

**HARRIS COUNTY BOARD OF COMMISSIONERS
APPEAL HEARING AND REGULAR SESSION**

February 6, 2024

Commissioners Present: Rob Grant, Susan Andrews, Greg Gantt, Scott Lightsey, Bobby Irions. Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Andrea Dzioba, County Clerk; Clyde Geter, Animal Control Officer; Sherrail Jarrett, Elections Supervisor; Brian Williams, Community Development Director.

APPEAL HEARING

5:30 p.m.

1. **CALL TO ORDER.** Chairman Grant called the Appeal Hearing to order at 5:30 p.m., stated that it was regarding the “nuisance” classification of dogs owned by James Lawhon and Allison Hartley, and he asked Russell Britt, County Attorney, to conduct the hearing.
2. **HEARING.** County Attorney Russell Britt stated that this is an appeal hearing under the Animal Control Ordinance regarding the “nuisance” classification of a dog under the Ordinance and read the definition of a “nuisance” dog from the Ordinance.

Mr. Britt swore in Clyde Geter, Animal Control Officer, and asked him to explain his findings regarding the investigation of the dogs.

Mr. Geter explained that his findings don’t always match those of the Complainant’s. He said that he went out to 290 Rocky Creek Drive and verified the location of the dogs. He stated that the dogs only barked when he rang the doorbell. He said that he then went around the property to make sure that the dogs were okay and were not in any distress. He stated that he left the dogs and that they stopped barking when he got back into his truck. When he drove away, he stopped down the road to see if the dogs were barking and he said that they were not but were just standing in the yard. He said that his determination of the dogs as a nuisance was based on Mr. Darrell Sullivan’s multiple complaints regarding the dogs’ barking and that Mr. Sullivan said that has other evidence. Mr. Britt then asked Mr. Geter if the documents noted as Exhibits A through F that were provided to the Board were true and accurate, to which Mr. Geter replied that they were. Mr. Britt said that the exhibits will be entered into the record as R-1.

In response to questions from the Board, Mr. Geter advised that he only went out to 290 Rocky Creek Drive the one time and that he had no received any other complaints.

There bring no further questions from the Board, Mr. Britt asked James Lawhon and Allison Hartley if they had any questions for Mr. Geter. There were none. Mr. Britt asked if Mr. Darrell Sullivan, the Complainant, had any questions for Mr. Geter. There were none.

Mr. Britt swore in Mr. Darrell Sullivan of 240 Rocky Creek Drive. Mr. Sullivan stated that he doesn’t have an ongoing dispute with his neighbors and that he doesn’t dislike dogs and cats; that Great Pyrenees are gentle but that these make noise; that 43 states have rescues for this breed; that Great Pyrenees are capable of barking at 110 dB; that he can’t leave his house without the “dogs going off”; that it has gotten better that if he walks outside that it sounds like a kennel; that he feels like he is a prisoner of these dogs; and that he has given audio to Animal Control and “will leave it at that”. Mr. Britt asked Mr. Sullivan if he had any evidence to present and he stated that he did not. In response to questions from the Board, Mr. Sullivan said that he did not have any decibel readings; that the dogs have been barking for about a year and a half; that it disturbs him while he is in the house; and that he is not fearful but that it is aggravating.

There being no further questions from the Board, Mr. Britt asked James Lawhon and Allison Hartley if they had any questions for Mr. Sullivan. There were none.

Mr. Britt swore in Mr. James Lawhon and Ms. Allison Hartley of 290 Rocky Creek Drive. Ms. Hartley said that in March of 2023, a week after they moved in, that Mr. Sullivan rang their doorbell and complained about the dogs barking. She stated that Mr. Sullivan said that the neighborhood was quiet until they moved in. Ms. Hartley said that they want to be good neighbors and ordered bark collars and a birdhouse. Ms. Hartley thought that maybe the dogs were barking because they were in a new environment. Ms. Hartley said that they paid for additional cross-fencing to keep

them away from Mr. Sullivan's property and that Mr. Sullivan told her that he "hates dogs." Ms. Hartley said that she works from home 50% of the time and that she visited one of their other neighbors who told her that he didn't have an issue with the dogs. Mr. Lawhon was told by a neighbor to watch out for coyotes; that they wanted opportunity to correct what is wrong and don't want any problems with their neighbors. Mr. Lawhon stated that they moved to the area to enjoy the country; that they don't know what else they can do; that they put shock collars on them even though they don't agree with it; that he doesn't hear them barking; and that they don't want themselves or their dogs to be labeled.

In response to questions from the Board, Ms. Hartley said that Dr. Hall said that sometimes you get neighbors like that; that the dogs have about a half of an acre and when they are home that they can run the whole yard; that the Homeowners Association sent an e-mail to everyone about break-ins and gunshots and other dogs running around; that the dogs are outside from about 7:45 a.m. until 10:00 p.m.; that the collars are still on them; that when they are barking that there is usually an issue like a snake; and that sometimes they will bark even with the collars on and that it just depends. Commissioner Irions said that the decibel level of the dogs barking would drop at the distance between the houses. Mr. Lawhon and Ms. Hartley provided pictures of screenshots of posts made on the HOA page to Russell Britt and the pictures will be entered into the record as R-2.

There being no further questions, Mr. Britt closed the appeal hearing at 6:14 p.m. and said that the Board can affirm, modify, or overturn the designation made by Animal Control and reviewed the requirements and ongoing provisions for owning a nuisance dog. Chairman Grant asked Mr. Britt how the Board could modify the designation and Mr. Britt stated that the Board could modify the designation by maybe only classifying one dog and not the other but that evidence doesn't seem to show that here.

Commissioner Gantt made the motion to reverse the nuisance classification of Animal Control based upon the evidence presented. The motion was seconded by Commissioner Irions and passed unanimously.

3. **ADJOURNMENT**. The appeal hearing adjourned at 6:22 p.m.

REGULAR SESSION **6:30 p.m.**

1. **CALL TO ORDER**. Chairman Grant called the Regular Session to order at 6:30 p.m. Chairman Grant asked everyone to remember State Representative Richard Smith and his family during this time.
2. **INVOCATION / PLEDGE OF ALLEGIANCE** Vice-Chair Andrews gave the invocation. Chairman Grant led those in attendance in the Pledge of Allegiance.
3. **MINUTES** The motion to approve the minutes of the January 16, 2024 Regular Session was made by Commissioner Irions, seconded by Commissioner Lightsey, and passed unanimously.
4. **APPEARANCE OF CITIZENS**
 - A. **Connie Guy - Meetings of Boards Appointed by Harris County Commissioners**. Ms. Connie Guy, citizen who lives on Bugg Road, addressed the Board and discussed the County boards; that people need to trust in Commissioners to make wise choices; that if they have decided to purge boards of employees that all of the boards need to be changed and all employees removed but that there are boards that require an employee to serve; that there needs to be a "holistic" change to the boards; that two terms on the Board of Elections were up for reappointment; that Vice-Chair Andrews tabled the reappointments at the last meeting; that she does not know Mr. Towles but she does not see any qualifications that make him a better choice than Ms. Pamela Jackson; that she does not think that now is the time to change to Board of Elections & Registrations now; that Ms. Jackson has served for over 15 years; and that if removing her from the board because she is an employee than employees need to be removed from the other boards.

5. **OLD BUSINESS**

- A. **Appointments to the Board of Elections & Registrations.** Chairman Grant provided information related to the appointments to the Board of Elections & Registrations and advised that Mr. Britt and Ms. Jackson would like to be reappointed. Vice-Chair Andrews has recommended that the Board reappoint John Britt and appoint Philip Towles to the Board of Elections and Registrations. Elections Supervisor Sherrail Jarrett addressed the Board and stated that 2024 election year is not the best year to make changes to the Board of Elections & Registrations. She said that she will cooperate with whomever they decide to appoint.

Vice-Chair Andrews made the motion to reappoint John Britt and appoint Philip Towles to the Board of Elections & Registrations. Vice-Chair Andrews advised that Ms. Jackson was not being removed and that her term has ended and that this is the time to make an appointment. The motion was seconded by Chairman Grant.

Commissioner Gantt advised that he does not like the logic of an employee serving on a board that affects policy and affects a department head. Chairman Grant said that he had spoken to Ms. Jackson related to this appointment. Vice-Chair Andrews and Commissioner Lightsey also have spoken to Ms. Jackson. The motion passed unanimously.

- B. **Agricultural Center.** Chairman Grant advised that he requested this item to be on the agenda as he has been receiving phone calls related to the agricultural center and none of the information that he is hearing about has not been brought to the Board yet. Chairman Grant does not believe that the design should have been presented to others before it was presented to the Board. He further stated that the original plan from 2013 showed that there was going to be a pole barn and demonstration gardens and was going to be called the Heritage Center.

A motion to dissolve the Agricultural Committee as of today was made by Chairman Grant and seconded by Commissioner Gantt. Chairman Grant asked if there was any discussion.

Commissioner Irions said that no Commissioner has said anything about \$14 million; that the idea is supposed to be conceptual and that there has to be a compromise; and the way that it was presented to the Chamber as a project was shocking since it was still conceptual. Commissioner Gantt said that the Committee has served its purpose but that a January memo from Studio 8 said that Harris County would like to build a new facility based on the Bulloch County complex. Vice-Chair Andrews said that the Committee was tasked with developing a new site plan; that the Committee visited four different sites; that the Committee believed that the one in Bulloch County fit the vision of Harris County that had been discussed for years; and that when the site plan was finished that it was placed in the mailboxes of each of the Commissioners. Vice-Chair Andrews said that it is a pre-design study; that the meetings were public meetings; that the plan was to share it at the next planning retreat; that the project has not been finalized; that at the Cattleman's meeting it was discussed as being a piece of the SPLOST; that she was speaking on the SPLOST at the Cattleman's meeting and that there are so many projects in the SPLOST; and that the Board voted for the \$70,000 for the study and to appoint the Committee. Chairman Grant said that the study should have come to the Commissioners before they started to receive phone calls. Vice-Chair Andrews said that the Committee was in no way trying to keep it from the Board.

The motion failed with two in favor (Grant, Gantt) and three opposed (Andrews, Irions, Lightsey).

Chairman Grant advised that citizens have signed up to speak about this item on the agenda.

Emily Carlisle, 1191 H Street in Hamilton, advised that she has been a Harris County all her life; that she was in 4-H and FFA; that she became a livestock judge and traveled all over in livestock judging; that it provided her with identity, confidence and a work ethic; that she has raised her children with the same principles; that some kids excel in sports and that the County has spent millions in sports; that it is difficult to practice when it is wet outside; that she has driven an hour to practice with cattle as there is no place in Harris County; that it was talked about 20 years ago and still waiting; that farming and AG is greatly

decreasing; that we have to pass knowledge and desire to our youth; that a simple cost effective decision would be for a covered arena; and that we should not wait 5 to 10 more years.

Nicholas Lisle, 13219 Hwy 116, said that he supports an Agricenter but not the proposed one; that he wants something simple; that the facility should be for AG only and not for generating money; that there is no place to ride; that they don't need campgrounds; and that he wants a covered area that we can use.

Mandi Neville, 5396 Old River Road, stated that she has been a resident all her life and agrees with messages on what we need; that she does want a covered arena; that last year for the Cowpunchers that there were 89 competitors and that this year there were 200 plus; and that they need a place to learn/practice showing cows.

Brian McKeen, 2334 O'Neal Road, said that he is a lifetime resident and 5th generation Harris County resident; that he is supportive of agriculture; that he is not in support of not being stewards; that the concept plan is way beyond the need; that there are no appropriate gas stations that can be pulled into with a truck with a rig; that there are no hotels in the immediate area; that it needs to be realistic; that he does not oppose improving what we have; that the Board should go back to the "drawing board" and look at it realistically; and that there is no assurance that if the facility is built that "they will come."

Morgan Marlowe, 6521 GA Hwy 18, stated that there are two reasons to build - quality of life and economic development; that there is no room for expansion; that if used for graduation that the facility wasn't large enough; that there isn't enough parking and places to go; that Bulloch County sees an economic impact because there are a lot of hotels and restaurants; and asked if water and sewer will come from the City of Hamilton.

Andrew Zuerner, 1278 Moon Road, said that the audience has covered concerns; that he wondered if the SPLOST failed if there would be a lapse; and that voting on the SPLOST voting starts before the presentation of the concept plan to the Board.

Morgan Massa, 18991 GA Hwy 315, said that she grew up non-traditional; that she relied on her parents to bring her to practices; that she has used the facilities in Carrollton and Statesboro; that she doesn't think that we need something that is \$14 million - just something simple; and that people have wanted to come and use our facility but the arena is in poor condition.

Chance Carlisle, 1191 H Street, said that he doesn't have much else to add; and that \$2 million is a good start for a building.

Chairman Grant stated that the point of having this on the agenda was to discuss it since everything got out and that there is no desire to vote about what they should do right now.

Discussion included that the SPLOST has \$4 million for recreation and that is just a small piece of the SPLOST; that that is why there was no hurry to present; that they have time to decide whether they want something simple or something more; that conversations will need to happen about borrowing money; that the County has completed \$20 million in projects without debt and nothing has been voted on; that no one is opposed to a covered arena; that it is still conceptual; that it would have been fine to talk about but without the \$14 million; and that the plan was provided via an open records request before any one other than the Agricultural Committee was able to see.

6. NEW BUSINESS.

- A. **Fire Training Center.** Chairman Grant advised that he received a phone call and was asked by an employee why employees were not allowed to use the Fire Training Room at the Fire Training Center. Chairman Grant said that when the County built the Fire Training Center that they discussed that if the Fire departments were not using the building that a County department could use the building. He wanted to know why County employees/departments can't use a County building.

Commissioner Irions stated that it is a Fire Training Facility and that the Volunteers Fire Departments contributed funds towards the building and chairs

and tables. Commissioner Irions said that when it was used previously that trash was left on the floor; that there were ants in the building; that they have to clean the building themselves; that they had to put all of the furniture back in place; that it was a County project so that the project could move forward; that other buildings aren't using other County facilities; and that they wanted it to stop. Commissioner Irions said that he called County Manager Randy Dowling and asked that the County not use the building until the Board could discuss it at the next Planning Session. Chairman Grant said that Commissioner Irions should have sent an e-mail to the rest of the Board so that they were aware of it.

7. **COUNTY MANAGER**

A. **Project Updates.** Randy Dowling, County Manager, advised that this is the first Program of Work for this fiscal year and reviewed various projects as follows:

- (1) Employee Compensation and Classification Plan. The study is well on its way and CVIOG have been meeting with Department Heads. Completion is expected by June 2024.
- (2) SPLOST Continuation. Election day is March 12, 2024 and early voting begins in two weeks.
- (3) Road and Bridge Master Plan. The RFQ is out and being advertised. The deadline is March 27, 2024 and it will be brought to the Board for consideration on May 7, 2024.
- (4) LMIG Resurfacing Program. The bid opening was today, and it will be considered by the Board on February 20, 2024.
- (5) New Public Works Facility. Preconstruction meetings will be held on site next week.
- (6) Pine Mountain Valley Park. Meetings have been held with the landscape architect and the concept plan is being prepared.
- (7) Reconfigure Lights at Moultrie Park. This project is on-going.
- (8) Aerial Flight for GIS. Flight has been completed and should be in qPublic in 30-45 days.
- (9) Rehabilitate Runway Lighting, Airfield Signage, and Wind Cone. This project is expected to start soon.
- (10) Conduct Airport Open House. Annual open house will be held on May 4, 2024. This is a good annual event.
- (11) Preparation of Water and Wastewater Rate Study and 5-Year Water and Wastewater Master Plan. The reports will be presented at the planning session on February 22, 2024.
- (12) Design of New Elevated Water Tank. This project will be bid out in early 2024 with construction to begin mid-2024.
- (13) Phase II Courthouse Renovations. Design phase is on-going and the project will be discussed at the planning session on February 22, 2024.

8. **PUBLIC HEARINGS AT 7:00 p.m.**

The Conflict of Interest forms were completed at the request of Chairman Grant. Chairman Grant explained the procedures for the Public Hearing.

A. **Application of Frank J. Malloy, to rezone 1.29 acres of a 3.532-acre parcel, located on Map 080, Parcel Part of 042, Land Lot 157, Land District 18th; Rezoning from C-4 (Highway Commercial) to A-1 (Agricultural/Forestry); Current use is vacant commercial property; proposed use is for agricultural and conservation purposes; property located at 4661 GA Hwy 85, Ellerslie, GA.**

Chairman Grant called the Public Hearing to order, read the specifics of the application, and said that the recommendation of the Planning Commission was approval. Ms. Melissa Malloy, Applicant's wife, was available to provide information and respond to any questions. Ms. Malloy addressed the Board and advised that the piece that is being requested to be rezoned is expected to be purchased by an adjacent landowner to be added to the property already in conservation.

Chairman Grant asked if there was anyone that would like to speak in favor of this application. There being none, he asked if any one would like to speak in opposition to the application. There being none, Chairman Grant closed the public hearing at 7:08 p.m.

The motion to approve the Application of Frank J. Malloy, to rezone 1.29 acres of a 3.532-acre parcel, located on Map 080, Parcel Part of 042, Land Lot 157, Land District 18th from C-4 (Highway Commercial) to A-1 (Agricultural/Forestry); property located at 4661 GA Hwy 85, Ellerslie, GA for agricultural and conservation purposes with the condition that the 1.29-acre portion of the subject property to be rezoned to A-1 shall ultimately be recombined with the adjacent approximately 6-acre A-1 zoned parcel to form a total A-1 parcel of 7 acres or greater was made by Commissioner Gantt, and seconded by Vice-Chair Andrews and Commissioner Irions.

County Attorney Russell Britt has a concern about the condition and advised without a date certain that the condition doesn't really do anything and that the application is about the rezoning of the parcel. A motion to rescind the condition was made by Commissioner Gantt, seconded by Chairman Grant, and passed unanimously.

The motion to approve the Application of Frank J. Malloy, to rezone 1.29 acres of a 3.532-acre parcel, located on Map 080, Parcel Part of 042, Land Lot 157, Land District 18th from C-4 (Highway Commercial) to A-1 (Agricultural/Forestry); property located at 4661 GA Hwy 85, Ellerslie, GA was made by Commissioner Gantt, and seconded by Vice-Chair Andrews and Commissioner Irions, and passed unanimously.

9. **COUNTY ATTORNEY.** Russell Britt, County Attorney, said that he had no business to come before the Board this evening.
10. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Gantt, seconded by Commissioner Lightsey, and passed unanimously. The meeting adjourned at 8:08 p.m.

Rob Grant, Chairman

Attest:

Andrea Dzioba, County Clerk