

October 5, 2021

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**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting *in-person* on Tuesday, October 5, 2021, 9:00 a.m., at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough GA. HenryTV also streamed this live online at its website, as well as Charter/Spectrum Channel 180 and Facebook Live.

Carlotta Harrell, Chair
Johnny Wilson, District I Commissioner
Dee Clemmons, District II Commissioner
Greg Cannon, District III Commissioner
Vivian Thomas, District IV Commissioner
Bruce Holmes, District V Commissioner

Also in attendance: Patrick Jaugstetter, County Attorney; Stephanie Braun, County Clerk; and Nathifa Cunningham, Deputy County Clerk

Absent: **Cheri Hobson-Matthews, County Manager**

INVOCATION

The Invocation was given.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

Greg Cannon, District III Commissioner entered into the Meeting

CALL TO ORDER

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, October 5, 2021 to order.

RECOGNITION OF COUNTY EMPLOYEE RETIREMENTS

Harold Cooper, Human Resources Director, announced the retirement of the following Henry County employees:

- *Don Ash - Emergency Management Agency/911 - 30 years*

PROCLAMATION

Stephanie Braun, Clerk, Henry County came forward to read the following Proclamation into the record:

**Proclamation Recognizing October
As Bullying Prevention Month**

WHEREAS, bullying is physical, verbal, sexual or emotional harm or intimidation directed at a person or a group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools and online through technology; and

WHEREAS, various researchers have concluded that bullying is the most common form of violence affecting millions of American children and adolescents annually, and thousands of Georgian children and adolescents are affected by bullying every year; and

WHEREAS, targets of bullying are at increased risk for depression, anxiety, sleep difficulties, lower academic achievement and dropping out of school and students who are repeatedly bullied often fear such activities as riding the bus, going to school, interacting online and attending community activities; and

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors; and

WHEREAS, children who witness bullying often feel less safe, helpless to stop it and intimidated;

NOW THEREFORE, BE IT PROCLAIMED that the Henry County Board of Commissioners recognizes October as Georgia National Bullying Prevention Month;

BE IT FURTHER PROCLAIMED that Georgia schools, students, parents, recreation programs, religious institutions, businesses and community organizations be encouraged to engage in a variety of awareness and prevention activities designed to make our community safer for all children and adolescents.

This 5th day of October, 2021

Ms. Braun then read the second Proclamation into the record, as follows:

**Proclamation Recognizing November 7, 2021
As Retired Educators Day**

WHEREAS, Georgia recognizes the first Sunday in November as Retired Educators Day in the state; and

WHEREAS, there are more than 128,000 Retired Educators in Georgia with more than 30,000 who are members of the Georgia Retired Educators Association; and

WHEREAS, the Retired Educators of Georgia donate thousands of hours of volunteer service and make invaluable contributions to the welfare of their respective communities across the state; and

WHEREAS, it is appropriate that a day be designated for citizens to express their appreciation for the contributions that Retired Educators have made and continue to make for the betterment of human lives and for society; and

WHEREAS, Henry County citizens are grateful for the work performed by Retired Educators and commend them for their time and commitment to bettering the County;

NOW THEREFORE, BE IT PROCLAIMED by the Henry County Board of Commissioners that November 7, 2021 is hereby recognized as Retired Educators Day and they call upon the citizens of Henry County to observe that day in an appropriate manner honoring retired teachers for their dedication and commitment to the citizens of Henry County.

This 5th day of October, 2021

PRESENTATION

Update on Emergency Rental Assistance Program (ERAP 1) (Presenters: Karen Davis, Curry-Davis; and Elizabeth Wilson, GMEN)

David Smith, Director of Financial Services gave some opening remarks before introducing the speakers on this matter.

Elizabeth Wilson, Executive Director, Georgia Micro Enterprise Network (GMEN), addressed the Board on this update. Over \$6 million were distributed throughout Henry County for citizens who were in dire need of assistance and had those needs met in record time. She explained that there has been partnership with Curry-Davis in administering this program for the residents of Henry County. She then yielded to Ms. Davis for further remarks and presentation.

Karen Davis, President/CEO, Curry-Davis Consulting Group, began her presentation to the Board. She stated that all \$6.35 million dollars were spent in 5½ months to serve the citizens of Henry County who needed these funds. The program is under the Coronavirus Aid, Relief and Economic Security (CARES) Act funding and ERAP 1 has now been completed. The average payment for Henry County citizens was \$7,804.69; some payments were made to help citizens/tenants to get out of arrears and also helped landlords to recoup their losses as well during the pandemic. There were a total of 1,638 ERAP applications received and 105 re-certifications were received as well. Ms. Davis also stated that there were applications made online, at in-person events and through Enrollment Specialists via phone or Zoom video calling. Ms. Davis recognized Henry County Magistrate Court Judge Martin Jones for his

efforts in working with Curry-Davis and brought the program into the Eviction Court system after the moratorium was lifted. Opportunities for the ERAP program were able to be explored by both landlords and tenants in appearance during these hearings and when approved, landlords were coming in to pick up their checks at the courthouse on Tuesdays. Almost \$1 million went directly to preventing evictions. This process is trying to get formalized as a best practice to help other areas in the state.

Ms. Davis then turned to the relationship with Georgia Power/Southern Company's community outreach group to utilize the ERAP program for their customers who have difficulty paying their power in Henry County. Atlanta Regional Commission (ARC) has also helped by providing their Geographic Information Systems (GIS) mapping system to assist in isolating the areas where high eviction rates are, in an effort to get to those targeted areas through community outreach for services.

Ms. Davis then stated that ERAP 2 has funding in the amount of \$4,748,638.91; if GMEN works on this project as well, the applicants who are still pending will be placed in this cycle for processing and possible approval with a projected completion within six (6) months and then one (1) month of close-out. They will be working more with extended stay hotels this round to try and support those families to get them into permanent and stable housing.

Dee Clemmons, District II Commissioner had a question referencing the educational piece of using ERAP funds and if it is allowed and if any modifications have been implemented. **Ms. Davis** stated that the funding has to be COVID related and that over the last couple of months there has been a transition of people understanding how these funds can be used and what the COVID impact looks like.

There were no further questions or comments. *No action was taken.*

CONSENT AGENDA

Shannan Sagnot, CDBG Director, presented the Consent Agenda as follows:

Airport

- A. Resolution approving Croy Engineering Task Order #14 for Engineering Design Services for Apron and Taxiway Pavement Rehabilitation in the amount of \$107,049.93 (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 1) (*Resolution 21-299*)

Henry County Fire Department

- A. Resolution of the Board of Commissioners Approving the Purchase of Seven X Series Zoll Cardiac Monitors and Supporting Cardiac Resuscitation Supplies in the amount of \$186,159.06 from Zoll Medical Corporation using SPLOST IV Funds (Presenter: Chief Jonathan Burnette) (Exhibit 2) (*Resolution 21-300*)

Police Department

- A. Request to accept the bid for two (2) Tiger Cam Video System Pole Cameras from Advanced Covert Technology plus equipment using the Federal Seized Funds account #21000071-531600, for the Henry County Police Department not exceeding the amount of \$19,796 (Presenter: Major R. McGlamery, HCPD)(Exhibit 3) (*Resolution 21-301*)

- B. Resolution accepting an additional \$2,512.16 from the United States Secret Service Cyber Fraud Task Force (Presenter: Major R. McGlamery, HCPD) (Exhibit 4) (*Resolution 21-302*)
- C. Resolution accepting the Governor's Office of Highway Safety (G.O.H.S.) grant in the amount of \$134,066.72 for the H.E.A.T. program (Presenter: Major R. McGlamery, HCPD)(Exhibit 5) (*Resolution 21-303*)

Financial Services

- A. Resolution approving a Confidentiality and Non-Disclosure Agreement with Georgia Power in order to offer assistance to those in arrears with their electric utility bills (Presenter: David Smith, Financial Services Director)(Exhibit 6) (*Resolution 21-304*)

Fleet Department

- A. *** **(Moved to Regular Agenda):** Resolution awarding the purchase of one (1) 325g Track Loader for the Parks & Recreation Department to Ag-Pro of McDonough in the amount of \$54,979.67 through Sourcewell Contract #032119-JDC, using Capital Improvement Plan (COPS) Funds, as approved by the Board in the CIP. (Presenter: Jody Swords, Director of Fleet Services)(Exhibit 7)
- B. *** **(Moved to Regular Agenda):** Resolution approving the purchase of two (2) Ford Explorers from Allan Vigil Ford in the amount of \$56,600.00 through State Contract #99999-SPDES40199373-002. One vehicle for the Sheriff's Office using Capital Improvement Plan (COPS) funds, as approved by the Board in the CIP; and one vehicle for the Solicitor's Office using SPLOST V funds (SP5011). (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 8)
- C. *** **(Moved to Regular Agenda):** Resolution approving the purchase of six (6) Ford Pursuit Explorers for the Sheriff's Office from Wade Ford of Smyrna, Georgia in the amount of \$203,934.00 through State Contract #ES-RFR-40199-409 using Capital Improvement Plan (COPS) funds, as approved by the Board in the CIP. (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 9)
- D. *** **(Moved to Regular Agenda):** Resolution approving the purchase of four (4) Ford Escapes for Tech Services from Allan Vigil Ford in the amount of \$86,828.00 through State Contract #99999-SPD-ES40199373-002 using Capital Improvement Plan (COPS) funds, as approved by the Board in the CIP. (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 10)

SPLOST

- A. Resolution approving the purchase of a Breathing Air System for refilling Self-Contained Breathing Apparatus (SCBA) air tanks for Fire Station #6 from Municipal Emergency Services in the amount of \$76,549.21 using National Purchasing Partners (NPP Gov) Contract #PS20120, using SPLOST V Funds (SP5004) (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 11) (*Resolution 21-308*)
- B. A Resolution awarding Bid #22-15 to Tri-Scapes, Inc. in the amount of \$396,526.54 for additional walking paths in Fairview connecting the Fairview Public Safety Complex to Village United Park using SPLOST V Funds (SP5004). (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 12) (*Resolution 21-309*)

Stormwater

- A. Resolution of the Henry County Board of Commissioners awarding an Annual Contract for Groundwater/Methane Gas Monitoring Services for the closed Henry County landfills to Advanced Environmental Management, Inc. with a maximum annual cost for services of \$24,985.00. (Presenter: Alex Mohajer, Stormwater Director)(Exhibit 13) (*Resolution 21-310*)
- B. Resolution of the Board of Commissioners authorizing the application for the Conserve Georgia Grant and committing funds required to complete the proposed project. The County could apply for up to \$3M of grant funds with a required minimum match of 25%, in-kind or cash (Presenter: Alex Mohajer, Stormwater Director)(Exhibit 14) (*Resolution 21-311*)

Planning & Zoning

- A. Adoption of Capital Improvement Element (CIE) Annual Report 2021-2025.
 - Each year, Henry County and all local jurisdictions that utilize an impact fee system under the Georgia Development Impact Fee Act must include a Capital Improvement Element in their comprehensive plans and update this Capital Improvements Element portion of their plan annually. This year's report was approved by DCA with no changes and must be adopted by the BOC by October 31, 2021, in order to maintain Henry County's qualified local government status, as well as, to continue to collect impact fees. (Presenter: Stacey Jordan-Rudeseal, Asst. Planning & Zoning Director)(Exhibit 15) (*Resolution 21-312*)

Board of Commissioners

- A. Resolution approving 2022 Holiday Calendar (Presenter: Stephanie Braun, County Clerk)(Exhibit 16) (*Resolution 21-313*)
- B. Resolution approving 2022 Board of Commission Meeting Calendar (Presenter: Stephanie Braun, County Clerk)(Exhibit 17) (*Resolution 21-314*)

****This ends the Consent Agenda****

Johnny Wilson, District I Commissioner made a motion to approve the Consent Agenda; **Commissioner Cannon** seconded the motion.

Vivian Thomas, District IV Commissioner asked that Consent Agenda under the Fleet Department, items A through D, be moved to the Regular Agenda for discussion. **Chair Harrell** explained that these were already approved by Capital Improvement. The District IV Commissioner explained that when the Capital Improvement budget was put together, each item has to be brought before the Board of Commissioners. **Patrick Jaugstetter, County Attorney** verified that each item for Capital Improvement did call for each item to be presented before the Board and to remove them from the Consent Agenda to Regular Agenda can be done at this time, upon the Board's request.

Motion and second made. The motion carried (6-0-0).

REGULAR AGENDA

Moved from Consent Agenda

Fleet Department

Resolution awarding the purchase of one (1) 325g Track Loader for the Parks & Recreation Department to Ag-Pro of McDonough in the amount of \$54,979.67 through Sourcewell Contract #032119-JDC, using Capital Improvement Plan (COPS) Funds, as approved by the Board in the CIP. (Presenter: Jody Swords, Director of Fleet Services)(Exhibit 7)

Jody Swords, Fleet Services Director, approached.

Bruce Holmes, District V Commissioner asked if each of these items will be presented and voted upon separately; **Chair Harrell** responded that they are to be voted upon separately upon presentation.

Mr. Swords explained that the first purchase is for a track loader for maintenance in the parks and small projects to help in some improvements listed on the Capital Improvements Program. The current one is 18-20 years old and is used daily and has reached end of service.

Commissioner Thomas asked if this went through Procurement and how many bids were received on this; **Mr. Smith** responded that they did go through Purchasing and some of these are on state contract. He further explained that going through the bid process is a long time; some vendors are pre-approved and that pre-approval through the state is utilized for purchasing goods and services. Commissioner Thomas specified that there is no direct bidding and that these are bought through an approved contractor on the state-approved list; Mr. Smith affirmed same.

Commissioner Clemmons asked to know that if they are on the state-approved list, if there is a fair bid process where the County will decide upon the award of the contract. She asked who does the selection once vendors are on a list and if there is a bidding process. **Mr. Smith** explained that there is no bidding process and that Mr. Swords reaches out to the listed vendors to determine if they have the goods and services which are needed. The District II Commissioner asked if they can see how that is done. **Mr. Swords** responded that the different vendors are awarded contract numbers for specified goods and services; when those specified goods and services are needed then the vendor with the corresponding contract number would be contacted. The listed vendors were vetted and pre-approved by the state. The District II Commissioner stated that only the vendor with the state contract has been looked at and not all possible vendors. Mr. Swords stated that at this time, the wait for vehicles such as the Pursuit package has to be ordered during specific open order times and the wait time can be as long as ten (10) months.

Chair Harrell noted that this request is for track loaders and asked how many listed vendors have the specific-needed track loaders; **Mr. Swords** responded that as far as John Deere dealerships, the local vendor was chosen that have what is needed and there are probably only about 15 in Georgia. Sourcewell has an established price and specification for a vehicle; the 325 was chosen because it is equivalent and the exact size as to what is currently being used.

There being no further questions or comments from the Board, **Commissioner Cannon** made a motion to approve; **Commissioner Wilson** seconded the motion. Motion carried was carried by a vote of 5-1-0.

(Chair Harrell, Commissioners Wilson, Cannon, Thomas and Holmes voted in favor; Commissioner Clemmons voted in opposition)

(Resolution 21-305)

Resolution approving the purchase of two (2) Ford Explorers from Allan Vigil Ford in the amount of \$56,600.00 through State Contract #99999-SPDES40199373-002. One vehicle for the Sheriff's Office using Capital Improvement Plan (COPS) funds, as approved by the Board in the CIP; and one vehicle for the Solicitor's Office using SPLOST V funds (SP5011) (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 8)

Mr. Swords explained that the Ford Explorers are administrative versions and not set up as police cars; this version is not to be used for full police chase or duties. One is going to the Sheriff's Office to replace an administrative vehicle and the other is a new one for the position in the Solicitor's Office. Once the order is placed, it will probably be mid next year before they are received.

Commissioner Holmes suggested that the Solicitor should explain the new position and the purpose for the new position. There has been a request made by three (3) members of the Board 3 weeks ago that has not been received as of yet. **Chair Harrell** directed the Commissioner to cease discussion on that and stay to the topic of the vehicles presented in this request. After Mr. Swords stated that Fleet Department is not aware of the District V Commissioner's request, Chair called for an immediate motion on this matter.

Commissioner Wilson made a motion to approve; **Commissioner Cannon** seconded the motion. Motion failed by a vote of 3-3-0.

(Chair Harrell, Commissioners Wilson and Cannon voted in favor; Commissioners Clemmons, Thomas and Holmes voted in opposition)

Resolution approving the purchase of six (6) Ford Pursuit Explorers for the Sheriff's Office from Wade Ford of Smyrna, Georgia in the amount of \$203,934.00 through State Contract #ES-RFR-40199-409 using Capital Improvement Plan (COPS) funds, as approved by the Board in the CIP. (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 9)

Commissioner Thomas remarked that there is usually a financial update in October for the year-to-date. She asked why this is being brought up now before the mid-year budget or financial update. **Chair Harrell** directed that the vote will be on this resolution and questions should be restricted about this resolution only. **Mr. Swords** explained the details of the Resolution and that it is under state contract. These vehicles will be outfitted for Sheriff's Office for patrol and the school system use.

There being no questions or comments from the Board, **Commissioner Wilson** made a motion to approve; **Commissioner Cannon** seconded the motion. Motion carried was carried by a vote of 4-2-0.

(Chair Harrell, Commissioners Wilson, Cannon and Holmes voted in favor; Commissioners Clemmons and Thomas voted in opposition)

(Resolution 21-306)

Resolution approving the purchase of four (4) Ford Escapes for Tech Services from Allan Vigil Ford in the amount of \$86,828.00 through State Contract #99999-SPD-ES40199373-002 using Capital

Improvement Plan (COPS) funds, as approved by the Board in the CIP (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 10)

Mr. Swords explained that these are for Technology Services use. Employees are assigned to different departments in Technology Services and these employees need vehicles for Tech Services to advance the way they perform their services to the Police Department, Sheriff's Office or the bigger departments.

There being no questions or comments from the Board, **Commissioner Wilson** made a motion to approve; **Commissioner Cannon** seconded the motion.

Commissioner Clemmons asked how the requests come in for Technology Services and who it came to; **Mr. Swords** responded that this is through the Capital Improvements Plan over a year and a half ago; this was reviewed and Technology Services has tried to expand their operations and train people to go to other departments for their services. **Mr. Smith** added that for some time, the Fleet Replacement Plan has each department having access to a vehicle so if there is a need for travel, there is an official vehicle available. These vehicles would be utilized by Technology Services employees so they do not have to use their personal vehicles. The District II Commissioner has no list presented to this Board of each vehicle in the department, how many miles on that vehicle, how old each vehicle is, if they can be traded or resold, as opposed to continuously buying new vehicles. Ford vehicles are now being purchased as opposed to Chevrolet vehicles which used to be purchased. She asked for full disclosure of all vehicles, their costs and what their statuses are. **Mr. Smith** stated that **Mr. Swords** has a list of all vehicles, their ages, their mileages and when they would need to be replaced. The Capital Improvements Plan has now been funded and the vehicles that need to be replaced are being replaced. A lot of money has been spent on vehicles but they have not been coming in because of supply chain issues. Out of the 50 that have been purchased, only 25 have come in so far, thus making it a timing issue. **Mr. Swords** added that the worst vehicles are being taken out and replaced. Some of the vehicles are costing a lot of money to keep in service. The District II Commissioner voted on the vehicle replacement plan, not the purchase of new vehicles for employees who did not have vehicles before. She does not support new vehicles for new employees when the replacement plan is not being followed. **Mr. Swords** stated that they have been exchanging vehicles within departments for the last 18 years until they are no longer serviceable. The worst vehicle is being taken out and is being replaced. Most everything is being replaced except for Solicitor's Office which has new vehicles. Technology Services had vehicles issued to them for whatever department needed to issue the vehicle, but those vehicles will be pulled out of service; Technology Services will then have its own vehicles with equipment and move around from department to department to expand adequate transportation for services through the bigger departments.

Commissioner Thomas asked if Technology Services need the vehicles to go from one place to another and maybe there can be a shuttle to rotate to the different departments upon request. She understands that Technology Services asks for vehicles to go to a department for training when it can be done remotely. **Commissioner Holmes** does not understand why the Fleet Services Director is speaking on a need that involves Technology Services. **Chair Harrell** called for a representative from Technology Services to come forward.

Jamie Pownall, Technology Services Director, approached and explained that four (4) technicians are in 4 different areas; they each have a vehicle assigned to them by those different departments and they are aged out. These vehicles are being replaced and used within Technology Services and not issued from the different departments.

Commissioner Thomas asked if they are rotating from department to department; **Mr. Pownall** explained that the employee designated to a specific department currently has a vehicle issued from that

department to use for services to that department. These vehicles are aged out and the intent is to have vehicles for the employees in Technology Services are within Technology Services to still use to the different departments but not using vehicles issued by those departments any longer. **Chair Harrell** stated that these vehicles are replacing aged out vehicles that keep needing repairs; **Mr. Swords** responded that the repair and maintenance costs are more costly than if they were to buy vehicles instead of constantly fixing 20-year-old vehicles. Purchasing these vehicles will no longer have the burden upon issuing departments to fix their vehicles if the vehicles are now going to be within Technology Services. The District IV Commissioner thinks there is another way to get those employees to service those departments, perhaps through Transit. Mr. Pownall explained that one employee was driving to four different fire stations for the Fire Department to fix their computers and they have to be onsite to fix them.

Chair Harrell called for a motion on this matter.

Commissioner Clemmons made a motion to approve; **Commissioner Cannon** seconded the motion. Motion carried (6-0-0).

(Resolution 21-307)

ANIMAL CONTROL

Appeal Hearing

Dangerous Dog Classification/Dog Owner: Deborah Jordan (Presenter: Gerri Yoder, Animal Control Director) (Exhibit 18)

Mr. Jaugstetter provided a brief explanation of this particular hearing prior to formal presentation. He introduced Ms. Patel who is an associate in his office and she will be appearing in the next evening Board meeting and perhaps the next evening Board meeting after that, in his absence. Mr. Jaugstetter continued that Henry County has a Dangerous Dog Ordinance which provides that the Animal Control Director can designate a dog as “dangerous” and the owner of the dog can ask for an appeal to this Board. The Ordinance has an Animal Control Board, which was never created; thus the appearance before this Board of Commissioners. If the dog has bitten someone or attacked someone and a puncture or wound appears, the dog is classified as “Dangerous”, which is different from a “Vicious” dog classification. Evidence will be presented as to the reason for the classification of Dangerous Dog in this particular case; then the owner has a chance to question witnesses and present evidence. The Board will then deliberate and decide if the Dangerous Dog classification continues. If the Board decides to uphold the classification, the owner is required to register the dog with Animal Control, will be required to have a fence, to have insurance and to have the dog microchipped. Ms. Yoder added that they will also be required to have an escape-proof enclosure and that signage should be posted that there is a dangerous dog on the property.

Mr. Jaugstetter continued that this will be conducted as a trial of sorts and that Animal Control will present first and then the owner of the dog in question will then appear.

Gerri Yoder, Director, Henry County Animal Control, presented a resolution regarding an appeal hearing on a Dangerous Dog classification. She presented case law and how a dog is designated as either “Dangerous” or “Vicious” and the difference between the two. Ms. Yoder read the statement as presented in the Executive Summary for the Board.

**STATEMENT BY GERRI YODER REGARDING DANGEROUS DOG CLASSIFICATION APPEAL
HEARING REQUESTED BY MS. DEBORAH JORDAN**

“While dogs may be man’s best friend but they’re still animals and they’re still capable of being a threat to public safety. Georgia law and our County Animal Control Ordinance recognizes this and we classify dogs that pose a threat as either “Dangerous” or “Vicious”. The designation of a Dangerous Dog can be given to any dog that bites someone or any dog that aggressively attacks and causes a person to reasonably believe that the dog is going to bite them even though no bite occurs, or a dog that goes off its owner’s property and kills somebody else’s pet. The designation of a Vicious Dog is the more serious of the two classifications. That designation is reserved for dogs that inflict what the law defines as a serious injury or causes the death of an individual. Once a dog has been classified as either Dangerous or Vicious, as a matter of Public Safety, the Ordinance imposes additional requirements on the dog owner regarding the containment and restraint of that dog to hopefully ensure that no one else is attacked or injured. The requirements for possession of a dog classified as Dangerous were included in the exhibits for this hearing. The details that formed my decision to classify this particular dog are as follows:

- The Henry County Animal Care & Control Department has received numerous complaints regarding the black female German Shepherd dog named Isis that is owned by Ms. Deborah Jordan, a tenant at 153 Country Mill Lane, Stockbridge, Georgia in District IV.*
- Ms. Jordan has received three (3) prior violation scene warnings from this Department regarding Isis running at large; the first in December of 2019, the second on February 27, 2020 and the third on February 17, 2021.*
- Ms. Jordan personally met with Animal Control officers each time and signed 3 different warning notices; so Ms. Jordan is certainly aware that her dog is not allowed to run loose and unattended, and that her dog continuing to run loose and unattended is a nuisance to her neighbors.*
- In the early evening of September 4th of this year, the E-911 Department received a complaint from Krista Adams, a resident on Red Mill Court, regarding an aggressive dog running at large and chasing her child. Ms. Adams is here this morning if you have any questions that you would like to ask her.*
- The on-call Animal Control officer and the Henry County Police Department were dispatched. Henry County Police Officer John Weatherly was the first to arrive on scene. After meeting with the complainant and investigating the incident he was directed to the dog owner’s residence. Once there, Officer Weatherly was bitten on the left thigh by the owner’s German Shepherd. The photo of Officer Weatherly’s injuries was not originally included in the Agenda exhibits but they were included this morning; I believe they are in the back of your packet. Additionally, if any of you would like to see it, I do have the first 90 seconds of Officer Weatherly’s body camera footage that I can play, if anybody would like me to play that.*
- ACO Kelly James arrived on scene and took possession of the dog. It was transported to the Henry County Animal Shelter for the required 10-day rabies quarantine. Animal Control Officer James is also here if you have any questions for her.*
- Officer James served Ms. Jordan with four (4) citations for this incident. Those citations are scheduled to be heard in Henry County Magistrate Court on November 11, 2021. Copies of those citations were included in your exhibits.*

In summary, while running loose and unattended, Isis not only aggressively chased Ms. Adams’ minor son but attacked and bit Officer Weatherly. Coupling this with Ms. Jordan’s continued disregard of the County’s Animal Control Ordinance by not ensuring that Isis stays properly restrained has caused me to classify Ms. Jordan’s dog as a Dangerous Dog. Ms. Jordan was

notified of this classification by me, in person, on September 7th. She was also notified as required by certified mail; in this mailing she was provided with a copy of the County's Animal Control Ordinance as well as the required form requesting this hearing before the Board. I received her completed hearing request form on September 14, 2021. Ms. Jordan was notified of today's hearing on September 15, 2021 via certified mail and Ms. Jordan is in attendance this morning; and again, Ms. Adams, Officer Weatherly, Officer James and I will be happy to answer any additional questions that you might have; thank you."

Mr. Jaugstetter asked that the Henry County police officer approach and provide a brief summary of his involvement and how he received his injury before the Board.

John Weatherly, Henry County Police Department, provided a statement as follows: *"Good morning. I'm Officer Weatherly with Henry County PD. On the day in question, I was called out for a dog that was chasing a child down the road. After asking questions on where the dog was at, they directed me down the street. I did a canvas of Country Mill Lane and there were two young girls walking down the street and I asked them if they've seen the dog; and they told me that there's a dog down the street at this house, I think, 142 Country Mill Lane. So I went to the house in question and the gentleman that lived at that house did, in fact, tell me that there was a dog across the street - not at the first yellow house but at the one next door - and that was 153 Country Mill Lane. So I walked up to the left side of the house to the fence line; and at the fence line - that's where I activated my body cam because I could see the two dogs running towards me. There was a pit bull and the black German Shepherd, and I thought that the dogs were contained so I went to go talk to the homeowners to make sure - to let them know that the dog did, in fact, get down the street and tried to attack somebody. So when I walked around the house to the front door, the German Shepherd had already made its way around and met me at the front; and as soon as I turned around it bit my back left thigh."*

There were no questions for the officer and he was dismissed.

Mr. Jaugstetter advised that Ms. Jordan was here and may ask the witnesses questions if she chooses.

Deborah Jordan, 153 Country Mill Lane, Stockbridge, GA approached and made the following statement: *"Good morning. I'm coming to just basically clarify the incidents that happened with my German Shepherd. The alleged times that she actually got loose and was - you know - the Animal Control obviously was called out. I had, like I stated to the officers when they came, when she got loose and actually got over the fence I was right there, so I contained her immediately after she ran down the street. Those were three different incidents and within two years - what - and she is not a dangerous dog simply because that little boy that was being - I guess - chased down the street - we were out of town at that time and - we all know that German Shepherds are very active; and if she had been wanting to bite the little boy and was really chasing him, she would have done so. In her mind, this dog is - I have five children, so my 9-year-old rides his bike with her. He walks her, so in her mind - you know - she's playing - like running. Even though I understand that that is very scary, maybe for the child to - you know - witness like, oh my goodness the dog is chasing me down the street; but she wasn't chasing him to be vicious or malicious towards him and even - if the officer being bit - I'm very much sympathized with him. My family is an officer community family and I don't think that was okay but us being out of town at that time and my elderly mother-in-law being there by herself, that she was - you know - German Shepherds are very , they're very protective of their environment and that being - our home is on an acre and a half. So her space of walking from the driveway all the way up to the porch is, like, very distant. So with anybody being on our property, on the front porch, that was like, for her -- and that was trespassing; and based on Article 5 in the Vicious and Dangerous Dog section, the exception to the definition of a Dangerous Dog, she was - a dog that inflicts injury upon a person who at the time was committing a willful trespass and*

although the - it wasn't negative, what the officer was doing. The dog does not - you know - equate that in her mind that this person is a person that is serving the community and coming to check, all she knows is that someone is trespassing on the property and nobody's home and that's not okay. For that animal that is territorial to protect her family but she is not a Dangerous Dog. We have five children; she's raised with - I transport puppies and she's with the puppies as - like - a motherly figure. I have pictures and documentation of that. Like - whereas - she would never aggressively kill a small animal or attack a child. My children are all under the age of nine (9). She would never attack the child; it's just under the unforeseen circumstances of that officer walking on that porch and us not being home and my elderly mother-in-law being there by herself. She doesn't know that they're not coming to cause harm. My car's been broken into around that area, around that time and everything. So she is very territorial but she isn't a Dangerous Dog and the classification of her being a Dangerous Dog would actually put where I wouldn't be able to have her because we actually moved from that property at the end of this month; so we transferred to Clayton County and their Dangerous Dog restrictions would mean that it would be, like, a thousand dollars yearly which is something, of course, I cannot afford for this animal but especially considering she really is not dangerous. But I do apologize to the officer that happened to. I would - I sympathize with - tremendously because I wouldn't want her to - and she's never bitten anyone, like - this is - I didn't even, like, know that that was going to happen - was capable, when they called and told me - like - she's never, in the four years that she's been alive she's never bitten anyone. I just ask that you guys make a decision not based off of - this animal is not like that at all. To know her is to love her. She isn't - and her getting loose the three times that she did, like, everybody's animal in that neighborhood gets loose all the time. I have pictures and documentation of numerous dogs running throughout our neighborhood, in my yard. The only difference is the neighbor that called the police, we've had, not necessarily a great relationship during the timeframe of us living there and that makes the difference of consistent calls. That's all."

Question(s) from the Board to Ms. Jordan

Chair Harrell: Do you still reside in Henry County?

Ms. Jordan: No, ma'am. I actually moved to Clayton County at the beginning of this month, was October 1st, because my lease ended so she would have to - if she was classified as Dangerous, I have to be approved by their Animal Control Board; and I actually went ahead and purchased the insurance and I have proof of that for animals - the Dangerous animal that you pay monthly just because I wouldn't - if something was to happen and somebody needed to file a claim, of course, that was one of the requirements but, I mean. They also require you to pay the thousand dollars registration which I won't be able to do at all, so that's what's currently going on but thank you, guys.

Mr. Jaugstetter advised that Ms. Jordan could ask questions of witnesses; she returned to her seat. He then directed Ms. Yoder to show the video clip of the interaction/encounter between Officer Weatherly and the dog in question. **Chair Harrell** asked that if the dog owner no longer resides in Henry County how that would affect the Board deciding on a classification of Dangerous Dog if she no longer lives in Henry County. Mr. Jaugstetter responded that she was a Henry County resident at the time the Dangerous Dog classification was made and she had the right to appeal that classification and thus it was brought before this Board. The Board must hear the evidence and render a decision, but he does not know how this would affect her living in Clayton County; unless Animal Control withdraws their claim, which they will probably not do. **Ms. Yoder** further clarified that the classification of Dangerous Dog, by law, is a matter of public safety and that it follows the dog. If the dog is not classified as a Dangerous Dog and the dog moves to Clayton County, then it becomes Clayton County's problem. The Chair specified whether or not Henry County still has jurisdiction in this matter now that the dog and her owner have moved to Clayton County. Mr. Jaugstetter assured that the timing of the placement of classification was

during the time that Ms. Jordan was still residing in Henry County and the appeal is in regard to that decision made during that timeframe and is appropriate to be heard before this Board now.

Commissioner Holmes asked if there is a history of this dog attacking anybody else. **Ms. Yoder** responded that there have been prior complaints made against this dog running at large and chasing people; however, this is the first time that the dog has bitten anyone. **Chair Harrell** remarked that her concern lies with the dog owner stating that the dog is territorial and therefore, protective of that territory; however, police, fire or any official in Public Safety coming onto the property and coming to the residence for a specific reason is not under the definition of trespassing. She gave an example of the house catching fire and the dog biting a firefighter which would cause the Chair concern, regardless of county. Ms. Yoder expanded that to include an example of either a child or an elderly person coming to the residence for the purpose of seeking assistance. The District V Commissioner asked another question, to which Ms. Yoder replied that the dog was chasing a child down the street. She began the playback from the officer's body cam video.

VIDEO IS PLAYED FOR THE BOARD

Additional Question(s) from the Board to Ms. Jordan:

Commissioner Holmes: *Why was the dog running free like that?*

Ms. Jordan: *She actually wasn't free, sir, she was in her backyard and in the fence area. She - when - I guess when he walked around that side, she got out of - off of her running lead and she came over the fence; but she doesn't get loose and bite people though. She's never done that, see. He was - I'm not saying that - I do understand that a public service officer has to be able to - you know - do their job. My dad was a police officer, so I understand that tremendously. But a dog doesn't equate that in their mind; she is just in her -*

Chair Harrell: *But it's your responsibility as a dog owner to keep control of your dog so it needs to be in a fenced area, or you need to make it - it's your responsibility.*

Ms. Jordan: *Yes, ma'am, and she was in the fenced area.*

Chair Harrell: *So did she jump the fence? How did she get out of the fence?*

Ms. Jordan: *Yes, ma'am, German Shepherds are able to, you know, climb fences but the home that I transferred to, of course, the fence is higher and it has the enclosure with the top where she's not able to climb out and she stays inside the house - at that home, which is my mom's home, she is able to be inside. It is an unfortunate circumstance; I don't think she had never attacked anybody before. She wouldn't attack children; like I said, I have five children under nine - 1, 2, 3, 9, 8 - and she loves kids. If she was going to attack that child, she could have. That dog could run at very high speed and he wouldn't have been able to get away from her if she wanted to attack him.*

Commissioner Holmes: *How many complaints did you have from your neighbors?*

Ms. Jordan: *Yes, sir, well, they -- I had three citations from when she was loose, but when she got loose - that's what I told the officer when they responded, I was literally right there, they just called Animal Control.*

Commissioner Holmes: *With those citations, didn't you think - 'I need to ensure that my dog is chained up or keep the dog in the house when I'm not home'?*

Ms. Jordan: Yes, sir. She couldn't stand in the house while I was out of town. My elderly mother, she wasn't able to take him in and out on her own so that -- she's....

Commissioner Clemmons: My question is similar to Commissioner Holmes'; the dog has gotten out on multiple occasions and I keep hearing you say that she wouldn't bite anybody, but a child can also run into the street; she's antagonizing the neighborhood. So she just bit the officer, but, you know, there's more to it than just biting somebody. If you're chasing someone, she seems to be very aggressive and just like the dog doesn't know that an officer of Public Safety or a kid - doesn't know that the dog is not going to bite them, either. I don't think that you've taken the proper precautions to protect the community from this dog.

Ms. Jordan: Right.

Commissioner Clemmons: You had a fence and the dog got out several times in the same fence; and so if you're going to have a dog like that, you got to be able to afford the fees to keep the dog away from people.

Ms. Jordan: Yes, ma'am, a dog - dogs escape all the time. That's like I said, even in our neighborhood, the only difference is that the neighbor does not care for me. They have huge dogs, huskies, running throughout there, the neighbors - I have pictures of it. I've seen another dog that looks similar to her as well running through our neighborhood and they - the neighbor that actually called the police, her dog comes to my yard - it's a very small dog - and antagonizes my dog and my children. It doesn't bite anybody. I'm a dog person, so I don't call the Animal Control.

Commissioner Clemmons: My question to you is what are you going to do to make sure that this dog never escapes again?

Ms. Jordan: Yes, ma'am, I bought the enclosure, I have the receipt from Tractor Supply, it's six by six by six; it has a top on it, it has all four sides enclosed. I also got the insurance, as I stated, I have proof of the insurance. She stays in the house, at the house - the other home that I moved to - she's in the house; that's why I've never gotten any reports in the four years from Clayton County either when she goes back and forth. It was just a negligent moment of us being out of town and my elderly mother-in-law not being able to fully function, to handle the dog by herself but I wouldn't - I wouldn't want to be a public nuisance, especially it being my dog because I wouldn't want her to be taken away and she's been gone since September 4th, so that is a learning - of course - curve for myself and her to know that this dog has to be restrained at all times.

Chair Harrell looked to the County Attorney and asked for next steps on this matter. **Mr. Jaugstetter** responded that if the dog is found to be Dangerous Dog as defined in the Ordinance, the Board is obligated to affirm the declaration and the finding; the owner would have to comply with the Ordinance. He further advised that whether or not this was a police officer, anyone walking up a driveway for the purpose of ringing the doorbell is not trespassing. Dogs do not know the difference and the fact that this dog bit somebody, that dog may have been doing something which was appropriate, but there has to be signage to warn the public, proper enclosure so the dog does not get out, maintain insurance on the dog and register with Animal Control, solely to protect the community and not to punish the dog. This meets the requirements in the Code and the Board should affirm that finding. There is a resolution to determine the upholding or the reversal of this Declaration. He read part of the Declaration into the record as follows:

NOW THEREFORE, BE IT RESOLVED THAT:

_____ *The evidence supports a finding that (the) dog as described herein is dangerous and the classification is upheld*

Or

_____ *The evidence does not support a finding that (the) dog as described herein is not dangerous and the classification is overruled.*

Chair Harrell made a motion to uphold the classification that the dog is a Dangerous Dog; **Commissioner Cannon** seconded the motion. Motion carried 5-1-0.

(Chair Harrell, Commissioners Wilson, Clemmons, Cannon and Thomas voted in favor; Commissioner Holmes voted in opposition)

(Resolution 21-315)

PUBLIC COMMENTS

There were none.

UPCOMING MEETINGS & EVENTS

- A. Monday, October 11, 2021 at 9:00 a.m., Called Virtual BOC Workshop to discuss the Impact Fee Schedule
- B. Wednesday, October 13, 2021 at 9:00 a.m., Called Virtual BOC Meeting regarding a Public Hearing for Zoning Appeal #AP-21-03
- C. Tuesday, October 19, 2021 at 6:30 p.m., Regular BOC Meeting
- D. Wednesday, November 3, 2021 at 9:00 a.m., Regular BOC Meeting (moved from Tuesday, 11/2/21 to Wednesday, 11/3/21 due to Election Day)

ADJOURNMENT

There being no further business at this time, **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 10:39 a.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk