

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

June 4, 2024

APPEAL HEARING

5:30 p.m.

Commissioners Present: Rob Grant, Susan Andrews, Greg Gantt, Scott Lightsey, Bobby Irions. Staff Present: Russell Britt, County Attorney; Andrea Dzioba, County Clerk; Sam Andrews, Animal Control Officer.

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

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

Mr. Andrews explained that this investigation started in February of 2023. He said that there are Ring videos of almost every incident and that Ms. Carter’s dogs would get out of her yard and go over to Ms. Guild’s yard and fight through the fence except for the occurrence when the dogs dug under the fence and got into Ms. Guild’s yard. He stated that Ms. Carter did install an electric fence and worked for a while but that the dogs subsequently got out and got into Ms. Guild’s yard. He said that the dogs are not dangerous or aggressive but that they are a nuisance.

Mr. Britt then asked Mr. Andrews if he investigated this case. Mr. Andrews said that he started in his position in March of 2023 and was made aware of the case then.

In response to questions from the Board, Mr. Andrews said that Ms. Carter’s dogs did not instigate the fight and does not consider them dangerous; and stated that the fence has not been repaired.

Mr. Britt would like Exhibits A through F that were provided to the Board be included as Exhibit 1 to the hearing and included with the minutes.

The video from March 18, 2024 was played for the Board and Mr. Andrews narrated same. In response to a questions from the Board, Mr. Andrews advised that the electric fence did work initially and that electric fences can be temperamental; and that the Sheriff’s office has gone out a couple of times in 2024.

Ms. Karen Carter referred to a picture that was provided and informed the Board that the cement block knocked over and hit the ground off for the fence.

Mr. Britt swore in Maria E. Guild. Ms. Guild stated that Mr. Carter’s dogs will dig under their fence and have gotten into her yard. Ms. Guild said that the fence has not been fixed and that the wire is just hanging. In response to a question from the Board, Ms. Guild advised that there are now two privacy fences since she moved hers when she began to have problems with Ms. Carter’s dogs.

When asked by Mr. Britt if Ms. Carter has any questions, Ms. Carter wanted to know how Ms. Guild had pictures of the cinder block and the ground when those things are behind the privacy fence. In response to a question of why she doesn’t have an issue with other dogs that are in Ms. Guild’s yard, Ms. Guild said that no other dogs come and fight with her dogs. Discussion was held by the parties related to property boundaries.

Mr. Britt swore in Karen Carter. Ms. Carter stated that she wanted to play the video on her flash drive. However, there was no video located on the flash drive. Ms. Carter stated that when Ms. Guild’s dogs are in her yard that she doesn’t call Animal Control and that Ms. Guild’s dogs antagonize hers. She further stated that she is currently crate training her females dogs but that her male dog will need some additional training to be able to stay in the house. She said that if she can’t successfully train her male dog to be in the house that she will get an outdoor enclosure for him.

In response to a question, Ms. Carter does not dispute that her dogs got out; and that her dogs have not had issues with any other neighbors.

In response to questions from the Board, it was determined that this is a subdivision with an HOA and that the covenants do limit the number of pets in the neighborhood and that Ms. Carter is unaware of whether there is one related to dogs at-large; that the prior declaration was rescinded as Animal Control consider that the electric fence was a good faith effort by Ms. Carter; and that if the dogs are declared a nuisance that they could then write citations if necessary and then the case would go to Magistrate Court.

Mr. Britt advised the Board that they could at their discretion modify it so that the \$15.00 per dog was \$15.00 for all three dogs should the Board desire to do so.

There being no further questions, Mr. Britt declared the hearing closed at 6:06 p.m. and said that the Board can affirm, modify, or overturn the designation made by Animal Control.

Chairman Grant made the motion to affirm the nuisance classification of Animal Control with the modification that the \$15.00 is for all three dogs and not \$15.00 per dog. The motion was seconded by Vice-Chair Andrews. Vice-Chair Andrews stated that the dogs have met the definition of a nuisance dog and that it sounds like Ms. Carter is trying to keep the dogs inside and there may not be any further issues. The motion passed unanimously.

3. **ADJOURNMENT**. The appeal hearing adjourned at 6:11p.m.

REGULAR SESSION

6:30 p.m.

Commissioners Present: Rob Grant, Susan Andrews, Greg Gantt, Scott Lightsey, Bobby Irions. Staff Present: Russell Britt, County Attorney; Andrea Dzioba, County Clerk; Elizabeth Barfield, Chief Financial Officer.

1. **CALL TO ORDER**. Chairman Grant called the Regular Session to order at 6:30 p.m. Chairman Grant asked everyone to remember and keep Bobby and Jennifer Ammons in their prayers after Jennifer Ammons' father's passing.
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 May 14, 2024 Budget Work Session II and the May 21, 2024 Budget Work Session III and Regular Session was made by Commissioner Irions, seconded by Commissioner Lightsey, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Appointment to the Region 7 EMS Advisory Council**. The motion to reappoint Bucky Searcy to the Region 7 EMS Advisory Council for a three-year term that will expire on June 30, 2027 was made by Chairman Grant, seconded by Commissioner Irions, and passed unanimously.
 - B. **Appointment to the Mental Health, Developmental Disabilities and Addictive Diseases Region 6 Advisory Council**. The motion to reappoint Starla Lewis DeSaussure to the Mental Health, Developmental Disabilities and Addictive Diseases Region 6 Advisory Council for a term from July 1, 2024 to June 30, 2027 was made by Vice-Chair Andrews, seconded by Commissioner Lightsey, and passed unanimously.
5. **COUNTY MANAGER**
 - A. **Project Updates**. County Clerk Andrea Dzioba stated that there were 26 single family home permits in May and that is the most for any month this fiscal year; that she is waiting for an update related to the radio system from the consultant and the E911 Director; that she is working with CVIOG and that some additional information has been sent as requested by Department Heads; and that a preliminary report is still expected by June 21, 2024 from CVIOG.

6. **OTHER**

- A. **Consideration of canceling the July 2, 2024 Regular Meeting.** The motion to cancel the July 2, 2024 Regular Meeting was made by Chairman Grant, seconded by Commissioner Gantt, and passed unanimously.

7. **COUNTY ATTORNEY.**

- A. **REQUEST FOR EXECUTIVE SESSION.** County Attorney Russell Britt said that he had a need for an executive session under personnel.

8. **RECESS FOR EXECUTIVE SESSION.** Chairman Grant made the motion to go into Executive Session for personnel at 6:37 p.m. The motion was seconded by Vice-Chair Andrews and passed unanimously.

9. **RESUME REGULAR SESSION.** The motion to go back into Regular Session was made at 7:07 p.m. by Commissioner Irions, seconded by Commissioner Lightsey, and passed with four in favor (Grant, Irions, Gantt, Lightsey). Vice-Chair Andrews returned to the meeting at 7:08 p.m.

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

- A. **FY 2024-2025 Budget Public Hearing I.**

Chairman Grant called the Public Hearing to order at 7:07 p.m. and asked if there was anyone that would like to speak. There was no one present that wanted to speak.

Commissioner Gantt inquired as to whether the Board has done anything to inform the public of the water rate changes included in the fee schedule and wanted to mention it. Chairman Grant said that as of right now what is included is included but that it isn't final until the budget is approved. Commissioner Gantt said that he feels like they have done their due diligence by mentioning it and making people aware. Commissioner Irions said that they mentioned it when they first talked about the budget but had not discussed it since. A brief discussion was held related to charges to Volunteer Fire Departments for water over a certain amount of usage. Commissioner Gantt stated that there has been a year over year increase since 2016 in salaries and benefits; provided statistics; and he does not believe that the increases are due to a large increase in the number of workers. Chief Financial Officer Elizabeth Barfield stated that salaries have been fairly flat and that the increases appear to be primarily from variable cost such as health insurance. Vice-Chair Andrews stated that the last salary survey had a bump to salaries and that the Board also added the 1% longevity which contributes to the increases also. A brief discussion was held related to the possible available funds that may remain in TSPLOST 2013 of \$37,300 and that the Board would prefer to wait until the work in Finance will provide an accurate picture when the process is complete.

After discussion, the Board by consensus decided to include an addition of \$336,935 for two new full-time Deputy Sheriffs, required equipment, and two vehicles for those two new positions.

Chairman Grant closed the public hearing at 7:49 p.m.

11. **ADJOURNMENT.** There being no further business to discuss, the motion to adjourn was made by Commissioner Gantt, seconded by Vice-Chair Andrews and Commissioner Irions, and passed unanimously. The meeting adjourned at 7:50 p.m.

Rob Grant, Chairman

Attest:

Andrea Dzioba, County Clerk