, and with no obligations or restrictions being applied to the use of the field; and
- Adoption of a resolution (County Resolution No. 2012-08) amending the RV Park regulations – White County Code Part II, Chapter 14 Buildings & Building Regulations, Article III Construction Codes and Enforcement, Division 4 Recreational Park Trailer / Recreation Vehicle Parks, Section 14-133 General Design & Development Requirements.

-End of Consent Agenda-

Chairman Turner opened the floor for the appeal filed by Ms. Rochelle Scott regarding White County Animal Control's designation of her Australian Shepherd type as a dangerous dog. Mr. Scott Abernathy, White County Animal Control Officer presented information on behalf of White County. He stated that problems with Ms. Scott's dog went back to 2009 when Ms. Scott was cited under the nuisance animal ordinance and was subsequently sentenced to probation. Mr. Abernathy explained that Ms. Scott violated the probation and Animal Control had agreed to drop the citation if she moved the dog to another county. He said that Animal Control believed the dangerous dog designation was warranted due to the repeated aggressive behavior of the dog and Ms. Scott's lack of cooperation with past restrictions place on her by the court and Animal Control; although the dog had not bitten anyone.

Attorney Don Ferguson stated he would be representing Ms. Scott for the appeal hearing – he stated the person outside of the County who had been caring for the dog had gotten sick and asked Ms. Scott to pick up the dog. He said that the dog resided with Ms. Scott and all her children and the dog was not aggressive; however that the current case before the Board of Commissioners was a result of a neighborhood dispute.

A young lady named Emily stated that she was at the Scott's residence every Thursday and had never witnessed any aggressive behavior from the animal toward anyone. She said the dog was very protective of the Scott's children.

Ms. Scott expressed that she would not have a dangerous dog around her children and that the dog had never been aggressive toward her children; however the dog did act aggressive to another child in the neighborhood because the child had a gun in his hand. She stated that she had not let the dog run loose since the dog was declared a nuisance and she served the probation. Mr. Ferguson stated that an electric fence had been installed on the property and presented a letter from a person with the pest control company that services their residence regularly stating the dog had never been aggressive toward her.

Ms. Brandy Parker of 124 Quail View Ridge Cleveland, GA stated that her families' problems with the dog began in 2010 when Ms. Scott's children had the dog outside and the dog ran at her son who was shooting a B-B gun at a piece of cardboard. Ms. Parker said they told the Scott's that they did not want the dog back on their property and reported the incident to Animal Control. She said that within a few days the dog was back on their property barking and growling at her son. She explained that the Sheriff's Office had been called to their home due to the Scott's harassing them for reporting the incidents to Animal Control. She said that the neighbors "let it go" when the dog was brought back to the home; however when the dog began chasing kids in the neighborhood again they reported this in order to protect the neighborhood.

Mr. Abernathy stated that the parents were not usually home when Animal Control went to the residence and that he felt that the main problem was that the children in the home were being left with the responsibility of containing the dog. He reminded the Board that Ms. Scott had previously violated her probation and Animal Control had agreed to drop the citation if the dog was removed from White County – in summary that Ms. Scott had repeatedly violated restrictions imposed by Animal Control.

Mr. Ferguson stated that he felt the Parker's had acted irresponsibly by having weapons readily available in their garage, within a neighborhood full of children, to defend themselves against the dog.

Mr. Ferguson stated that the Scott's would be agreeable to installing a chain link fence for the dog to stay in when outside and to keeping the dog on a leash, accompanied by an adult, in lieu of the dog being declared dangerous.

Mr. Abernathy stated that White County Animal Control's recommendation was to declare the dog a dangerous dog.

Mr. Scott stated that the dog was there to protect his family when he was not there and that since the dog was ruled to be a nuisance it had become a total in door dog – which was taken out regularly by him and his children. He said it had not bit anyone; however it had protected his children. Ms. Scott showed a video to the Board of the dog being seen at the veterinarian recently – which she stated demonstrated that the dog was not aggressive.

Commissioner Nix stated that he felt it was the dog owner's responsibility to keep the animal on their property and off the property of others.

Commissioner Goodger stated that he did not think that the dog met the criteria of a dangerous dog and made a motion to grant Ms. Scott's appeal of White County Animal Control's designation of her Australian Shepherd type dog as a dangerous dog – following further discussion Mr. Ferguson reiterated that in order to prevent the Scott's dog from being a nuisance the Scott's were willing to comply with restrictions such as keeping the dog indoors and only having the dog outdoors on a leash with an adult or within a chain link fenced enclosure.

Upon an amended motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a motion to grant the appeal filed by Ms. Rochelle Scott of White County Animal Control's designation of her Australian Shepherd type dog as a dangerous dog; however based on the Scott's voluntary statement and past issues with the dog being a nuisance - requiring that the dog be kept indoors and only having the dog outdoors on a leash with an adult or within a chain link fenced enclosure. Commissioner Nix stated that he was adamant that any further issues with the dog would require that the Board of Commissioners designate the dog as a dangerous dog. This motion passed by a 4-1 vote, with Commissioner Holcomb opposing the motion.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to appoint Ms. Bea Chambers to the Region One DBHDD (Department of Behavioral Health & Developmental Disabilities) Planning Board to represent White County for a term expiring June 30, 2014 (formerly held by Ms. Jane Grillo).

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve the FY 2012 Addendum #2 contract with Legacy Link, Inc. for nutrition program services as approved by Bonnie York, Director of Senior Services.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to accept Federal FY 11 (County FY 12) Grant Funds from the Homeland Security Grant Program / Georgia Emergency Management Agency in the amount of \$3,999.04; thereby authorizing the Chairman to execute the associated grant documents.

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

Ms. Vicki Mays, Finance Director, presented the monthly financial status update for February 2012 (see attached report).

Chairman Turner opened the floor for citizen participation.

Ms. Judy Lovell said she wanted to thank the Board of Commissioners for representing the citizen of White County in such a fair manner. She wanted to inform the Board that White County had six (6) properties which were listed on the National Registry of Historic Places – with two of those properties, the historic jail and historic courthouse belonging to White County. She stated that the Historical Society had plaques installed at these two (2) locations.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to enter into Executive Session in order to discussion personnel and litigation (see attached Closed Meeting Affidavit).

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

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

The minutes of the April 9, 2012 Regular Meeting are hereby approved as stated this 7th day of May, 2012.

WHITE COUNTY BOARD OF COMMISSONERS

s/Travis C. Turner
Travis Turner, Chairman

s/Terry D. Goodger
Terry 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