

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 22, 2005, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Pete Liakakis called the meeting to order at 9:30 a.m., Friday, July 22, 2005.

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**II. INVOCATION**

John Savage gave the Invocation at the request of Commissioner Harris Odell, Jr.

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**III. PLEDGE OF ALLEGIANCE**

Commissioner Farrell led all present in the Pledge of Allegiance to the Flag.

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**IV. ROLL CALL**

The Clerk called the roll.

- Present:           Pete Liakakis, Chairman
- Dr. Priscilla D. Thomas, Vice Chairman, District Eight
- Helen L. Stone, District One
- James J. Holmes, District Two
- Patrick Shay, District Three
- Patrick K. Farrell, District Four
- Harris Odell, Jr., District Five
- David M. Gellatly, District Six
- Absent:           Dean Kicklighter, Chairman Pro Tem, District Seven
- Also present:    Russell Abolt, County Manager
- Jonathan Hart, County Attorney
- Barbara B. Wright, Acting County Clerk

Chairman Liakakis said, Commissioner Kicklighter has given us a message that he is out of town.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS****1. PROCLAMATION TO DECLARE TUESDAY, AUGUST 2, 2005, AS "NATIONAL NIGHT OUT" IN CHATHAM COUNTY.**

Chairman Liakakis said, I would like to call Chief Flynn to the podium. As everyone knows, for the last number of years, we've had "National Night Out" in Savannah and the Savannah Police Department has taken the front in that and put that on. In many instances, too, we have been one of the top cities in the entire country because of our activities that we have in "National Night Out," so what I'd like to do right now is read this proclamation.

**WHEREAS**, sponsored by the National Association of Town Watch, "National Night Out" is a unique nation-wide crime prevention program that enables communities to join forces with thousands of other communities across the county in promoting cooperative police community crime prevention efforts, and

**WHEREAS**, "National Night Out" is a very positive community event that unites neighborhoods, businesses, schools and local government and law enforcement in our collective resolve to prevent crime and promote public safety in our total community, and

**WHEREAS**, in August 2004, the Savannah-Chatham Metropolitan Police Department coordinated "National Night Out" activities in the City of Savannah and Chatham County and were ultimately awarded the distinction of national recognition, placed first in Georgia;

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim Tuesday, August the 2nd, 2005, as "National Night Out" in Chatham County and urge all citizens to participate in the main kick-off in Daffin Park.

Chairman Liakakis said, I'd like to present this to Chief Flynn, and if you'd like to make some remarks, this has been really important, because the citizens that have gotten involved in that, a lot of them have given information to the people, to our crime-stop people and all, and it's really a good affair.

Chief Flynn said, Mr. Chairman and Commissioners, I'd just like to say that the "National Night Out" event has been something really very special in our community. It's grown. Each year, our events have gotten larger and larger. Last year, about 5,000 people attended, and it's just a great opportunity for folks from all segments of our community to come out and see all sorts of crime prevention displays. This year, we're going to have a Homeland Security display. We're going to have helicopters. The Marines are going to — the Expeditionary Force is going to be doing a demonstration and it'll just be a great event. We hope to surpass last year's attendance, and really good cross-representation from all segments of our community. You know, Town Watch sponsors this event nationally and each year, we have been a leader. Last year, we were — well, actually, for several years, we have been the number one "National Night Out" event in the State of Georgia. Last year, we were number seven in the nation, and about 10,000 organized communities participate in this, so it's quite a distinction for our community, and this year, the event is going to be bigger and better than ever. It'll be an opportunity for all of us in the community to come together and to say that we are together, we're united as a community against

crime. We want to reduce and prevent crime and become one of the safest communities in the nation. It's just a great place for us to all stand shoulder-to-shoulder and say that, so I ask everyone to come out. I can tell you we have "National Night Out" T-shirts, Mr. Chairman, for you and each of the Commissioners, and we'll get those to you before the event. It's August 2nd, five p.m., at Daffin Park. And following the organized gathering there, we will have trollies going out to meet with neighborhood gatherings that occur in neighborhoods across the community. We're going to have four separate trollies, and we will also have a list and copies of it on-site whereby there are communities, neighborhoods all the way across our community are having individual gatherings in various districts and Precincts, and we'll have the list available so that anyone who wants to leave the main event at Daffin Park, that will go for about two hours, and after that, leave and visit the others. We'll have that list available and trollies for transportation, as well.

Chairman Liakakis said, thank you, Chief, we appreciate your participation in getting the Department to put this on. We've had it a number of years and I know it's grown under your watch. And we'd also like to thank Commissioner Dave Gellatly, our former Chief, who worked in this "National Night Out" and did a great job getting participation with the police department and our citizens. Thank you.

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**VI. CHAIRMAN'S ITEMS**

There were none.

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**VII. COMMISSIONERS' ITEMS**

**1. NOVALIS (COMMISSIONER SHAY). SEE ATTACHED STAFF REPORT GIVING HISTORY OF PROJECT.**

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, I've been monitoring the lack of progress on the contract that NovaLIS has been contracted by the County to provide. It's, I think, a very vital part of our ability to move forward in Chatham County with the development of better and more responsive inspections procedures for the Building Inspection Department and also integrate that with the efforts of the Tax Assessor's Office so that we can make sure that the construction projects are fairly and appropriately booked when we have new construction. It's a very vital part of our revenue stream as we look ahead in future tax years, but delay now is at the point where it's causing, in my view at least, damages to Chatham County in our inability to implement that program. I guess that falls under the category of lost opportunity. But I'd like to ask the Manager if he could give us a briefing about what the contract was about and where the status is at the present time.

County Manager Abolt said Commissioner Shay said it extremely well, as always. You might want to ask, before I make my comments, whether in the audience is any representative from NovaLIS. I've

never met the gentleman or lady. Is anybody in the audience? Commissioner Shay said, is anybody from NovaLIS out there? Mr. Abolt said, no one is here. You received, as I told you in the pre-meeting, I've had conversations with, I assume — he's addressed as the President of the company — as recently as yesterday, and made it very clear in my opinion that it was very important for his company to have a representative today for, if nothing else, their professional reputation. The Chairman has been very articulate in what he would do in the event that we get nonperformance but, overall, in point to what Commissioner Shay has asked, this was a major effort started by the previous Board, and really led by the Board of Assessors. There were many, many problems that were reported in the media about the lack of timeliness and the currency of value based on the stages of construction, issues of certificates of occupancy, issues of how quick is the inspections operation telling the assessor when things are going down, all sorts of problems. And it was really felt this was a major cooperative effort by Staff among several departments, not the least of which were the Board of Assessors, the Inspections operations, ICS, and the County Engineer. But it was not a compromise. It was truly an agreement that this firm, based on what they said they could offer, would give us what we wanted. As unfortunately is the case, it's intellectual software, I guess, intellectual priority, what they offer, and what they're providing, they're slipping. There's been a problem. It's been attributed, as you know, by the contractor to the subcontractor but again, as we're all most familiar with, that's not the County's problem. We have a contractor who has exact and specific responsibilities to deliver a product for which they are already behind schedule, and I don't think that they can in good faith, or even marginal good faith, try to blame the delay because they cannot manage their subcontractor. We've asked and the County Attorney has sent a very specific letter on point, making certain demands of NovaLIS and, certainly, I would expect that they would do it. In the event, and certainly by the time of your next meeting, if we continue to get this apparent disregard for the client, Chatham County, then between now and then we will have time, Mr. Hart and myself, to suggest specific legal action and what should be done to, in effect, up the ante and turn up the heat on this contractor.

Commissioner Shay said, Mr. Chairman, if I may, the Staff report that was included with this item said that the software project was approved in January of 2004 and the project duration was scheduled for completion in approximately 12 months. By my arithmetic, that means that they're about six months behind schedule. Mr. Abolt said, and growing. Commissioner Shay said, and growing by the day. And my point is just that as we fail to implement this program, that we are also being impacted in our ability to move forward expeditiously building permits at a time when every time I turn around, I hear of another project in the unincorporated area that's going to involve potentially thousands and thousands and thousands of homes, and at a time when we are struggling with the fact that our revenues and our expenses or costs of government — the revenues aren't keeping up with that. So my point to the Commission and to you and to the public is that this contractor, by failing to deliver what was promised to us and was contracted for in a timely fashion, is already causing us, in my view at least, financial damages, and that their failure on a going forward basis is not going to be taken lightly, that we intend, if we need to, to seek reimbursement for those financial damages, if possible.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, can we author a letter? We have a contractor who's behind schedule. We requested this person, or the company, to have a representative here today. True? Mr. Abolt said, I have done that orally to the head of the company. Commissioner Odell said, and they've totally ignored us. Mr. Abolt said, what they did was, and I cannot be more critical than I already have, but they came

up with a letter yesterday afternoon, I received this at 3:00, saying that no one could — I read it again — that the President couldn't be here and, oh, by the way, if we want to talk to this underling, we could have a conference call with him. As far as I am concerned, that is the absolute — it is not very flattering to their company.

Chairman Liakakis said, well, you have given them 10 days, Mr. County Attorney, for them to respond to you in that letter that we recommended that NovaLIS has, and have you received any response from them at all? Mr. Hart said, no, sir, but in fairness to them, the 10 days has not quite expired. We've asked them to develop an action plan to address whatever issues they have and tell us how they plan to complete the contract and a plan for implementation. If they fail that, we'll just have to do something else. Commissioner Shay said, Mr. Attorney, when we see that plan or if there are any questions in the meantime, please help them to understand that six months past the deadline now is unacceptable. Another six months or another three months or another four months is going to continue to put, I think, a burden on this County and county taxpayers in the future that's not acceptable, and that we're going to be as aggressive as we need to be in order to seek whatever redress of that grievance we have.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I just want to reiterate what Commissioner Shay has said and I want to thank you for staying on this, too, because it's very essential. I don't see where there is a need for a lot of discussion. We have gotten the information. They have 10 days to respond to us in whatever manner that we have requested. It is my feeling and my opinion that after the 10 days is up, that we give the authority to move forward in whatever manner that we need to move forward. I don't see any need to continue discussing this thing at all. I think we need to take action.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I just have a question, Russ. Do we have any knowledge about this company? Is it getting ready to go belly-up? Does it have any financial problems? Mr. Abolt said, not to my — and again, sir, I'd have to qualify it. I have nothing that would say that that's the situation. All we do know is, they're having trouble managing the subcontractor to the extent it's been described their subcontractor walked off the job, and that's the sum and substance of what we know. Commissioner Gellatly asked, do we have any knowledge of any other municipalities or counties that use their equipment? Mr. Abolt said, I would have to research it. Again, going back to my opening remarks that were requested by Commissioner Shay, they were picked out a couple years ago as being kind of the best, and it was a major effort in the solicitations. As you recall at that time, because I know you were on the Commission, this was as high profile then as it is now. The Board of Assessors said something must be done, so it was a yeoman's effort between Ms. Snider, Greg Anderson, Louis Leonard, and Al Bungard, and now we are beyond being disappointed. You might recall, and Commissioner Shay's comment brought it to mind, when you all had your budget workshops, you had Mr. Lower here and Ms. Snider, and they were all like, well, gee whiz, you know, a couple more weeks and we'll have it, a couple more weeks and we'll have it. Well, guess what? We've been led down the primrose path.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I'm going to grind an old axe here. There may not have been another software company on earth that could have done this. I don't know. But I always like for us as a preference, when we're getting ready to enter into an agreement for services like this, to make sure that we have a significant local participant that's in it, so that we won't be in a situation where somebody in Canada or on vacation can phone it in and say, you know, gosh, we'll be available for a conference call, but not actually be in the room when we discuss the issue. Mr. Abolt said, well said.

Commissioner Farrell said, I'd like to echo that sentiment, also, that we have qualified local contractors in any County business. That would be my preference, because of their accountability in situations such as this. Commissioner Odell asked, can we contact NACo to determine if we're just one of many who've had this problem? They should have – NACo has a contractor review service which could provide us the answers to David's question, whether or not there are financial concerns with the company. And also, I'd like for us to contact our county association, and the reason being is that we should not hide the fact that this has been a major problem. It's a problem which I think we're going to incur damages, but I think the damages are going to be difficult to quantify. I think that there are other people. I think there are other people similarly situated and we can share that with our county and national association.

Chairman Liakakis said, this NovaLIS group has had a number of communications, either over the telephone or in writing concerning this particular project. They seem to be very unconcerned with your conversation to have the President coming. If he was tied up, he could at least have sent another representative and, as some of the Commissioners have said, that, you know, the damages that we're going to incur, and, hopefully, we can substantiate those, that we look into as soon as possible the appropriate court system so that we can proceed against them. And I certainly, when I go to the committee meetings for the Georgia Association of County Commissioners, I'll be discussing NovaLIS with them, so that they don't get caught in this trap and cost their citizens additional monies. Mr. Abolt said, Mr. Chairman, I think that's well said. I also would give you a simile that I bet you if, on the agenda today, you had the option of awarding this contract or not, you wouldn't just have the President, you'd have everybody in the world out there that has NovaLIS on their T-shirts down here talking about what a good job they would do if they just got the contract.

Commissioner Shay said, so that people will understand that are out there listening or watching, you know, the total value of this contract, it looks to me like it's in excess of \$800,000. Mr. Abolt said, yes, sir. Commissioner Shay said, that's a lot of money. I've never had a contract anywhere near that size in my company, and if there was a problem, I think I'd be there to answer their questions. Mr. Abolt said, we're a big client. Commissioner Farrell said, we did meet some people at the NACo conference —. Commissioner Odell asked, was that the one in Hawaii? Commissioner Farrell said, it was located in Hawaii —, that handle this type of problem and this type of situation, so there are other vendors out there and some of the Commissioners have made contact with them. We do have some extra resources.

Chairman Liakakis said, well, now that you've mentioned Hawaii, let's say something quickly about that. Sean Harder also attended the conference there and, as you read in the local paper, a lot of things were accomplished and attended by the three Commissioners that went there. They received a lot of training and all and, you know, the information that we will receive from them will help us and, of course, it helps them in their attendance in Hawaii.

**ACTION OF THE BOARD:**

Received as information.

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**2. NOISE ORDINANCE (COMMISSIONER GELLATLY).**

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I would like to request that the County Attorney look into our existing noise ordinance and compare it to the City of Savannah's. In my opinion, the City of Savannah's ordinance is a lot easier to enforce and, also, with the advent of a metropolitan police department, it's difficult for a police officer to have two separate ordinance books, so if we could take a look at that and, like I say, the city ordinance, especially when it comes to loud radios in automobiles and things of that nature, it's a lot easier to enforce, where ours is pretty difficult. Mr. Hart said, that's a good point. I've had several officers, just in the last several weeks, make almost virtually that same comment.

Chairman Liakakis said, okay, thank you.

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**VIII. TABLED/RECONSIDERED ITEMS**

Unless action is contemplated at today's meeting, staff report and file material has not been duplicated in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (\*).

There were none.

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**IX. ITEMS FOR INDIVIDUAL ACTION**

(Unless the Board directs otherwise, adoption of an Action Item will mean approval of the respective County staff report and its recommended action.)

- 1. REQUEST BOARD APPROVE THE FOLLOWING: (1) AN AMENDMENT TO THE FY2005 HOTEL MOTEL TAX FUND BUDGET TO RECOGNIZE ADDITIONAL REVENUE OF \$280,000 AND APPROPRIATE \$280,000 FOR DISTRIBUTION IN ACCORDANCE WITH APPLICABLE STATE LAW; (2) AN AMENDMENT TO THE FY2006 CAPITAL IMPROVEMENT PROGRAM (CIP) FUND TO RECOGNIZE ADDITIONAL REVENUE OF \$140,000 FROM THE STATE OF GEORGIA, AND APPROPRIATE \$140,000 TO BRIDGE REPAIRS; (3) ADOPTION OF A FY2006 BUDGET TOTALING \$12,005,000 FOR THE CAPITAL IMPROVEMENT-SERIES 2005 DSA BOND FUND; AND (4) A DESIGNATION OF \$350,000 WITHIN THE**

## UNINCORPORATED COUNTY ROADS IN SALES TAX IV FOR CHARLIE BROOKS PARK ROADS.

Chairman Liakakis said, do we have a motion on the floor?

### **ACTION OF THE BOARD:**

Commissioner Thomas said, move for approval, Mr. Chairman. The motion was seconded by Commissioner Farrell and the motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

**AGENDA ITEM: IX-1**

**AGENDA DATE: July 22, 2005**

**DATE:** July 13, 2005  
**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda Cramer, Finance Director

### **ISSUE:**

To request approval of the following: (1) An amendment to the FY2005 Hotel Motel Tax Fund budget to recognize additional revenue of \$280,000 and appropriate \$280,000 for distribution in accordance with applicable state law; (2) an amendment to the FY2006 Capital Improvement Program (CIP) Fund to recognize additional revenue of \$140,000 from the State of Georgia, and appropriate \$140,000 to bridge repairs; (3) adoption of a FY2006 budget totaling \$12,005,000 for the Capital Improvement-Series 2005 DSA Bond Fund; and (4) a designation of \$350,000 within the Unincorporated County Roads in Sales Tax IV for Charlie Brooks Park Roads.

### **BACKGROUND:**

Board approval is required for budget amendments and transfers between organizational units.

### **FACTS AND FINDINGS:**

- (1) Hotel- Motel taxes are budgeted in a Special Revenue fund to record collections and disbursements. The amount collected in FY2005 has exceeded original estimates. The budget amendment will bring the budget in line with actual experience.

- (2) The Georgia Department of Transportation has authorized approval of a county contract with Chatham County in the amount of \$140,000 for repairs to the Causton Bluff Bridge. A budget amendment to the CIP fund has been prepared. Copies of correspondence are attached.
- (3) On June 29, 2005, Chatham County refunded the 1993 DSA bonds and replaced them with a \$30 million DSA 2005 bond issue. Projects funded by the bond issue will continue in the current fiscal year. The attached resolution establishes the Capital Improvement-Series 2005 DSA Bond Fund budget for FY2006.
- (4) The County Engineer has requested that \$350,000 of the funds budgeted for Unincorporated County Roads in Sales Tax IV be designated for Charlie Brooks Park Roads. A copy of correspondence is attached.

**FUNDING:**

The budget resolutions will establish funding in the Hotel Motel Tax Fund, the CIP Fund, and Capital Improvement-Series 2005 DSA Bond Fund. Funds are available in the Unincorporated County Roads in Sales Tax IV for Fact & Finding #4 above.

**ALTERNATIVES:**

- 1) That the Board approve the following:

**HOTEL-MOTEL TAX FUND (FY2005)**

an amendment to recognize additional revenue of \$280,000 and appropriate \$280,000 for distribution in accordance with applicable state law.

**CAPITAL IMPROVEMENT PROGRAM (CIP) FUND**

an amendment to recognize additional revenue of \$140,000 from the State of Georgia, and appropriate \$140,000 to bridge repairs.

**CAPITAL IMPROVEMENT SERIES 2005 DSA BOND FUND**

adoption of a FY2006 budget totaling \$12,005,000 for FY2006. The projects funded are listed in the attached resolution.

**SALES TAX IV (2003-2008) FUND**

a designation of \$350,000 within the Unincorporated County Roads for Charlie Brooks Park Roads.

- 2) Amend or deny the request.

**POLICY ANALYSIS:**

State law grants the Board authority to transfer funds within the budget during the year as it deems necessary.

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

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**2. REQUEST BOARD ADOPT YEAR 2005 MILLAGE LEVY RESOLUTION FOR THE BOARD OF EDUCATION FOR THE CITY OF SAVANNAH AND THE COUNTY OF CHATHAM PURSUANT TO ADVERTISEMENT HAVING BEEN PUBLISHED IN ACCORDANCE WITH O.C.G.A. 48-5-32.1.**

**IN ADDITION, FORM PT-35 COUNTY MILLAGE RATE CERTIFICATION AND FORM PT 32.1 COMPUTATION OF MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES FOR TAX YEAR 2005 MUST BE CERTIFIED AND SUBMITTED TO THE GEORGIA DEPARTMENT OF REVENUE FOR DIGEST APPROVAL FOR THE TAX YEAR 2005.**

Chairman Liakakis said, do we have a motion on the floor?

**ACTION OF THE BOARD:**

Commissioner Thomas said, move for approval, Mr. Chairman. The motion was seconded by Commissioner Holmes and the motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**3. BOARD APPROVAL TO ELIMINATE JAIL TIME SANCTIONS FOR CERTAIN VIOLATIONS OF COUNTY ORDINANCE.**

Chairman Liakakis recognized County Attorney Hart.

Mr. Hart said, yes, sir. Sometime ago — as you know, we have the responsibility for funding the necessary defense for indigents, and it is quite an expense. Recently, we've had the obligation to undertake the costs of incurring a Public Defender. Due to a number of court cases that have said that any time somebody that goes before the court has the possibility of jail time, if they are indigent, they do have the right to counsel. It opens us up to having to assign counsel to an awful lot of people. One of the suggestions that came down through one of our State Court Judges, Judge Ginsberg, in going through some of this was a recommendation that maybe we ought to look at our ordinances, especially those that are typically handled in a fine-type position where, you know, you may say \$100 or 10 days in jail. Well, it's always going to be \$100. Very rarely are you going to put somebody in jail over some minor misdemeanor. And his suggestion was that we may ought to consider decriminalizing some of the provisions within our ordinances. That way, we would eliminate the need to offer counsel to the indigents because there would only be a monetary fine involved and there would be no criminal fine

involved. And hopefully, that would reduce the overall cost of administration of the ordinance to the County. As a result of that, we undertook the responsibility to go through the county ordinances and look at the various provisions within the ordinances that we thought could readily be changed into a situation in which we deal primarily with fines, and not so much with dealing with trying to make a provision so that we make it criminal. In my memorandum to you, I've outlined the various sections of the ordinance, of our local county ordinance that we felt we could remove the criminal penalty from it, keep the monetary fine penalty, and felt that there wouldn't really be any bad adverse reactions to those situations, so it's outlined on Page 2 of my memo to the County Manager. You will note that we have a general catch-all provision and then on Page 2, under Item 4, we list the various items that we would remove. Now, some of these situations also involve the ability from the D.A.'s office not to choose to prosecute under an ordinance but they could prosecute under the state law. The state law, obviously, if they chose to do that, would probably still retain the criminal penalties, so, you know, I need some direction at this point as to whether you wish for us to remove some of these criminal potential --

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, just a question. I certainly understand the concept, and the thought of us having to provide indigent legal advice at the taxpayers' expense to somebody who's been accused of public drunkenness, for example, doesn't strike as a good use of the taxpayers' money, but if that individual is given a fine in lieu of time incarcerated, the judge says — I don't know what the maximum fine is for public drunkenness, but let's say it's \$500 — and the individual, because they're indigent, can't make the \$500 fine, they, I guess, would be guilty of violating a court order and then could be sentenced under a court order for prosecution? Mr. Hart said, generally speaking, if you're dealing with somebody that cannot raise the fine, you know, judges use some judgment and discretion there. They may continue the case for another 30 days to allow them to raise the fine money. Some judges will even go so far as to put them on a payment plan. As long as they stay within the confines of the payment plan, they're fine. If they fail to make the payments or fail to live up to any agreements that they have with the Court, then the Court would issue a contempt order and call them before them and find them in contempt, and under the contempt powers, if they were found to have willfully and intentionally violated the court order, the Court does have discretion to impose, separate and apart from the original offense, some penal sanctions. Commissioner Shay said, okay, good. Commissioner Odell said, and at that point, they would be represented. Commissioner Shay said, okay, but it'd be a pretty open and shut case then, wouldn't it? If you violate a court order, it's not like there's a long trial. Commissioner Odell said, there is no trial. Commissioner Shay said, yeah, you just see the judge. Mr. Hart said, most of the judges have pretty good memories about those things.

Chairman Liakakis said, it was in your agenda that was distributed to you about all the recommendations from the County Attorney for this. Do we have a motion on the floor to take his recommendations on these jail time sanctions?

#### **ACTION OF THE BOARD:**

Commissioner Shay said, I'll move. Commissioner Odell said, second, and the motion passed unanimously. [NOTE: Commissioner Kicklighter was not present.]

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#### **4. BOARD CONSIDERATION OF REQUEST FROM PROPERTY OWNERS IN THE SHORE ROAD AREA FOR THE PUBLIC ROAD TO BE CONVERTED TO PRIVATE MAINTENANCE.**

Mr. Abolt said, Mr. Chairman, Ladies and Gentlemen, this is an item I know from reviewing your packet you'll be able to fathom. It started out as a legitimate request, which it still is, from a neighborhood group to look at an area of our county wherein there was interest possibly in closing the road, to privatize it. We've been keeping in contact and, in fact, much of the discussion initially came about based on a referral from Commissioner Gellatly. There was a president of a homeowner's association of citizens who have been working with us. Staff has provided a fairly lengthy analysis and we've reached a point where, because we do understand — we believe, at least, what the neighborhood association would like, we have identified for your benefit that an awful lot of work will have to take place, legal descriptions, appraisal of property, things like that, to in effect make something that is public private. And to do this, we're not backing off of the commitment of Staff, but it's my concern, shared by others, before we were to embark on this, we would want to do it with your full knowledge and certainly with some conceptual direction. There are some negatives to this that some might argue would far outweigh the positives, but before we were to proceed any further with this, we did not want to go any farther unless you say, well, at least it's worth looking at. I have to tell you up front, Mr. Hart's done a much better job than I can in words than I can speak to, but this can be most extensive in commitment of Staff time.

Chairman Liakakis recognized County Attorney Hart.

Mr. Hart said, sure. I did a memorandum of July the 15th, 2005. It's one of those legal memorandums that I can bore you to death with, but there are some pretty compelling issues here. Typically, from time to time, periodically, we've had requests from citizens to acquire an unopened right-of-way. That's generally where at some time in the past, a subdivision was put down and there was a drawing where they drew in a road that was never developed, never existed, served no public purpose, and it was just there. And we would be in a situation where we would, upon request, follow procedure, find that there was no public necessity, sell it to the people for fair market value. It would put the unopened area back on the tax rolls. They would maintain it and everybody would go away happy. This is kind of the reverse of this situation. This is a request by a group of citizens desiring to take control of a public road that serves approximately some 50 houses as a means of ingress and egress, to privatize it, to be responsible for the maintenance and payments of it. There is a procedure that can be followed, and I've outlined that in the memo, but it requires you to make two findings upon evidence; one, that there is no substantial public purpose being served by that road and it has ceased to be used by the public. Now, you'd have to make findings of fact on that. And I think if you look at the road on the plat and then you look at the number of houses that are either contiguous or abutting, and there's two small rights-of-way off the main Shore Drive that serve eight other lots, you're going to have to make your own decision about what you wish to find, as to whether it's still publicly used. There would have to be notice. There would have to be the public hearing. There would have to be advertising. And then once you did that, you would also get into the question of what would you sell this public right-of-way that you've now found is no longer public and ceased to be public, to the homeowner's association for. And obviously, you'd have to sell it at fair market value. Factoring in the fair market value would be the consideration that the County, approximately two years ago, spent about \$150,000 on improvements on that road, so that would obviously become a factor. And if the County went through all of those steps and we elected to

sell it, the County would, by quitclaim deed, and upon finding, take it off the public road system and Chatham County would grant away its rights, but that would not necessarily mean that Chatham County could divest other private citizens' prescriptive rights in that road that have occurred by private prescription. For example, you may not live in that particular neighborhood, but you might walk your dog regularly down that road, or you might bicycle down that road, and therefore, over the years, you've acquired the right to use that, because it's a public road. We cannot deed away a private citizen's prescriptive easement, so these people would have to take that, subject to the rights of those people that already have rights in that road. I bring that to your attention. Finally, the statute that allows for abandonment indicates that we would have to abandon it to the parties that are the abutting owners, or the properties that are contiguous to the right-of-way. That would involve approximately 42 separate owners, which means we would have to abandon to the middle of the road to 42 separate owners, and the deeds would have to be out of the County into 42 separate owners. And it does not provide for us to abandon it to a homeowner's association. Now, in my memo, I indicate that we could make a situation in which, as a condition of the sale, we would sell it to 42 separate owners who, contemporaneously with that and as part of the sale, would have to convey it into a homeowner's association, if that were your choice. The question then becomes, do you really want to have a road of this size serving this many citizens' property in a private homeowner's association? And I question that from a policy standpoint that ultimately you'll have to make the decision. There's a way you could do it. But we've had the reverse of that situation arise at least two or three times since I've been the County Attorney, in which at some time in the past, somebody would develop a subdivision, they would put a park in the subdivision. Wilmington Island has several of these, the old Wilmington Island Pleasure Improvement Company subdivision that's been resubdivided several times, and they left a public park within the subdivision, and 20 years later, the homeowner's association goes out of existence, just by lack of interest. The park is not maintained. It gets to be an eyesore. It gets to be a nuisance. The surrounding property owners all of a sudden desire for the County to come in and clean the park up. Well, it's not a County park; it's a private homeowner's association's park that doesn't exist anymore. And then you put yourself in the situation of going in there and starting to spend public funds on a private park, and there's no way for the County to get good title to that from the standpoint that everybody that ever bought a lot in that subdivision has an undivided interest in that park. Therefore, to acquire title, you've got to acquire all the interest in the subdivision, and it gets to be troublesome. You know, will this association be in existence 50 years from now? Probably, maybe not, though. So those are issues you've got to deal with. In addition to that, if you decide to say, well, we're going to go through these situations and find that these roads don't serve a public purpose anymore and we make all the findings and jump through all the hoops — and I ask this in a rhetorical way; you'd have to supply your own answer — is, will we be seeing more of these requests? Will this mean that everybody that's at the end of the street gets their four neighbors together and they decide, gee, we live on this nice cul de sac, wouldn't it be wonderful if the eight of us got together and acquired all the property and just took this part of the street private, and then we would make it our little enclave. And do we wish to go down that road? Does the Commission wish to go down that road? I'm not saying that's a good thing or a bad thing, but I think you will see a lot of those requests in areas where you're going to get into the issue of, is this going to be somewhat of a gated community within an existing subdivision. And then I come back to the initial question again. You've got to make a finding that this road serves no public purpose and has no substantial purpose, and if you look at the plat that's attached to this item, you can see Shore Drive serves a pretty broad range of units there. So it's up to you all. We'll do whatever you wish, but you need to think about what you want to do.

Mr. Abolt said, the other side of the predicament, time goes by, and like the attorney said, you know, it's not the County's responsibility, we don't have the authority, and then future County Commissions get the argument, well, we pay all this property tax, why don't we get some service.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, just a couple questions. What district is this? Mr. Abolt said, Commissioner Gellatly's. Commissioner Odell said, in that we're going to have to do appraisals, we will have to do separate deeds, do we have an idea of the potential cost, even if we elected to go through the two-step process? Do we have an idea what it would cost? Mr. Hart said, well, we would place the cost on the acquiring party. You're talking 50 deeds, so you're talking 50 legal descriptions, so you're talking five, six thousand dollars, probably, to do that. And then I would think an appraisal would run in that area, also, at least. And then the other thing is the consideration. You've got to decide if you're going to sell a road, do you sell it for the improved value. Commissioner Odell said, many, many years ago in my district, they did a similar thing. I get more complaints about that than anything. I mean, complaints to the point that they're almost violent. They elected to close a road. All of the original people who decided to close the road or either dead or gone, but new people are there. We have people who are landlocked. It is so fraught with problems that I personally have a concern about the wisdom of ever going forward on this kind of situation, considering the fact that we just spent \$150,000 a couple of years ago to improve it. I can understand the neighborhood association concerns, but there are so many problems with it.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I have a couple questions, because a similar incident came up in my district, and that is a road that is actually a private road that's used by the public, and the homeowners wanted to know who was responsible for keeping the road intact, because it is used publicly. The next question was, if their neighbor kept up their portion of the road, or didn't keep up their portion of the road, and they chose to, you've got a situation where the road is not equally maintained, and what part of ownership do they have of that road, or do they have any. She had a series of questions that were brought up that I thought were very good and valid questions, and what were her responsibilities if she wanted this road maintained versus what the responsibilities of her neighbors were, and what her ownership in this was versus what her neighbors' were, and to complicate matters, this piece of road also had a church on it, and what was the church's responsibility. So I don't know how to address those type of questions, but I think that they would come up, because if there's a pothole in front of Mr. Smith's house and everybody's having to go around it, who's going to take care of the problem?

Mr. Hart said those are absolutely great questions. At the last County Attorney's seminar we went to, there was about a third of a day discussion about the responsibility of counties in regards to the maintenance and repair of roads, and the interplay with private roads, and that was the primary — and the repeated theme was, all counties have certain private roads in them and the general consensus was that people want the private roads to be private when they're private, but they want the public to pay for the private road. Okay? So you've got this constant weighing between, and the biggest problem that you heard repeatedly, not from our standpoint, but just from other County Attorneys talking about their experience with it was, constantly, you're getting in these more rural counties the very thing that you're talking about, where you had roads and you needed road improvements, because it's becoming a safety

issue, and two-thirds of the people on the street wanted to blacktop it, one-third wanted to gravel it, and another 25 — another 10 people, which is 110% now, didn't want to do anything. So they would then come to the county and want the county to settle that private dispute for them and, you know, your observations are right on point.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, that particular area, of course, is my district, and the lots tend to be very big and they're very, very, very expensive homes. I imagine some of them are around a million dollars or more, and I would think that they probably have visions of making that a gated community. I am their Commissioner and no one from that association has got ahold of me. I would think that at the very least, that they would have to pay for any and all improvements that we've made on that road so far, which you mentioned would be around \$100,000, and any expense that we would have to go through to do this, if we were so inclined to do that. Perhaps if the association was aware that it was going to cost them 150 grand or more, they might lose interest in it, I don't know, but like I say, no one from that association has contacted me and I am their Commissioner, so — and I agree with the comment that you made. It's a very nice area and there are people from the surrounding neighborhoods right now that might like to walk, walk their dog, ride a bicycle through there and what-have-you, and, of course, they turn it into a gated community, that won't be possible, so I'm inclined not to go with it.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell asked, if this were to go forward, would each and every property owner have to sign up? And if one of them decided that they didn't want to be in it, that would kill the whole deal? Mr. Hart said, I would think that's the only way you could even remotely try to do this. Commissioner Farrell asked, do we have — is every single property owner —, or are we too preliminary for that information? Mr. Abolt said, the representative of the homeowner's association portrays that there's no objection. Beyond the hard dollar cost, you've got a lot of resources on your Staff that are going to have to be devoted to this, so I would ask a conceptual up or down.

Chairman Liakakis recognize Commissioner Shay.

Commissioner Shay said, Mr. Chairman, if these folks want the Chatham County Government to do something that would benefit them and reduce the benefits to the public and all, and they haven't had the courtesy or whatever it takes to get in touch with their own Commissioner to talk to him about it, then I don't see any reason why we should go forward with this. Commissioner Odell said, and additionally, we would never potentially get out of litigating this, because if I walked my poodle on this roadway and you close it, then potentially, Chatham County could become a litigant in the prescription that I claim to have to the road. You know, there are so many problems attending this that —, I mean, it's not a good deal for Chatham County. I am concerned that they've not contacted Dave, who is accessible. My inclination is, in that they haven't, they can always bring it back, is that the point now is, no. Conceptually, no.

Chairman Liakakis said, from the Staff, discussion from the Staff, you're not in favor of this. Is that correct? Mr. Abolt said, we aren't looking for more work. Commissioner Shay said, well, unless Commissioner Gellatly wants to make a motion, I'd like to make a motion that we, you know, deny this

request. Commissioner Stone said, I was just wondering if there was anyone here for this. Commissioner Odell said, well, if they did, they didn't talk to David. Commissioner Stone said, I just wanted to see if they came today.

Chairman Liakakis said, Commissioner Stone is asking is anybody here from that particular area that would like to come forth? [There was no response.]

**ACTION OF THE BOARD:**

Motion was made by Commissioner Shay that the request for Board consideration of the request from property owners in the Shore Road area to convert the public road to private maintenance be denied. The motion was seconded by Commissioner Gellatly. The motion passed unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**X. ACTION CALENDAR**

(The Board can entertain one motion to adopt the below-listed calendar. Such motion would mean adoption of staff's recommendation. Any Board Member may choose to pull an item from the calendar and it would be considered separately.)

Chairman Liakakis asked, if there are any specific items on the Action Calendar that the Board would like to discuss. Do we have a motion on the floor to accept all the items on the Action Calendar? Commissioner Farrell asked, could I make one statement? Just for clarification, it's my understanding that Item 4 is a SPLOST item that's already — it's just a technicality, it's already been included in SPLOST funding from 2003-2008, and has no particular bearing on this Commission's decision to spend or not to spend money on that particular item.

**ACTION OF THE BOARD:**

Commissioner Thomas said, move for approval, Mr. Chairman. The motion was seconded by Commissioner Odell and the motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**[NOTE: ACTION OF THE BOARD IS SHOWN ON EACH ITEM AS THOUGH AN INDIVIDUAL MOTION WAS MADE THEREON.]**

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**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF JULY 8, 2005, AS MAILED.**

**ACTION OF THE BOARD:**

Chairman Liakakis asked if there are any specific items on the Action Calendar that the Board would like to discuss. Do we have a motion on the floor to accept all the items on the Action Calendar? Commissioner Farrell said, could I make one statement? Just for clarification, it's my understanding that Item 4 is a SPLOST item that's already — it's just a technicality, it's already been included in SPLOST funding from 2003-2008, and has no particular bearing on this Commission's decision to spend or not to spend money on that particular item.

**ACTION OF THE BOARD:**

Commissioner Thomas moved for approval. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 30 THROUGH JULY 13, 2005.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**3. REQUEST FROM MARY KATHERINE & HENRY PARKS MOSS FOR THE COUNTY TO DECLARE THE UN-OPENED PORTION OF EAST BOULEVARD RIGHT-OF-WAY BETWEEN LOTS 76 AND 76A, WILMINGTON ISLAND PLEASURE AND IMPROVEMENT COMPANY SUBDIVISION, PINS: 1-0099 - 10-003 AND 1-0099 - 11-017, AS SURPLUS AND TO QUITCLAIM THE RIGHT-OF-WAY.**

**[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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- 4. **REQUEST BOARD APPROVE AN AGREEMENT FOR THE DISTRIBUTION OF SPECIAL PURPOSE SALES TAX PROCEEDS FROM THE 2003-2008 SPLOST TO THE HUMANE SOCIETY FOR CAPITAL OUTLAY PROJECTS.  
[ALL DISTRICTS.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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- 5. **REQUEST BOARD APPROVE A COUNTY CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO REPLACE METAL BRIDGE DECK GRATING ON THE CAUSTON BLUFF BRIDGE AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 532, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT (LPGA) AND THE RIGHT-OF-WAY CERTIFICATION.  
[DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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- 6. **REQUEST BOARD AFFIRM THE CHAIRMAN'S SIGNATURE FOR THE CONTRACT BETWEEN THE CHATHAM COUNTY SUPERIOR COURT DRUG COURT AND THE CRIMINAL JUSTICE COORDINATING COUNCIL.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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7. **REQUEST FROM THE TAX COMMISSIONER’S OFFICE FOR THE BOARD APPROVAL TO WRITE OFF UNCOLLECTIBLE PERSONAL PROPERTY TAXES FOR THE PERIOD 1998 THROUGH 2004, WITH AN ADDITIONAL REQUEST FOR THE BOARD TO INSTRUCT THE ASSESSOR’S OFFICE NOT TO CREATE A 2005 ASSESSMENT AND/OR ANY SUBSEQUENT ASSESSMENT OF THE SAME PROPERTIES.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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8. **REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear).**

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Annual software license and maintenance agreement	ICS	Sungard Pentamation, Inc. (Sole Source)	\$45,430	General Fund/M&O - ICS
B. Annual maintenance agreement on the robotic tape backup system	ICS	Spectra Logic (Sole Source)	\$24,271	General Fund/M&O - ICS
C. Annual software maintenance and support for System Z language and database	ICS	Zortec International (Sole Source)	\$10,000	General Fund/M&O - ICS
D. Upgrade and improve the video teleconferencing capability in the "Old Courthouse"	Engineering	Stage Front Presentations Systems (Sole Source)	\$32,866	•CIP - M&O - \$19,000 •Land Bank/Surplus Property - \$14,000

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
E. Annual contract with automatic renewal options for four (4) additional one-year terms to provide operations and management at the Anderson/-Cohen Weightlifting Center	Weightlifting Center	Team Savannah, Inc.	\$178,056	General Fund/M&O - Weightlifting Center
F. Terminate an annual contract and approve issuance of Change Order No. 2 to the contract for daily janitorial services for additional services by adding to the scope of service the "Downtown" locations	Facilities Maintenance and Operations	<ul style="list-style-type: none"> <li>•Terminate with: Basic's Cleaning Company</li> <li>•Change Order to: Quality Cleaning Contractors of Savannah</li> </ul>	\$9,890 per month	•General Fund/M&O - Facilities Maintenance and Operations - \$118,680
G. Renew the annual revenue generating lease agreement for an additional five-year term for the lease of space on the Sheriff's Department's communication tower	Sheriff	Verizon Wireless of Georgia, LLC	\$2,300 per month revenue to County	N/A - Revenue Generating
H. Annual maintenance agreement for maintenance for telephone communications	ICS	Integrated Network Solutions (Sole Source)	\$76,992	General Fund/M&O - Communications

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
I. Annual software maintenance agreement	ICS	Palmetto Microfilm Systems (Sole Source)	\$24,767	General Fund/M&O - ICS
J. Full size 4x4 cab and chassis	SPLOST	J. C. Lewis Ford	\$28,566	SPLOST (2003-2008) - Vehicle Replacement - SSD
K. Purchase and installation of underground conduit system and fiber connections for the new Records Storage facility	ICS	Godbee & Rimes Contractors, Inc.	\$33,553	General Fund/M&O - ICS
L. Construction contract for Charlie Brooks Recreation Complex - Phase I - Park Improvements	SPLOST	Benson Construction Co., Inc.	\$1,105,650	•SPLOST (2003-2008) - Charlie Brooks Park (\$755,650) •SPLOST (2003-2008) - Unincorporated Roads (\$350,000)
M. Funding to market community for technology based businesses (two-year agreement)	Non-departmental - SSD	The Creative Coast/SEDA	\$119,000	SSD
N. Confirmation of purchase of playground equipment for Lake Mayer Community Park	Parks and Recreation	Landscapes Structures	\$10,000	Grant Funding - Department of Community Affairs

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve Items 8-A through 8-N. The motion was seconded by Commissioner Odell and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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## **XI. FIRST READINGS**

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. On first reading, presentation by MPC staff and discussion only by Commissioners will be heard. Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

There were no First Readings.

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## **XII. SECOND READINGS**

### **1. ADOPT NEW ANIMAL CONTROL ORDINANCE (SEE ALTERNATIVES). See update from County Attorney.**

Chairman Liakakis said, all of the Commissioners have had that information. A lot of people in the general public and, of course, all of the pet associations, a lot of them, have made comment. Now, since this is the Second Reading, what we will do is, it's changed a little bit, what I'm going to request, if a citizen does want to — like I say, this is a change — if they want to make a remark, you know, concerning this proposed ordinance that has been given to us and any action amendments, we request that you please hold your comments to three minutes, because, as everybody knows, we've had public hearings. A number of persons, organizations, the Humane Society, and many others have been in contact with the County Attorney and with a number of the Commissioners. We've had e-mails, telephone calls, so this is — you know, we've had lots and lots of discussions on this. So what I'd like to do right now is call on our County Attorney to let's start the information on this proposed Animal Control Ordinance and then, as we go along, then we can ask the citizens or organizational people if you have any comments about the specific items. Mr. Attorney?

County Attorney Hart said, thank you, Mr. Chairman, members of the Commission. This is our Second Reading here, and we have gone back and tweaked the Animal Control Ordinance since the first meeting. We've had a number of meetings with individual groups in regards to the various wishes. One thing I would express to this Commission is that if the County does adopt the Animal Control Ordinance, as I'm sure it will in some form today, it really needs to be considered trying to make it a county-wide ordinance, which means the municipalities within this county need to consider the possibility of adopting the same ordinance. The Georgia Constitution allows Chatham County to adopt an Animal Control Ordinance for unincorporated Chatham County, but it also provides in the Constitution that a county ordinance will not be effective and enforceable within a municipality which has already enacted a similar ordinance, which means that if there's a dog ordinance in Pooler that's different, they're going to apply their dog ordinance, not the dog ordinance of the County. Now, the only reason I bring that to the attention is that you're asking your Animal Control people to enforce ordinances in the county as well as in the municipalities, and it'd sure be nice to have one ordinance as opposed to one for the county and for how ever municipalities you have. So upon adoption, I would certainly think maybe you might want to distribute this out to the municipalities for their appropriate consideration.

Mr. Hart said, we have broken this down into essentially a section of alternatives. The first thing we would do would be go through the Animal Control Ordinance as written, which is the first thing we have here, and these are the provisions that I sort of put in the category as reaching a general consensus among the various groups, and there does not appear to be as much controversy over these issues. It addresses dangerous dogs and animals, it deals with commercial pet licensing and cleaning up after your animal, and a number of other provisions. There's a provision dealing with the transportation of animals and riding them in open vehicles and a few other new provisions to strengthen the ordinance, leaving animals in parked cars, how do you handle stray dogs and cats. I haven't received a lot of criticism about how this part of the ordinance now is drafted, so my thoughts were, I'd be happy to take anybody's comments, especially Commissioners' comments, but I thought perhaps you all could pass that part of the ordinance as it is written, or with minor modifications.

Mr. Hart said, after that, I've done a number of Animal Control Ordinance amendments, and these are amendments that you need to take up separately in that there appears to be a difference of opinion, and those opinions deal with definition of exotic animals, then there's an area in here where you have a issue pertaining to what kind of fees would be charged. You have the position of the Animal Control officers that have one viewpoint of it, the Humane Society is recommending a higher fee, with various graduating rates. You have an issue of impounded — the next amendment deals with how long you would keep identified and unidentified dogs. Then you have one on the question of euthanasia, as to whether you would follow the one that is recommended by the Animal Control personnel or whether you would follow the one recommended by, I believe, the Humane Society. You have some issues pertaining to dog fighting and animal cruelty provisions. And then finally, have a question that there seems to be quite a controversy over, as to whether you wish to address the tethering issue, i.e., have tethering or don't have tethering. And in those amendments, what I've tried to do is, there's lots of opinions on each one of these, but I tried to take the language of both sides and put them into some sort of a format that I thought most fairly represented most of the people on that side of the issue. And those are going to be policy decisions that you all just have to make.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, before we get started on the attachments that he just outlined, there is something in the original part of the ordinance that I mentioned in the pre-meeting that concerns me, and that's found on Page 19, and that is that the owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control officer within 24 hours that the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. I have a concern that 24 hours is too long for a dangerous — for us as a community not to be notified that a dangerous dog could be at large. And also, Mr. Chairman, if it's all right, I would like to disclose that I am a former President of the Humane Society here in Chatham County, but I am no longer affiliated with the Board of Directors, just for the record.

Chairman Liakakis said, okay, right. Now, I think many of you have a copy of that ordinance, and especially all of the organizations and the people that were involved in that. We have Commissioner Stone that has stated about the dangerous dog. She's concerned instead of 24 hours, what she would like to see added in there to change that 24 hours. We'll get to that in just a moment. Commissioner Shay?

Commissioner Shay said, I thought we were getting to it right now. Chairman Liakakis said, on Page 19? All right, if that's your desire. Commissioner Shay said, in the pre-meeting, it was suggested that there be language inserted that says that there was a responsibility of that dog owner, or I guess animal owner, to notify the community as soon as possible, but in no event longer than 24 hours. Mr. Hart said, I made a notation of that and if it's by consensus, I'll make that change and add it.

Chairman Liakakis said, okay, we have that in there for that change. Now, what we are going to do, then, I'd like a motion on the floor for that and then we'll go over these amendments, and I will read amendment so that anybody that would like to speak out for or against those amendments, we welcome you to the podium. But right now, do we have a motion on the floor to adopt this Animal Control Ordinance that has been proposed?

Action of the Board:

Commissioner Stone made a motion that the owner of a dangerous dog, or a potentially dangerous dog, shall notify the Animal Control officer as soon as possible, but in no event longer than 24 hours, that the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were absent.]

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Chairman Liakakis said, now, what we're going to do in addition to the different organizations, the Humane Society and others, if anybody in the general public would like to speak out, and also, we'd like to hear from our Animal Control officers, also. If they have any comments, you know, concerning the amendments, I think that's very important, because they have to enforce this, and if they have any suggestions or anything, too, as we go through the specific amendments. Okay, we go to the first amendment:

Chairman Liakakis said, any discussion on that particular amendment? Any discussion whatsoever from anybody? Okay, if we would like to amend that portion, we'd like a motion on the floor for that.

Action of the Board:

Commissioner Gellatly made a motion to amend Section 22-110, Vaccination and Registration of Dogs and Cats, Exotic Animals, as follows: "A wild or exotic animal is defined as any vertebrate animal ordinarily confined to a zoo, or one that would normally be found in the wild. This includes, but is not limited to, all carnivorous wildlife, monkeys, raccoons, squirrels, ocelots, hybrids of wild felines, wolves, hybrid wolves, and mammals and non-venomous reptiles weighing over 50 pounds." The motion was seconded by Commissioner Stone, and it carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were absent.]

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**Amend Section 22-110, Vaccination and Registration of Dogs and Cats, Fees, as follows: The Veterinarian's fees for vaccination of a dog or cat shall be set by each individual licensed**

veterinarian or the State of Georgia. A license tag will be issued in exchange for a fee as set forth in the following paragraph, which will be collected by the Chatham County Inspections Department, Animal Control Division, from the owner of each dog or cat who has received the anti-rabies vaccine and rabies certificate.

**Under eight months of age, unneutered male dog, \$5; unneutered male cat, \$5; unspayed female dog, \$5; unspayed female cat, \$5; eight months of age and older, unneutered male dog, \$20; unneutered male cat, \$20; unspayed female dog, \$20; unspayed female dog (sic), \$20; neutered male dog, \$2; neutered male cat, \$2; spayed female dog, \$2; spayed female cat, \$2.**

The Humane Society has recommended a higher fee based for unneutered dogs and cats and neutered dogs and cats.

The recommendation is to begin fees for unneutered dogs or cats at \$25 and neutered dogs and cats at \$5. Effective 2009, the fee for unneutered dogs and cats shall be raised to \$35 and neutered dogs and cats shall be raised to \$10. Effective 2012, the fee for unneutered dogs and cats shall be raised to \$50 and the fee for neutered dogs and cats shall be raised to \$15. All fees raised by licensing should be designated for use for Animal Control activities by recommendation of the Humane Society.

Chairman Liakakis said, what I'd like to do right now is call on Rob Lee, the director of the Humane Society, concerning this amendment.

Mr. Lee said, thank you, Mr. Commissioner. First of all, there are several things that we'd like to address about this. One, the \$20 fee for unneutered animals, I don't know when this was originally enacted, but we know that it has not changed since 1999. In 1999, a recommendation was made to the Board of Commissioners for the fee to go to \$35, which was never placed into action. It was approved by the Board, but it was never actually acted upon. I don't quite understand everything that went into that. I've heard several different versions of it, but the Board at that time recognized that, as with everything else, inflation is a factor. This fee of \$20 doesn't show any increased incentive for the public to spay or neuter their animals over the last seven or eight years. It hasn't worked. The director of Animal Control and I, as the director of the Humane Society, can tell you it hasn't worked, surely by the numbers of animals that we're receiving at this time of the year from pet over-population and over-breeding. The City of Charleston recently readdressed this issue themselves, increased the fee for unneutered animals to \$125. They're serious about correcting this problem. Numerous other cities around the country, too numerous to itemize, have fees of over \$100 for fertile animals, and less than \$5 for neutered animals. Also, we'd like to address the issue of animals under eight months of age being licensed at a discounted fee. Animals eight months of age are perfectly capable of reproducing. That age limit should be reduced to no more than four months. We recommend — and also, on the alternate proposal listed, there is an error in that, in that we do not recommend increasing the fees for neutered pets as stated. We are recommending that the fee for neutered pets remain at \$5 throughout the entire period through 2012, but that the fee for unneutered animals increase in the amounts indicated. Are there any questions?

Chairman Liakakis asked, any questions by the Board concerning what Rob has spoken about? Commissioner Gellatly said, I just have a comment, that I agree totally with everything that he said. Mr.

Lee said, if anyone disagrees, I'd love to invite them to come down either to the Animal Control shelter or to the Humane Society one day and see the work that we have to perform cleaning up for the community.

Chairman Liakakis asked, is anybody from the enforcement division who'd like to speak on that? Chairman Liakakis recognized Lieutenant Brenda Boulware.

Lieutenant Boulware said, good morning. In regards to the fees not being changed — first of all, I'm Lieutenant Brenda Boulware. I am the Unit Commander over the Animal Control. In 2004, the County Attorney's office presented you all with an amendment for the fees, where in fact we reduced the fee. We reduced the neutered animals to \$2. We did increase the eight months and older from 10 to 20 at that time. That was just done in 2004. This differential payment thing, that's what it's called, I do not agree with. It all depends on whether or not you want a revenue source or do you want the animals registered. When you start making it extremely high like this, people are not going to register their animals. Now, I have written a provision that you just adopted, that when people fail to get their registration, there is an ordinance that addresses that issue under unregistered licensed animals. If we come in contact with anybody like that, then they are given a citation and there's a \$50 set fine plus court costs. Basically, if you're driving a car and you're caught with an expired driver's license, until you get caught is when you go and get your license renewed or whatever, and that's basically the only way we're going to be able to enforce this. That's my opinion, and I believe the County Attorney — we're not out for revenue, we're out to be able to enforce this, to get people to register their animals, and if you pass — because you passed the original ordinance, which addresses the expired registration or — that, when they're cited, will be given a \$50 set fine. I think that issue is going to result in compliance.

Chairman Liakakis said, okay, any questions to Lieutenant Boulware? Any questions? Commissioner Stone.

Commissioner Stone said, well, I guess I'm a little troubled and maybe you can help me. This isn't that much of an increase in the grand scheme of things, and certainly we'd like to see some of this money, some of this revenue, go to Animal Control. You all do a fantastic job dealing with — working on a shoestring, and I would just — I guess I'm just looking at this from a practical standpoint that this just doesn't seem to be that much of an increase, and if the monies could go to Animal Control, it certainly would be beneficial in the long run. And I guess this goes back to the problem of, you know, of people taking proper care of their animals and making that investment, so I guess I just don't see this as that much of an increase to harm anyone, but yet it could really benefit the Animal Control organization, with the additional monies that could come to you.

Lieutenant Boulware said, okay, well, again, you're talking about administrative costs. As you know, Animal Control does not actually issue the tax; it's the Inspections Department. Commissioner Stone said, right. Lieutenant Boulware said for them, they would have to be re-entering — they would have to get software that would keep up with the changes here that you —, let's see, hold on just a minute, let me get my thoughts together. You're saying raise this progressively, and that would require some software, some computer software to keep up with that, I would think. It's not going to be my problem. Commissioner Stone said, I understand. I mean, couldn't that just be programmed in?

Mr. Hart said, what I've heard from both sides is, there's two points of view. One is, gee, let's raise the fees, they're not that much, and create a revenue stream. The other side of that is, well, you've got the cost of collecting the revenue. It's like when we were going to raise going on the Tybee Pier. The reverse side of that is, and the other side of that is, do you want to raise fees and deal with a noncompliance issue. Okay, as fees go up, you have more noncompliance. A few years ago, we raised the dump fee on what it would take to dump at our dump sites. Well, you know, every vacant lot we had in town all of a sudden started getting things dumped on them to avoid the fees. And what point that kicks in, you only know after you enact, and that's all that's being said. The way the fee structure is designed now is to give people a break or incentive to neuter or spay their cats. Okay, is it enough of an incentive? I don't know. So I think for an ordinance like this, revenue is a wonderful thing and a great thing, but what you really want is compliance. You want people to get their dogs vaccinated. \$50 is not a whole heck of a lot. Commissioner Stone said, and this is more of an incentive. Mr. Hart said, yes. I mean, the lower fee will incent people to register. The higher fee will mean, gee, it costs me money to register. And, you know, I'm not saying either one of those philosophies are right or wrong; I'm just pointing out that as you increase fees, compliance becomes more of a problem.

Commissioner Stone said, I understand. I guess coming from being involved with the Humane Society, and any incentive to have people spay and neuter their pets, to me, is very positive. There is nothing worse — and, Lieutenant Boulware, I know you feel this — than seeing a healthy animal euthanized just because there is no place to put them, and it's just a huge problem in this community that I don't even think the majority of the citizens are aware of the number of animals that are destroyed each year just because there's no home for them. And any incentive, any reduction in a fee for spaying and neutering, to me, would be a very positive move for this community. I mean, it breaks my heart to think that we've got animals out there that are perfectly healthy, perfectly happy, and we've got to put them to sleep because there's nowhere, there's no home for them.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I think what I'm hearing is two different philosophies, one, raise fees to decrease the amount of strays and decrease the amount of animals that we potentially have to destroy. The other one, the other philosophy is, keep the fees low and have higher compliance. What are the ramifications of low compliance? Lieutenant Boulware said, well, rabies is endemic in Chatham County, and right now, the problem is, a lot of people do, because of rabies education and things, they are getting their animals inoculated. Where they drop the ball is, they don't go get their animals registered. I have no way of knowing whether or not a particular animal, if it's a stray, has been inoculated, so if this animal were to bite — or if it's a cat, just a simple cat scratch, without even causing blood, just make your arm white, now you've been exposed to rabies. That animal has to be confined in our shelter. Commissioner Farrell said, for how many days? Lieutenant Boulware said, ten days. Simply because you've got a possibility of a rabies exposure. So I need the animals registered, and by enacting that ordinance regarding the unregistered animals, and if someone is caught, or do not have their animals registered, they can be cited for such. That's giving us a little bit more enforcement ability and it's addressed in there about the fine and court costs. So I do believe that if you keep the fees the same, and you just adopted that other ordinance, I think the compliance is going to go up and animals will be registered.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I think that the idea of setting the fee today makes a great deal of sense, and I hope we do that. I think the idea of setting the fee for 2009 and 2012 makes a lot less sense. My guess is that if we don't get it right today, that we'll probably amend this before 2009 or 2012. Certainly, the next County Commission in 2009 would have certainly the ability to come back and revisit this and raise the fees or lower them as they see fit. So I think that provision — although I understand why somebody put it forward — just sort of built in a cost increase formula — has some sense. I just hate for us to enact it today. It's kind of superfluous. I think we need to focus on getting the fee right today, and I'm going to go along with the majority, whatever the decision is. I'm guessing that the idea of having a different fee for unneutered animals under eight months or under four months is again to encourage people to bring them in while they're young. It doesn't really have anything to do with whether they're able to breed at that age or not. Lieutenant Boulware said, right, and after — they have to be registered every year. Commissioner Shay said, yeah, so we know the eight months versus four months thing is — I think we're sort of splitting hairs here. We want to try to encourage people to bring in these animals soon after they're born. All of them, if they're healthy, are going to live to be breeding age, anyway.

Chairman Liakakis said, thank you, Lieutenant. He said, Diana, you wanted to speak to that? Diana Thibodeaux said yes, sir, but Rob has a rebuttal, Mr. Chairman, that he wants to say and I'll yield to him and then I'll go, if that's okay. Chairman Liakakis said, okay, Rob?

Mr. Lee said, I'll keep this very brief. I served in Animal Control for many years before I came in the Humane Society work. I also served on the Board of Directors of the National Animal Control Association for over 12 years and served as its President for two terms. During that length of time, I've seen many similar ordinances enacted in other communities all across the country, and in other countries. I have yet to see where increasing these fees has had a negative impact on any community where it's been enacted. What it does is two things. One, we hear constantly a lot of Animal Control's inability to be effective is due to lack of funds. On our first appearance here, Commissioner Odell and Commissioner O'Shay (sic) specifically asked that we put together some proposals and submit to the County. It is my understanding that those are now with your Finance Director and are being looked at to provide adequate funding. Funding is a key issue to enforcement of any provision, whether it's Animal Control, drainage, speed limits, it doesn't matter. It's got to be funded. \$35 is not an unreasonable fee.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, am I to infer from the recommendations in front of us that you don't really want to have — differentiate between young animals and older animals? Because it says here that you recommend \$25 for unneutered dogs and cats and \$5 for neutered dogs and cats. Do you not want to differentiate between younger and older animals? Mr. Lee said, no, sir. Many animals come into sexual maturity prior to six months. Commissioner Shay said, I understand, but you just don't want to differentiate. Mr. Lee said, no. It should make no difference. Commissioner Shay said, so it's not about eight months or four months, it's just what that provision —. Mr. Lee said, it's about whether they're sterilized or not. And every study done by the AVMA and many, many communities, including our Humane Society, there is absolutely nothing precluding having an animal spayed or neutered as young as six weeks of age. Thank you.

Chairman Liakakis recognized Diana Thibodeaux.

Ms. Thibodeaux said, thank you, Mr. Chairman, Members of the Commission. Diana Thibodeaux for the record. You've all seen my picture of my precious Maggie. Before I lost my Maggie, if you would have come to me and said — and I apologize — your registration fee is going to increase, even by as much as \$100, but in exchange, we will make sure that only well-qualified, well-trained, compassionate, professional Animal Control officers are employed in this County so that if by chance your family pet gets out of your fenced back yard, it won't be a death sentence. I can't tell you how many times over I would have paid that fee. I worked very hard with Chief Flynn and we enacted procedures after Maggie's death. One of the biggest challenges is the funding. We don't have the funding for the training, we don't have the funding to be able to hold the dogs five days or ten days so that they have a chance at life and being adopted out. We need to generate revenue any way we can, and if someone is too irresponsible to register their dog and if they're not willing to pay a few extra dollars to make sure that we're not putting large quantities of dogs down in this county, then maybe they don't need to be a pet owner. We need to candidly share our euthanasia rates in this county. That's not being done. We need to have PSAs running how many animals a year we are putting down so that the public realizes the importance of spaying and neutering their pets. Nothing is going to bring Maggie back and yes, it is more costly to do some things more humane, such as the lethal injection versus the euthanasia gas chambers. It may be a little bit more costly to raise these fees, but there are costs of being inhumane, as well. I'm a witness to that cost. Every day my Maggie is gone, every day I drive my car with the smudges from her nose on our last ride together on my front windshield, and every day, I have the pain of what not having the funding for training and for a proper operation of a professional Animal Control unit in this county costs. The cost, I bear it. It's time for Animal Control to be given a priority in this county and for us to put the resources there with the new shelter, and any way we can generate this revenue, I think we need to support. Thank you.

Chairman Liakakis said, thank you. He recognized Gail LaBerge.

Ms. LaBerge said, my name is Gail LaBerge, and I represent the Georgia Canine Coalition, and I was here in March when you first started this process. My organization represents a number of people in your county, and we appreciate being able to work with you on this. A differential license is what you're looking at, and is what it is called across the country. It is not going to fund the amount of money that you need for an improved Animal Control unit. We all are aware of that. What you need to consider is, will this license improve people registering their dogs and spaying and neutering, and my organization does not believe it will, and we do have some facts to back that up. We do recommend that you use what your own Animal Control unit, who will have to enforce these ordinances, has recommended. We are seeing the counties, municipalities, not only in our State, but across the country, who implement a larger fee see a reduction in the registration, so you actually are getting the increased money, but the bigger problem is that you are not getting the registration of the dog. Buncombe County in North Carolina did this almost two years ago and they will clearly tell you now, we can't enforce this ordinance, and so, therefore, we recommend that you go with your professionals that are actually enforcing. Doesn't mean down the road, as Commissioner Shay said, that you will not looking at increasing these, but at this time, we ask that you stay with what you actually implemented in July of 2004, from the information that I have. Thank you. Any questions for me?

Chairman Liakakis said, thank you. Any questions? Thank you very much. Yes, come forward.

Paula Wagner said, my name is Paula Wagner, and I'm here as a member of three dog organizations, and we wish to give our full support to the license structure as proposed by Animal Control of \$5, \$2, and \$20. The licensing of animals is primarily to ensure they receive the rabies inoculation. Punitively high fees means fewer dogs will get the rabies inoculation. An epidemic of those proportions is a nightmare that no one wants to have. We need to have — stick with what you have, encourage compliance. Give her a chance to use her newly-passed fine of \$50, and see if that encourages more compliance. Giving people a break for spaying and neuter is nice. You cannot legislate whether a person spays or neuters their animal, unless it's declared a potentially dangerous or dangerous animal, because they're his property. What you do need to do is to educate the public on the need for spaying and neutering, and that is done by all of the citizens, by you, by our organizations, by all of this, the Humane Society, and we need more public education, not punitive legislation. Thank you.

Chairman Liakakis said, thank you. Yes?

Carol Williamson said, thank you. You have just heard from persons representing breeders. Of course, they do not want fees increased. That hits their pocketbook. We must hit the person's pocketbook to encourage spaying and neutering. This is a huge problem, much outweighing the problem of the rabies problem. We have too many unwanted, homeless animals. Please, please understand that as Rob Lee pointed out, so many cities have a much higher, much higher than what we're asking for, so education, yes, concerning spaying and neutering, but as we know, it's when you hit a person's pocketbook is when you really get their attention. Thank you very much.

Chairman Liakakis said, thank you. Come forth, please.

Holly Rolfes said, I was with Save-a-Life. I volunteer with Save-a-Life, and I was on the animal welfare board back when we made the recommendations that were passed unanimously and were never enforced, and at that time, we asked for \$35 for unspayed and unneutered animals, and \$5 for neutered and spayed puppies and adults. As far as compliance, I would venture to guess that the \$20 and the \$10 is not being enforced across the board as it is, because people are not sending the money in. In Effingham County and in Bryan County, the vets issue, collect the fees and issue the tags, and I would like to know, you know, what their rate of compliance is. I would think that it was much higher than Chatham County, as far as enforcement. As far as compliance, I don't think that's an argument, because if we change the way we enforce the compliance, I think we'd have a lot more animals with tags that will be registered. That's all I have.

Chairman Liakakis said, thank you. Any others? Any other comments? Rob.

Mr. Lee said, not to belabor the point, but just to make one thing clear, we're talking about both rabies vaccinations, which are critically important for protection of the community, and we're talking about licensing. They are not one and the same. There are many, many residents in the community that, both for their own protection as well as that of their neighbors, voluntarily have their animals vaccinated annually, but I agree with Lieutenant Boulware completely, they do not license their animals, and why is that? What's the consequence if you don't? That simple. I just wanted to make the difference between rabies vaccination and licensing so, you know, if, as stated earlier, licensing decreases, I fail to see why all these communities that have enacted it and keep raising the ante as they are doing.

Chairman Liakakis recognized Lieutenant Boulware and said, you wanted to speak again?

Lieutenant Boulware said, just a quick response. I don't know what happened back in '99. I wasn't on the Animal Control unit and I wasn't on AWAB at the time, but apparently something was voted on here from another Commission, and it wasn't enforced. That's old news, and I've heard it over and over and over again. But in 2004, we enacted a new amendment to the fees ordinance. At that time, we reduced spay and neuter down to \$2. We doubled the amount for the unneutered over eight months old. This is something we've just recently done. To come back and do it again, I mean, the citizens of Chatham County — we've got to look out for these folks around here. You're going to make it so impossible for them to own an animal. What I want is compliance, and if we keep it to where people can afford it, and we had that other ordinance on the books now, then you're going to have people comply. I think it's going to improve. That's my opinion. Thank you.

Chairman Liakakis said, all right. Yes, ma'am, you want to come forward?

Ailene Jones said, I'm a member of the Kennel Club and Obedience Club and Therapy Dog Club and several other groups here. When it comes to the matter of license fees and compliance, the original purpose of the registration and the license was to get animals vaccinated for rabies. The vets turned in the paper work for each dog that's been vaccinated. This is where your enforcement has to come in, if people don't follow up and register. But if people are saddled with punitive fees for an older animal and they don't want to be on the books, they won't get the rabies shot.

Chairman Liakakis said, thank you. All right, we've heard the discussions from the organizations and individual citizens and all, and I'd like to have a motion from the Commission, and your specific recommendation as to how you would like to approach this vaccination and registration of dogs and cats. Commissioner Stone?

Commissioner Stone said, I make the motion to approve the Humane Society's recommendation for the fee schedule. Chairman Liakakis said, one thing before — well, do we have a second on that? Commissioner Thomas said I'll second it.

Chairman Liakakis said, let me throw something out. You're making recommendations for what the Humane Society has recommended. Can we look at that in respect of effective 2009 and 2012? We can always revisit that and then bring it up, because we can see how successful this particular fees and registration has been set up. But, you know, when we go into that, we're hearing some negatives concerning that, that was just brought out by Commissioner Shay about holding off on 2009 and 2012, because we've got a long time that we can look at this and analyze it and go from there on that. Would you consider that? Commissioner Stone asked, that you eliminate that? Chairman Liakakis said, eliminate 2009 and 2012, because we can always come, and they can set the fees, whoever is in office at that time, you know, because —. Commissioner Stone said, all right. I'm happy to eliminate that part of it, if the second accepts. Commissioner Thomas said, I accept.

Chairman Liakakis said, all right, now, here's what it is, then, the recommendation is to begin fees for unneutered dogs or cats at \$25 instead of \$20. That's a \$5 increase. And neutered dogs and cats at \$5, instead of the \$2 that has been recommended. That's what the Humane Society and that's what Commissioner Stone has recommended. Mr. Lee said, that was one of the errors in typing that, as I

pointed out earlier. Chairman Liakakis said, excuse me? Commissioner Stone said, yeah, it's not that high. Mr. Lee said, we were recommending 35, not 25, that was one of the typed errors. Chairman Liakakis said, 35 instead of 25? Mr. Lee said, yes, sir, and I agree with you that — let's find out how this works and let's do it for one year. County Attorney Hart asked, 35 and 5? Mr. Lee said, yes, sir, 35 and 5. Chairman Liakakis said, now, we're talking about \$15 more, as opposed to what our Animal Control people, who are working on this, you know, to go up \$15.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, the last sentence on this page that I'm reading says in small print, so I'm not sure whether it's part of the ordinance now or part of the amendment, all fees raised by licensing should be designated for use for animal control activities by recommendation of the Humane Society. Is that part of the motion, or is that just something —. Commissioner Stone said, I mean, I certainly — yes. The intent of some of this additional revenue would be to go to Animal Control. Commissioner Shay said, I don't have any problem saying all fees raised by licensing should be designated for use for animal control activities, and I don't have anything — have no axe to grind with Humane Society, but I think it ought to be by recommendation of the Chatham County Commission. Commissioner Stone said, right, I think that was just a recommendation. Mr. Hart said, that was just to describe that that's where the —. Commissioner Shay said, oh, I see, all right. So there should have been like a big fat comma in there. Mr. Hart said, yeah, correct. Commissioner Stone said, right, a big fat comma. Commissioner Shay said, gotcha. I'll vote for the motion if a big fat comma is part of it.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I've got a question for the County Manager. Currently, where in the budget — where do the fees for licensing animals go? Mr. Abolt said, they go in the General Fund. They're non discretionary. But obviously, because the needs of the Animal Control are so great, you could make a case that they're all going to Animal Control. It does not make, from an accounting standpoint, the best of sense to have all fees earmarked. In this particular case, it might not be a problem. Commissioner Farrell said, does this — if the building or regulatory are collecting the fees, does this not go into their —. Mr. Abolt said, it goes into the M&O budget.

Chairman Liakakis said, okay, now, we have a motion on the floor and a second, you know, concerning these fees, where it's \$5 for neutered dogs and cats and \$35 for the unneutered dogs and cats. Now, one thing, I don't know how this Commission is going to vote right now. You've heard some substantial recommendations and concerns that you have out here. If this Board decides that they're going to go for the recommendation by the Humane Society, as opposed to what our Animal Control people and others have testified, what I'd like is that the Animal Control people, Mr. County Manager, the Animal Control people come back, and Chief Flynn, Major Burkhalter, and, of course, Lieutenant Boulware, to let us know how this is proceeding, because if there is a problem and it's not working out, they can come back to us so we can revisit this. In other words, this is not in stone here. If that's the way it's done, then you can bring that information back to us so that we might want to consider lowering — if they vote. Now, they might decide they're going to keep with your recommendation, but I'm just mentioning that, because you all have worked hard, the organizations and Animal Control, you know, to come to a resolution of this matter.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, before the fees were put up at \$20 and \$2, what was the fee structure for neutered and unneutered animals previous to that? Lieutenant Boulware said, it was 10 and 5. We doubled the 10 to make it 20 and reduced the 5 to make it 2. That was just implemented in 2004. Commissioner Farrell said, and how do you feel your compliance is now? What percentage of compliance do you think you have in the unincorporated area? Or is there any way to quantify that? Lieutenant Boulware said, there is not any way to quantify that unless we get with the Inspections Department. I'm sure they might could come up with that stat, or those stats. But I know just from the response that we — from 2004, everybody was very ecstatic over the fact that reducing the spayed and neutered animals to \$2, they were real happy with that. Actually, personally, I believe it ought to be nothing for spayed and neutered animals and the tag be free, but, of course, you've got to pay for administrative things.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I want to ask a question, because there's two different entities here. We have the enforcement side and then we have the Humane Society. Has there ever been a chance for both groups to have dialog together, to hopefully come up with a solution as to have the differences of opinion here at this time? Have you ever met? Mr. Hart said, we've had several long meetings, and that's why we've got this first part, where we were able to try to work the language out. The things you all are voting on today are just different viewpoints from where people stand and see the situation. Commissioner Thomas said, I would like to have an opportunity if this passes to, you know, revisit it, as well as the fee structure.

Chairman Liakakis said, okay, we have a motion on the floor. Thank you, Lieutenant. All right, if you'll come up, we'll take one more last comment.

Linda McLarty said, I'm the shelter supervisor. I just wanted to say within the last year since we did decrease the fees, I've seen a lot more animals that are picked up from the shelter that do have their shots and tags, so we don't have to give as many citations.

Chairman Liakakis said, okay, thank you. We have a motion on the floor.

Commissioner Farrell said, I'd like to offer a friendly amendment in the spirit of compromise, that we perhaps look at a \$25 unneutered fee and a \$2 neutered fee, and give this a chance to work out. I'm afraid that the people that would gladly pay the extra money are not the people that are going to be in jeopardy of noncompliance and that we need to look at a lower common denominator, and I don't think it'll — from what I'm hearing, I don't think that the highness or the lowness of the fee will have a great impact on the amount of funding that we have for Animal Control. We can find that at our will, so I'm just going to throw that out as a friendly amendment to really encourage this \$2 for the neutered and 25 for the unneutered in the spirit of compromise between the two differing opinions.

Chairman Liakakis said, do we have a second? Commissioner Stone said, but we have an original motion on the floor. Commissioner Farrell said, well, it was just a friendly amendment. Chairman Liakakis said, do we have a second to the amendment? We have to do that first, don't we? Do we have

a second to his amendment? What he's saying is, \$25 for the unneutered instead of the 35, and go with the neutered for \$2. Commissioner Odell said, I think procedurally, you would have to go to the first one. Mr. Hart said, correct. Commissioner Odell said and then see if they would —. Mr. Hart said, accept that as a friendly amendment. Commissioner Odell said, accept that. Chairman Liakakis said, okay. Commissioner Stone said, I'm more interested in sticking with the original motion. Mr. Hart said, then you should vote on the motion on the floor. If it passes, fine; if it fails, then Commissioner Farrell, if he chooses, could bring a second motion.

Chairman Liakakis said, okay, we've heard everything now and we've got that proposal. Everybody go on the board.

Action of the Board:

Commissioner Stone made a motion to amend Section 22-110, Vaccination and Registration of Dogs and Cats, Fees, as follows: Unneutered male dog, \$35; Unspayed male cat, \$35; Unspayed female dog, \$35; Unspayed female cat, \$35; Neutered male dog, \$5; Neutered male cat, \$5, Spayed female dog, \$5; and Spayed female cat, \$5. The motion was seconded by Commissioner Thomas. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Farrell voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]

Chairman Liakakis said, to Animal Control people, we can revisit that. We'll get information from you, you know, concerning how this is working out.

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**Payment of Fees. [§ 22-116] Within three days after a dog is impounded, the owner, possessor, or any representative of the owner or possessor may come forward and pay the annual license tax fee if he has not paid the same, and an impoundment fee of \$35 for an impounded dog and \$10 per day for the dog to be housed and fed at the dog pound or Humane Society. The Humane Society suggested that unidentified dogs be kept for five days and identified dogs be kept for ten days. Animal Control personnel desire to keep the ordinance as it is presently written.**

Chairman Liakakis recognized Rob Lee.

Mr. Lee said, the group of animal welfare organizations that have been meeting have discussed this, and before I actually address this specific issue, I do want to thank the Board of Commissioners for getting the bond passed to construct the new shelter. We also realize that ten days holding time under the current conditions, a good argument could be made that that, in itself, could constitute animal cruelty, and we recognize from discussions with some of the members of the Commission that this would impose a hardship at the current time, and would be more than eager to propose an alternate to this, that the time be increased to five days so that no one goes away for a long weekend, as several of us have discussed, and come back and find their dog euthanized before they even have an opportunity to find it, and hold off on the ten day time until the new facility is built and, as we just talked about with increased or escalating the fees, come back and address that again at that time.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just want to make one comment, Mr. Lee. I understand that your description of housing animals at the Animal Control facility is not great, but I really wanted to say this, because I went to some of the departments when I was campaigning, and those people do a tremendous job under very adverse conditions. And I know that's not what you were insinuating, but I really want to go on the record as stating I'm very grateful for the services that the Animal Control officers provide out there, and what they do, and the conditions that they're working under are deplorable, and I want to do everything in my power to improve that as a Commissioner, but we are very fortunate to have people that work under those conditions, and I just wanted to say that. Mr. Lee said, yes, you are, and you're exactly correct. My intent was not to state that the people working there are creating the problem, but the overcrowding that would be created by holding them ten days in the current facility that they have — Commissioner Stone said, I agree — would be what created that situation. Commissioner Stone said, I agree.

Chairman Liakakis said, my comment on that five days that's been recommended also, that we ought to consider that. You know, most of us know that the pets become family members. As Diana was talking, I mean, she lost a loved one, and anybody that has a cat or a dog, they love them as family members and all. And what has happened many times in the past is that somebody, for whatever reason, in three days' time, has not been able — they might call — for example, the Animal Control people pick up an animal in the afternoon because it's been running wild, and that person that has lost their animal called that early morning. They call in the morning and describe their animal and they say, no, we don't have an animal of that description here. Even though later on in the afternoon, Animal Control has done a good job and picked up that animal. So what happens is, that person that has that pet doesn't call back and they lose their pet because, you know, they're being euthanized in a situation like that. So I think we ought to take that in consideration. I know that the particular facility is getting loaded up. It's more work on the Animal Control officers, and it's crowded there, but I think that we ought to add a couple of days to that, because the circumstances that we have, that if somebody, if it is a family pet, that we give them the opportunity to, you know, try to come back to the Animal Control and recover their pet, and I think that's really important, because many times in the past, for whatever reason now, that a pet has been euthanized — now, I know what they do now is, sometimes they might not do it in three days because they're doing their paper work and all, and I think we ought to put it in the ordinance that we extend it to five days and hopefully, in the not too distant future, we're going to have this new Animal Control center, where we'll have more room, where the pets there, whether they are a family pet or a stray, that they will be living in conditions that are not terrible like they are right now, because we see that it's crowded. The facilities, the officers and the people that work there, have a hard time keeping it sanitized, and sometimes they are overworked, but that's my personal opinion, that I feel that we need to consider that.

Chairman Liakakis recognized Ms. Thibodeaux.

Ms. Thibodeaux said, Mr. Chairman, I'd just like to make an additional suggestion as we move forward in becoming a more professional control facility in our community. We have the Internet now and technology is moving forward, and as we build our new shelter and we move forward, perhaps with the advent of digital cameras, you know, we could even take pictures of pets that are brought in and, you know, if you're working and you get off work and your pet's not there, I'm sure we could find a web

master in the county that might volunteer their services to post the pictures of these pets so that it would be more easily available to the public to be able to identify their lost pet and also, we do know there are instances where people have never found their pets, they remain at large, there's a question as to whether or not they ever did go through Animal Control, and you just have the ability to kind of describe what your animal looked like, but no definitive closure of whether or not your pet indeed was euthanized. If we could put pictures and kept logs of the animals that went in, if nothing else, it might give our citizens closure. If they do lose a pet, they would know that it had indeed been euthanized. It's just something to think of for the future. I think moving to the five days is a good first step, but I'd like us to continue to think of ways to think outside of the box in this regard.

Chairman Liakakis said, for information purposes, I met with Rob Lee and some other delegates yesterday concerning this ordinance and I made the proposal that I will help pay for, you know, getting a digital camera and taking pictures so that they can have them there at Animal Control, that those pictures are taken, so if somebody wants to go by there, they have their pictures there. They can look through the pictures and at that particular time, you know, on the web site — especially on the web site, because that'll keep people from going there. I know that they have a lot of duties and all right now that Animal Control has, but — and I want to see that the County, that we give, you know, more support to Animal Control, whatever we can do, but I think that some innovations in there will help out.

Chairman Liakakis recognized Linda McLarty. Ms. McLarty said, I'd just like to say at the present time we do hold the dogs for four days. The first day does not count. As you explained, if you came home from work and your dog wasn't there, we do hold it for four days, so any dog that's brought in on Monday wouldn't be euthanized until Friday. As to the ten day holding period, I am having to hold dogs for ten days. I hold dogs for ten days with bite cases. I have dogs with tags or dogs with IDs. They are held for ten days. So the dogs are held at the shelter for four full days.

Chairman Liakakis said, thank you. If we give one more day, that's just my personal opinion, everybody can go from that. It's recommended for five days, and I think, Rob, you know, the five days, they're doing that right now, and with the resources that they have, they're working hard over there and we've got good people, and the Chief has said, Chief Flynn, he supports them, also, and, of course, you know, whatever additional training they need and whatever we can do to help them.

Commissioner Thomas said, Mr. Chairman, I'd just like to add this comment. At the NACo conference last week, it was a hot button issue. They had several work shops on animal control. There are new technology and some other things. I did pick up quite a bit of information. It was too much for me to bring in my suitcase, so I mailed them by UPS. As soon as I get the information, I will share it with the Board. Chairman Liakakis said, okay, thank you.

Chairman Liakakis said, okay, payment of fees and the Animal Control Ordinance, the impoundment fee and the other items and the recommendation. We have a recommendation for five days instead of the three days. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, I make a motion that we adopt the language that's in the proposed ordinance now, with the exception of changing where it says within three days after a dog is impounded, to say within five days after a dog is impounded, and the remainder of the language stating

the impoundment fee of \$35 a day, \$10 a day for the housing and feeding of the dog, would remain as it was originally drafted.

Action of the Board:

Commissioner Shay made a motion to adopt the language that was proposed with the exception of changing three days after a dog is impounded to five days after a dog is impounded and stating the impoundment fee of \$35 a day, \$10 a day for the housing and feeding of the dog. The motion was seconded by Commissioner Farrell, and the motion carried unanimously. [NOTE: Commissioner Kicklighter was absent.]

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**Dogs Put to Death. [§ 22-117] Any dog impounded under this article whose owner, possessor, or representative shall not come forward within three days after the impoundment and pay the license tax and fees specified in this article shall be put to death in some manner approved by the American Veterinary Medicine Association, or said animal shall be adopted through licensed rescue and placement agency.**

The Humane Society desires that:

Any dog impounded under this article, owner, possessor, or representative shall not come forward within five days concerning an unidentified animal and ten days with an identified animal after being impounded, and the payment of license tax and fees specified in this article shall be put to death in accordance with the American Veterinary Medicine Association recommended method of euthanasia or lethal injection administered by a certified technician.

County Attorney Hart said, Mr. Chairman, I would assume that you all would, under either option, wish the put to death to coincide with the five days that we just passed. Chairman Liakakis said, right. Any discussion?

Mr. Rob Lee said, this is probably the one issue that nobody, including me, really likes to talk about, but unfortunately, it's something that, in our community, at any rate, and most all communities around the country, is still a huge problem that has to be handled. Euthanasia — and I'm not going to get into a philosophical discussion on this at this point — I just want to make three key points about our request that it be done by administering a lethal injection of sodium pentobarbital — actually, I'll make that four. The first point is, the most current study by the American Veterinary Medical Association, while recognizing carbon monoxide euthanasia, which is the current method at Animal Control, as being, and I quote, acceptable, in the immediately preceding paragraph, it states that the most humane and the preferred method of euthanasia by animal shelters, whether they're Humane Societies or Animal Control, is by administration of a lethal injection. The second point would be that every animal welfare and Humane Society organization in the country of national stature, the National Animal Control Association, the American Veterinary Medical Association, all agree that sodium pentobarbital is not only a better, quicker, more humane method, when done by a competent and compassionate person, it's also far less expensive. The immediate argument to that is, look how much it costs. True. The drug does cost considerably more than a tank of carbon monoxide gas, but as any person who runs a business or a

service-related business knows, whether it's Domino's, the Humane Society, or Animal Control, the real cost is not in materials. It's in labor. And to comply with the AVMA methods for euthanasia by carbon monoxide, it does require that there be at least a 20-minute cycle and that the animals be attended during that cycle to make sure that absolutely nothing is going wrong. And you can use any number you want for an hour's labor, 20 minutes time to euthanize, say a dozen animals by carbon monoxide in the case of cats, or if there's large dogs, two at a time is all that can be done during that cycle, plus there's time putting them into the chamber and taking them out of the chamber. During that same amount of time, a qualified technician, working with an assistant, can euthanize those two large dogs in less than five minutes time. The savings comes in the labor. Plus the fact that whenever we started discussing these changes, two weeks ago, after the initial reading of this ordinance, we started circulating a petition. Every person that responded to this petition — and I'd like to give these to the Clerk of the Commission at this point — over 1500 signatures collected in less than two weeks time, not from just animal lovers, these were gas stations, beauty salons, all over the county. And this was the key issue that they wanted addressed, and there's several notes attached to those petitions, is that we're the ones that are allowing the situation to continue, to where a majority of these animals end up in that facility. We have both a moral and, in some cases, it's already stated, a legal obligation to at least ensure that we're doing everything within our power to provide a humane death. Thank you.

Chairman Liakakis said, thank you. Any comments? Do we hear a motion on the floor, how you want to —. Mr. Hart said, I think your Animal Control people —. Chairman Liakakis said, excuse me. Lieutenant Boulware.

Lieutenant Boulware said, the American Veterinary Medical Association 2000 report — I think you may have a copy — on Page 678, Option 3, which is what we use, is headed in the second paragraph carbon monoxide, as acceptable. We are not — the first two methods were unacceptable. The method that we use with the cartridges is acceptable. Ms. McLarty said, commercially compressed CO in cylinders. When they're brought in, they're a hundred percent pure carbon monoxide. Lieutenant Boulware said, you'll also notice at the very beginning, on Page 671, you had 17 veterinarians from around the country who had approved this report. I've talked to veterinarians here. It is just totally unreasonable for us, the numbers that we do, to euthanize them by injection. It requires two needle sticks. Number one, you have the opportunity for a animal — they're not just going to lay down like a prisoner fixing to get lethal injection and allow you to strap them down. It's not going to happen. We have to hold them with what they call a catch pole, you know, and then they're tranquilized, and then during that whole process — I don't want to be too vivid — it can get really messy, okay, due to the feces. Ms. McLarty said, if you also go to your animal behavior —. Chairman Liakakis said, we need to hear you up here. If you're going to say anything, come up to the microphone so that we can hear that, please. Ms. McLarty said, I'm sorry. The animal behavior considerations, if you also go to the AVM, it's Page 674, it'll explain there about the behavior and psychological responses to noxious stimuli include distress vocalization, struggling, and this is just talking about the basic animal. In other words, they're going to have to be put on the control stick. These animals aren't just going to sit on the control stick. You're actually going to have to go ahead and pull that control stick —. Commissioner Farrell asked, you're talking about like a noose around their neck? Ms. McLarty said, it's a noose. I should have brought it up from my truck. It's a steel pole. It has a noose on the end and I have one down in my truck that we've had a month, and it's chewed up just from bringing dogs off the truck. These animals are going to have to be put on that and then gone ahead and be tranquilized. The whole time, there's going to be fecal material flying around, urine flying around. The dogs are very upset about doing this. Plus, there's also a chance of

us becoming bit by the animal. Lieutenant Boulware said, or stuck by the two syringes. Ms. McLarty said, or stuck by the syringe as we're going ahead and injecting the animal.

Lieutenant Boulware said, I'm just thinking of officer safety. Also, I'm thinking about being cost effective. You know, you're going to end up paying a lot, of course. I honestly believe — I would not stand here and tell you that I thought our method is acceptable if I felt like it was not. I honestly believe that it is, in fact, more humane. Now, I know there's going to be differing opinions. My understanding, and the material I've read on our particular method, which is Method Number 3, these animals are not suffering any pain. If there's any howling or anything like that that does go on, it's because they don't know why they're going to sleep, but they basically just go to sleep, and that article you have there indicates that it is painless. I just think, also, to say that it's going to improve the time, I honestly don't see — on any given day, you might PTS — I'm sorry, put to sleep — 30 animals. How — getting each animal out with a catch pole and giving them two sticks is time-consuming. We do 30 of them, you know, sometimes, line them up after you're through, and then bag them, because we have to do that. You know, I just think this is totally unrealistic.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I understand the complication. I think using the catch poles and dragging an animal into a secure location and giving them two injections, we're not there yet. I read the materials that you provided, which are entitled the "2000 Report of the AVMA Panel on Euthanasia," and I think we're in compliance with the carbon monoxide. At some point, we might solve that problem with having them injected, but right now, I haven't heard anything that would say (a) looking at the numbers that are being done, that this is less stressful for the individual animal. I don't know how dragging an animal to a place where you're going to kill it by two injections, while you're dragging it by the neck, is more humane than carbon monoxide. Lieutenant Boulware said, and that's my point exactly. And if you've ever witnessed an injection, that has gone awry, it can be rather horrific. Commissioner Odell said, you know, it might work with little tea-cup dogs, but with larger animals, and giving the two injections, the potential of the worker being bitten, the potential of a needle breaking, and the animal not being injected, but the employee being injected is, to me, a risk that is not attendant with carbon monoxide. Lieutenant Boulware said, that's right, and the medicine that is used could be harmful to a person, as well, you know. We do — let me add this. I don't want you all to think that we don't inject animals. We do. We do the sick, we do the puppies, we do the pregnant ones, we do the injured. We do use injection. Not all of them are carbon monoxidized. So I just think, all in all, Mr. Odell and Commission, that the most reasonable thing to do is keep things as they are. One day when we become high tech and have a veterinarian on staff who can do all this, that, and the other, fine. Commissioner Odell said, I don't think we're there yet. I think we leave the ordinance as it is, with carbon monoxide. I'll make that a motion. Commissioner Shay said, I'll second it.

Chairman Liakakis said, wait a minute, now, you're talking about the — we're going to change it to five days instead of the three days, as this amendment says, and then to use the same method that we're using now. Commissioner Odell said, right. Commissioner Farrell said, or leave it to the discretion of the Animal Control, because they're using both methods.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, if Commissioner Odell would consider a friendly amendment, that we allow our Animal Control people to use any method that's deemed acceptable by the American Veterinary Medical Association. They have the discretion and — Ms. McLarty said, I'd also like to say — Commissioner Odell said, I'll accept that as appropriate. Mr. Hart said, the language, as written, does that.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, this is probably the type of forum to address, and I don't have the perfect answer, but it would seem to me that maybe the only animals that should be in the gas chamber would be the ones that were too difficult to handle and that perhaps the rest of them, the majority of them, could be done by injection, and I think Mr. Lee wants to speak to that. Ms. McLarty said, I'd also like to finish speaking, if possible. Commissioner Stone said, here again, this is such an emotional thing, I don't even feel qualified to speak on this.

Mr. Rob Lee said, okay, the first point I will try to make is — and I'll go back to my opening comment — that euthanasia by definition means a good death. I agree completely with Commissioner Odell that a dog put on a noose, drug on a stick, held down and stuck is not euthanasia. The Humane Society euthanizes as many, if not more, animals annually, than Animal Control does. We have to take in every animal that Animal Control will not accept. Animal Control will not accept an animal from an owner. They send them to us, if the owner can no longer take care of them. A lot of those animals are kept on a chain in the back yard and are extremely aggressive. I have done euthanasia for over 30 years. I have done it by injection for the majority of that time, and I bless the day that State Legislatures and Boards of Commissioners enabled that. What was described by Lieutenant Boulware is not euthanasia in any sense of the word. It's killing. There is a difference. Euthanasia, when done by injection and done by two compassionate and competent people, working as a team, the animal does not suffer. If the animal is too aggressive to be handled in a normal manner as though it were a friendly pet, the animal is tranquilized before it's handled at all, to avoid that excitability. If you — and without trying to get too technical about it, if you allow that excitability to reach a Stage 2 level, you have completely voided the concept of euthanasia in the first place, you've reverted to killing. It's that simple. And it is much, much quicker. It is not a long, drawn-out process.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, do you understand what the law enforcement are saying? Mr. Lee said, I understand completely what they're saying. I've done it both for law enforcement and for Humane Society work. For the City of Memphis Animal Control Shelter, where the first three years we were there, we annually euthanized over 50,000 animals a year. It was all done by injection. Commissioner Odell said, are you willing to accept that reasonable people might differ from your opinion, like Animal Control? Mr. Lee said, I think that Animal Control is wanting to maintain the status quo, period. I'm sorry, but I have to differ with you on that, and every study done around the country by Animal Control professionals would say the same thing. Commissioner Odell said, is there any happy medium between your point of view, so that you can continue to do it the way you choose, and they could do it the way that they're — Mr. Lee said, the only thing, and this was contained in our original recommendation to the Board, which has been probably lost along the wayside, is that we would agree that because they do have to deal with the occasional wild animal and sometimes with a dog that is just frankly too much of a danger

to handle, that for those animals, allow them to use the chamber until their people become competent enough to be able to do it properly by injection.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I don't believe the Lieutenant was finished, and I would like for her to have the opportunity to complete what she —. Chairman Liakakis said, Lieutenant Boulware, you had some additional comment? Commissioner Odell said, I'd like to hear what the Chief has got to say. Commissioner Farrell said, me, too. Chairman Liakakis said, well, let's see if Lieutenant Boulware — I was told she wasn't finished.

Lieutenant Boulware said, I think what we have to consider here, more than anything, number one is the officer's safety. That is key. I don't want these shelter workers bit or stuck by needles. I want to be humane to an animal. I have five animals, myself. I am an animal lover. I honestly believe that our method, number one, is supported by AVMA as acceptable, and I think it is humane. We differ. Me and Mr. Lee differ on this. They're selling in the NACCA (phonetic), National Organization of Animal Control, there's a magazine, they're selling euthanasia chambers now. It used to be that you had to be grandfathered in, you know, and they got away from it, but now they're being resold in the NACCA magazine. I don't think that AVMA would attach their name to it, 17 veterinarians across the country, would attach their name to something that they felt was inhumane. And, Ms. Stone, I'm going to tell you right now, I appreciate your opinion, but I differ with you. I think that the most humane method is the way that we are currently doing it. Thank you.

Chairman Liakakis said, thank you. He recognized Ms. McLarty.

Ms. McLarty said, I'm the shelter supervisor. I've been doing this for 26 years. I've been the one involved with carbon monoxide. Ms. Stone, you're familiar with me, Save-A-Life with Deborah Friedman, and Holly and a couple others, and they know that I am a compassionate person. I've done this every day. It's not just once in a blue moon. It's every day for 26 years, except for weekends. If I had to do this by injection every day and feel the life going out of a dog, I don't think I would be here. I mean, to actually feel that last heartbeat go, to make sure that they are dead, I wouldn't be here. That's why the dogs sit in the chamber, you know, for a certain amount of time and come out and we let them sit again. Thank you.

Chairman Liakakis said, thank you. Yes?

Jean Capozzi said, if I had committed a horrendous crime and I was sentenced to death and I was given a choice of the gas chamber or a lethal injection, I would certainly choose the latter, as I think most individuals would. In addition, I'm a pet owner, and over the years, I've had the unfortunate experience of having to bring some of my pets to the veterinarian in order to be euthanized because they were ill, and I tell you, I stay with my pet. I hold my pet and they are given — my pet is given an injection and goes to sleep, and it's a very peaceful thing to encounter. It's not horrendous. I could never bring my pet to the veterinarian and have him put in a gas chamber. It's inhumane. Please consider lethal injection.

Chairman Liakakis recognized Chief Flynn.

Chief Flynn said, I can — I'll render an opinion for you. It seems like we — one thing I think both sides of this issue agree on, is that we all — and I know I'm speaking, as well, for all of our Animal Control folks — we all want the most humane possible way to do this, to address this very difficult situation. We all want the best possible way, not look at either side of this as having any other agenda than doing it the most humane possible way. There are really two issues. What is the most humane possible way to do it, but then you have to add — in public service, you have to add the reality of what we do in public service, and that is, you know, sometimes you hear it, like with a jail, population management. It's something we have to consider, so I think, you know, what we're hearing from the Animal Control folks is, the numbers are so great that they have to deal with that. You know, sometimes you have to work under less than ideal situations. That's really where we are. Personal opinion, I think there's a middle ground here. I think Commissioner Stone alluded to an area where if we have enough trust in our Animal Control staff — and I do, and I think we all should — that they can make a determination occasionally that there are animals that are too big or too aggressive for the situation like the one we so graphically heard about, about the animal being dragged kicking and —, you know, so forth, that they have the latitude to make a determination in those cases, with the goal of doing as many as possible with the lethal injection method. I think we already do quite a bit of that. If we give the latitude, I think there's a middle ground. You know, it's not ideal. In the ideal world, we would have the resources and the ability to do everything in the most humane possible way, but we have to be realistic, as well.

Chairman Liakakis said, thank you. If it was left up to my wife, there would be no euthanasia. She'd have some huge facility and, you know, she'd like to have a lot of money, so that she would take all the pets, no matter how many there are, and to keep them, you know, and I know how heartbreaking this is. Commissioner Stone?

Commissioner Stone said, I just would reiterate what the Chief said, that perhaps there is some middle ground here, that the animals that truly cannot be handled, or would be considered a danger to be handled, would have to be dealt with differently. I, for one, and I firmly believe that my fellow Commissioners agree, want the most humane method possible used. I mean, this is a horrible thing to be here discussing. Nobody wants to discuss it. But unfortunately, it's a fact of life. It goes back to something that I've always moved, and that is, please spay and neuter your pets, because nobody wants to be faced with this. Nobody. And whether it's the Humane Society or Animal Control, it's a dreadful thing.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I know this is a very emotional issue for everybody, and I like animals just as much as anyone else, but I really truly listened very carefully and I do have a concern. I know that Chief Flynn does, too, as to employee safety, and also, that can be an emotional safety. As one pointed out, if you do this day in and day out, and actually feel the life go out of an animal, this could have a psychological impact. I think we should leave this — we have some very responsible people in Animal Control. Let's leave it up to their discretion. I think they'll use good judgment and it should be either/or.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Ladies and Gentlemen, just only to reinforce what Commissioner Gellatly said, it's been my pleasure and my good fortune to be associated with the

employees who have testified before you for a number of years, and I know nothing in the comments given today would question their humaneness and their love for animals, and I just want to tell you that they speak from the heart.

Chairman Liakakis recognized Carolyn Foote.

Ms. Foote said, hello, my name is Carolyn Foote, and I have a slightly different perspective on this. I have known Mr. Lee now for three years. I'm a volunteer at the Humane Society, but I also work with two rescues, and it all started because I found a hunt Beagle running along Highway 17 and I didn't know how to help this dog. I'd never run into this situation before. Unfortunately, I wasn't able to save that dog. However, through Save-A-Life and through different organizations, and working directly with the Humane Society, a group of us that are very informal have saved a lot of animals, and I'm very proud of our work. And as a part of that, we have tried to take this petition to people that are members of this community, and a lot of them are quite unaware that animals are being euthanized by this gassing method. I took the petition on the streets, to downtown Savannah, and I've had it in several different areas, and so many people are quite unaware of this. And unfortunately, until we get —, you know, there's such a pet overpopulation, until you get the spaying and neutering, as the Governor of Georgia, who is a veterinarian, is trying to help us with, you know, but it is not a humane method to destroy animals, and as to the — I'm very concerned about the impact if it would put anybody in harm's way, but I do take Mr. Lee's word that none of our vet techs, who I know all personally, and I work with, and I trust them, that they will, when need be, have to put down so many of our much loved animals here, and yet, they have not been accidentally injected. They have not been harmed. I've known a number of them a long time and I trust their opinion, and they don't believe that this is an acceptable method. In fact, if an animal does come back through our system and has been through the Humane Society, we try to get them back into the Humane Society so that if for temperament or health or whatever reason the dog or cat has to be euthanized, that they are done — it is done so by injection, because it is our belief, as pet owners and animal advocates, that it is the best method. Thank you.

Chairman Liakakis said, thank you. Yes, Chief?

Chief Flynn said, I'd like to add one thing that may help us with this difficult discussion. I think we're all — it is uncomfortable and upsetting to many people to have to discuss this, but I'd like to add to it that, you know, one of our — probably the best objective we could have is, like in policing, we work, we focus as much as we possibly can on prevention. Prevention is much better than anything else that's reactive and, you know, if we can together — and I mean all sides of this issue — work together on reducing the number of animals that have to be euthanized, we can do it much better, so I'd like to just add to the discussion here that when we come away from this, that I'll commit the resources of the police department, our public affairs resources, our public information resources, and I would like to work with the Humane Society and our staff and everyone on a really good public information campaign about neuter your pets and register your pets, and work on the kinds of things that we know will reduce the number of animals that have to be euthanized. Thank you.

Chairman Liakakis said, thank you. Commissioner Shay?

Commissioner Shay said, Mr. Chairman, there's been a substantial amount of discussion on this and there has been a motion on the floor, I think, for over a half an hour. I'd like to call for the question.

Chairman Liakakis said, the question has been called for. Do you want to repeat so everybody knows the motion? Commissioner Shay said, I believe it was Commissioner Odell's motion. Commissioner Odell said, my motion was to leave it as it is. Commissioner Shay said, with the exception of the five day thing. Commissioner Odell said, with the exception of the five days. Commissioner Gellatly said, and that essentially gives them discretion. Commissioner Odell said, that gives them the discretion.

Action of the Board:

Commissioner Odell made a motion to amend Animal Control Ordinance by accepting Dogs Put to Death [Section 22-117], as written, leaving discretion with Animal Control as to the method of euthanasia used, and extending the time from three days to five days. Commissioner Shay seconded the motion.

Chairman Liakakis and Commissioner Holmes, Commissioner Shay, Commissioner Farrell, Commissioner Odell, Commissioner Gellatly and Commissioner Thomas voted in favor of the motion.

Commissioner Stone voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]

Chairman Liakakis said, from my perspective, I want everybody to know, you know, we've got multitudes of animal lovers and all, and I have three cats and three dogs myself, as I mentioned before, but we want to see about working together, and we can look at things in the future and hopefully, in the not too distant future, we're going to have the new Animal Control Center that will give the officers and everybody a great facility, and it won't be a burden and wrong for the animals that go into Animal Control. We thank each and every one of you for your participation.

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**Dogfighting [§§ 22-136]. Dogfighting in unincorporated Chatham County is prohibited. A person commits the offense of dogfighting when he causes or allows a dog to fight another dog for sport or gaming purposes or maintains or operates any event in which dogs are allowed or encouraged to fight one another. A person convicted of the offense of dogfighting shall be punished by a mandatory fine of \$500, or such amount as provided by state law, and imprisoned for not less than 30 days or more than one year.**

**This provision has been included at the direction of the Commission and makes this a county ordinance violation with a penalty that is not as strong as that allowed at state law. This provision could be amended to state dogfighting in unincorporated Chatham County is prohibited and shall be enforced to the full extent of state law.**

County Attorney Hart said, the reason this is worded this way is that the state law statute is a little bit stronger. It's stronger than what you can do under a local ordinance. The local ordinance — and there is a correction that I wanted to make — we could bring that fine up to \$1,000. Under our Enabling Act, we're only allowed to charge up to \$500 fine. They changed the state law about two years ago and said that counties could go up to \$1,000. So if you wanted to, you could increase it to \$1,000. But at least it puts an ordinance on the books and it is an affirmative statement by this Commission that you will not tolerate dogfighting. Now, if a charge is brought, it could either be brought under the local ordinance or it could be brought under the state law or, for that matter, it could be brought under both. So whatever you choose, we can certainly do. Chairman Liakakis said, I'd like to add \$1,000 as far as the local,

because we should not have dogfighting and make this penalty, you know, to have the same as the state law; I think that's important. I'd like a motion on the floor.

Commissioner Farrell said, so moved —. Mr. Rob Lee said, excuse me. If we could, the Assistant District Attorney, Melanie Higgins, is here to address this issue, and also, most communities in the State of Georgia have — they just adopt the State language into the ordinance, and if by doing this as a local misdemeanor, it doesn't even go, as I understand it, to the court of proper jurisdiction. I'd like to have Melanie Higgins and Gary Newberry to come forward to explain how this would impact both financially and the intent of this on Chatham County, if this is passed as written.

Mr. Newberry said, good afternoon, I'm Gary Newberry, a local attorney. I work with animal issues on a daily basis. We already have a state law. It's a felony, mandatory \$5,000 fine, one to five years in prison. We don't need this county ordinance. We need to stick with the state law. Commissioner Odell asked, Gary, can I ask you a question? I talked to you the other day. When I looked at this, my perception was — and Melanie might want to answer this —, but if you look at it as a lesser-included, if the evidentiary level was not sufficient. Did you interpret that the same way? Mr. Newberry said, I didn't actually address the dogfighting issue; we were talking about animal cruelty issues. This needs to be left as is. State law needs to control. A mandatory \$5,000 fine upon conviction, that hits hard, and one to five years in prison. It's a felony. That doesn't need to be a county ordinance violation.

Ms. Higgins said, I'm Melanie Higgins. I work with the District Attorney's office. I just wanted to mention that the language that is used in this ordinance is the same language that's used in the state statute, and what my concern of what will occur is, if somebody is charged with dogfighting, they will go to Recorder's Court. They will submit to the jurisdiction of the court and they'll wind up with a \$500 fine and that's it, and they will not be charged with a felony, and so in essence, what we're doing is enabling them to get off with a lesser penalty than what already exists that's been enacted by the Legislature. And dogfighting is sufficiently horrific that it shouldn't be treated as a misdemeanor with minor penalties.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, let me ask you a question, since you represent the District Attorney's office. Would there ever be a case of dogfighting that you can imagine where, because the State penalty was so severe, that the District Attorney's office would feel reticent to bring charges under the State statute? My understanding is that the District Attorney's office doesn't prosecute every case that they have the opportunity to prosecute because sometimes they feel there are lesser circumstances, and I'm not probably using the right kind of words here, but if what you're saying to us today is that in any case of dogfighting that ever occurs in Chatham County, that the District Attorney's office would bring charges against those people in the appropriate court and fully prosecute them under State law, then that means something to me, but if there was ever going to be a case where the D.A. would say, you know, that doesn't warrant going to State, then I would have concern.

Ms. Higgins said, okay, what would occur is, in this instance, since this is a felony, the Recorder's Court has no jurisdiction to handle a felony. They handle misdemeanors and ordinance violations. What they would do is have a preliminary hearing. At that time, you know, a charging decision would have to be made. Are there facts there that would support a dogfighting charge, or are there facts that — are there insufficient facts for that charge to be supported, and that is something that, given the nature of the

charge, it's important for us to be able to decide. I don't think our office has ever said, well, the penalty for this is too bad, so we're not going to prosecute. The penalty is mandated by statute. We don't have any control over that. We just look at whether the facts are there and are there sufficient facts to prove the case.

Commissioner Shay said, so your answer, then, is you would — there would never be a circumstance where someone was charged with this and the facts were at least sufficient to have a trial, where the District Attorney would say, you know, I'm not sure I want to try that one. Ms. Higgins said, if it's up to me, no. The answer is no. Commissioner Shay said, are you the District Attorney? Ms. Higgins said, well, I'm not the District Attorney, but I am one of a couple that do all the animal cruelty cases, yes. Commissioner Shay said, it's my understanding that if we change the language as the Chairman has recommended, to say a mandatory fine of \$1,000 or such amount as provided by State law, and imprisoned for not less than 30 days, there's no chance that somebody that was convicted of this would walk away and just be able to pay the fine; they would have to go to jail for at least 30 days. Ms. Higgins said, which would be less than that stipulated by the State statute. Commissioner Shay said, but the judge in that case would have the opportunity, if he wanted to, to treat them as you said, and say, we're going to bind you over to State Court. Ms. Higgins said, well, it depends on how it's charged. If they perceive and say, we want to be subject to the jurisdiction of Recorder's Court, and this is an ordinance violation, then it's going to get handled in Recorder's Court. There's going to be no option. Commissioner Shay said, so nobody is ever going to walk. Ms. Higgins said, well, my concern is not whether they walk or not; my concern is the harshness of the penalty and the seriousness of the crime and what these people are doing to animals and to the community as a whole. Commissioner Shay said, I don't think there's anybody up here that thinks that dogfighting is a good idea. You know that. Ms. Higgins said, right.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, it was brought to my understanding that after a perpetrator was arrested for dogfighting that it would be up to the Assistant District Attorney to determine whether to charge them under the State law or under the County ordinance. Is this incorrect information? Ms. Higgins said, no, we don't prosecute County ordinances. Commissioner Odell said, no, they just do felonies. Ms. Higgins said, it would never come to our office. It would be handled in City Court and that would be the end of the case. Our office would never see the paper work. Commissioner Farrell said, so we can remedy this by just not even having any language in Animal Control and just let the State law preside. Mr. Newberry said, that's exactly our point. Ms. Higgins said, that's what we were — right, given the seriousness of the charge. Commissioner Farrell said, so we can just strike this whole ordinance out completely, if we so choose, and just let the State handle the dogfighting problem.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I beg to differ with you, okay? And I'm talking from 40 years of law enforcement experience. I think that it would be a serious mistake. As you know, all cases are not perfect. You know what I mean? We don't go to the District Attorney with 20 eyeball witnesses and all on video, you know. That'd be the same with this type of a case. We might come in here with somewhat of a weak case and we'd like to have options. By going ahead and going with the State, period, there's no option. We're going to have to have it all perfectly documented, on videotape, and we need 10

eyeball witnesses or we aren't going to go to the District Attorney. All right? So I really and truly think that we'd be making a serious mistake if we don't give our law enforcement people the option to be able to say, well, you know, we've got a pretty good case, but it probably doesn't meet the level that the District Attorney wants to jump right on this, do we have a bargaining chip, you know, that you go through Recorder's Court and get something less than that, because we don't have a picture-perfect case. I think we'd be making a serious mistake if we took that option out of the ordinance.

Commissioner Farrell said, you're thinking that there's some —. Commissioner Gellatly said, based on 40 years of experience. Commissioner Farrell said, — some marginal cases without this that would walk away scot-free. Marginal cases. Commissioner Gellatly said, I'm not saying necessarily marginal, but when we put —, when the police put a case together, they can only work with what — the evidence that they have. They may not have a videotape of it occurring. They may not have 10 eyeball witnesses. Commissioner Farrell said, if we just had the state law, there's a greater possibility —. Commissioner Gellatly said, yes, sir, absolutely —. Commissioner Farrell said, — that someone we know is dogfighting —. Commissioner Gellatly said, absolutely. Commissioner Farrell said, but don't have quite enough evidence and they're going to get off without —. Commissioner Gellatly said absolutely, absolutely, no question. Commissioner Farrell said, — without any —. Commissioner Gellatly said, no question about it. That, and many other types of offenses in society, yes.

Ms. Higgins said, if I could respond to that, there are many cases that are presented to us, and they could be other than animal cases where, in the Prosecutor's discretion, they decide that the charge may be altered because of how the evidence is sorted out or what the witnesses are saying. And so if the case is sent up as dogfighting, which is a felony, and they decide, we don't have all the elements of dogfighting, but we do have all the elements for aggravated animal cruelty, then the charge would change, and then that case could be prosecuted also as a felony, and in the Prosecutor's discretion, they could reduce it to a misdemeanor, but if we give them the option of going just to Recorder's Court and proceeding under this ordinance, it will be treated as a misdemeanor every time. Commissioner Gellatly said, oh, I'm talking about at the investigative level before the actual formal charges have been pressed, that the investigators need options, also, you know, when they're talking to them. You may get someone that you don't have the picture-perfect case, but you know that they know that they've got an option that they could be going for a felony or have the District Attorney case and we've got a weak case, or at least we can get something out of it, and go through Recorder's Court. You know, there are a lot of cases that fall in that category. And that's my fear, you know, that if we make it absolute that the only way in the world we can make a case is under State law, that you're talking a lot of options away from the police department. That's my personal opinion.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, if the State law covers this and this is the exact language of the State law, I think it's a mistake to have an ordinance that would individualize it based upon the particular officer who makes the case. I have some serious equal protection concerns that flows from that. If we have a State law, I don't subscribe to the theory that all cases should be prosecuted. That's why the criminal burden is beyond a reasonable doubt. It is not a civil burden, and we have a State law, the State law should apply. I don't think that we need to move at this point, to have a parallel statute, have an identical statute, and have one treated as an ordinance and the other treated as a felony. I have some serious concerns with the validity of that. I think that there are application questions that come up. It's not necessary. We

don't have to solve all of the problems. That's why we've got the State. I mean, we don't have a statute for murder. The State has covered this. We don't need to do it. We can beat it to death philosophically, but the end result is that we start an extreme slippery slope when we start paralleling State statutes. There are some serious concerns, and I'm not just humorous and cute, but that could create substantial constitutional issues that this County is too cheap to bear. So if you don't want to bear it, leave it alone. You have a State statute.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, if what we're saying is that we're going to have in our ordinance language that says that they'll be prosecuted to the full extent of state law, then that means that it will still be prohibited by local ordinance, but it will be —, the remedy will be to refer them to the full — to extend State law, that's okay with me. If we ever have a case in this County where somebody walks because there's not enough evidence, that's going to be heartbreaking.

Chairman Liakakis said, well, let's do this, then. If we want to — I'm going to throw out a suggestion. If we see that the State statute is not working in some one or two cases, whatever the case might be, we can come and revisit and add that \$1,000 to it and go on that, because maybe, for whatever reasons, it's felt that the \$5,000 fine, that that might not be prosecuted for some reason, so we can still look at it in that respect, you know, for the future.

Mr. Newberry said, Mr. Chairman, I have one more comment. Commissioner Odell is in Recorder's Court all the time. I see him there on a weekly basis. He knows as well as I do that many cases are — the charges are reduced so that they can handle them in Recorder's Court, even though they're felonies to begin with. The evidence does not bear out what the allegations were, so the charge is reduced, the person gets a fine and some probation. So if we had a weak animal cruelty case, that is probably what would happen. But we need to keep this State law. We don't need a County ordinance. Commissioner Shay said, what you're saying is that we shouldn't have any language in this ordinance at all? Mr. Newberry said, not at all. Commissioner Shay said, I think it's a terrible mistake.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, what is your opinion? Mr. Hart said, it's a policy decision. My opinion doesn't matter. You know, there's a lot to be said for what Commissioner Gellatly said. You've got two statutes, one a little bit less than the other, you know, you've got somebody dogfighting sitting down across from you and you're an investigator, you might want to charge them under one or the other. You may want to charge them under both. You've got some discretion there about how you handle the situation. At the same time, I think Commissioner Odell raises an interesting question. Do some people get the hard one and some people get the easy one? You know, I don't know how you'd police people doing the right thing. If you didn't have it, State law would apply. Simple. Okay? If you put it in there, it gives you a second bite at the apple, although it is a lesser charge, and, yes, it might be handled down in Magistrate's Court, but it'd still be a reasonably stiff — not as stiff as a felony and not as stiff as five years and 5,000 mandatory. The only reason we put this in this way is because early on in the discussion, I don't remember, there was an expression from the Commission that they definitely wanted dogfighting addressed in this ordinance. At that time, we did not have anything in the ordinance like that. When we got to looking at it, we recognized that State law was very strong on that and that we could not draft an

ordinance because this County Commission does not have the power to pass a felony ordinance with fines and mandatory prison sentences as under State law, so we did as best we could. You know, I don't think anything horrendous is going to happen either way. Delete it, keep it in. You've got a good law on the books at the State level.

Commissioner Odell said, can I ask Melanie one question? Chairman Liakakis said, sure. Commissioner Odell asked, what would be a lesser-included offense as to the felony cruelty to animal? Ms. Higgins asked, what is the lesser-included of cruelty to animal? Commissioner Odell asked, yeah, can you think of anything? Ms. Higgins said, I can't think of anything. Mr. Newberry asked, do you mean dogfighting, Commissioner? Commissioner Odell I was going to give you dogfighting. What would be a lesser? Is there a lesser-included offense? Mr. Newberry said, aggravated animal cruelty. There's also a misdemeanor animal cruelty provision. Ms. Higgins said, yeah, possibly aggravated animal cruelty on the dogfighting. Commissioner Odell said, so one would be a misdemeanor and the other one is a felony. Ms. Higgins said, actually, no, they're both felonies. Commissioner Odell said, the aggravated would be a felony also? Ms. Higgins said, right. Mr. Newberry said, there's a misdemeanor provision in the animal cruelty statute, but dogfighting and aggravated animal cruelty are both felonies. Commissioner Odell asked, what is the misdemeanor? Mr. Newberry said, causing unjustified physical pain and suffering, failing to provide water and food, things like that. Commissioner Odell said, and also, if you had a relatively weak dogfighting case, that potentially could be pled under that section. Mr. Newberry said, it could. Ms. Higgins said, right. Commissioner Odell said, because what I'm sensing is that there is a concern that if we don't have the ordinance, then some almost guilty is going to go free, and I don't think that is, in fact, the case, whereas, the D.A.'s office, as represented by Ms. Higgins, is saying that we don't want a local ordinance which can be handled by the municipal courts, which we will never know about, and some come to us by way of indictment. You don't want that separation. And we already have a State ordinance which you believe to be sufficient and this would weaken that State ordinance. Is that a true statement of your belief? Ms. Higgins said, that's accurate, yes.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, is there a motion on the floor? Chairman Liakakis said, no, not now, not on this. Commissioner Stone said, I would make a motion that we go with the State ordinance and not try to put something in our local ordinance. Mr. Hart said, is that a motion to delete this section entirely? Chairman Liakakis said, delete it. Commissioner Odell said, I'll second it. Chairman Liakakis said, okay, any discussion?

Action of the Board:

Commissioner Stone made a motion to delete the dogfighting section from the Animal Control Ordinance. Commissioner Odell seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Odell and Thomas voted in favor of the motion. Commissioners Shay and Gellatly voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Kicklighter was absent.]

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**Animal Cruelty [§ 22-138]. A person commits an act of animal cruelty when such person causes the death or unjustified physical pain and suffering of an animal or maliciously causes the death,**

**physical harm to the animal, rendering parts of the animal useless or seriously disfigured or, with knowledge or intent, commits any of the acts set forth in Section 22-439 137. This provision shall not apply to any person euthanizing an animal due to a disease or action taken to avoid pain and suffering. Any person convicted of said act shall pay a fine of not less than \$1,000 and be imprisoned for a period of not unless than six months or more than one year.**

**It has been suggested that this provision be taken out, in that it is not as strong as state law, and the provisions substituted in lieu thereof. Any person who commits an act of animal cruelty shall be prosecuted to the full extent allowed under the laws of the State of Georgia.**

Mr. Hart said, Mr. Chairman, there is a typo in that first provision. It should read Section 22-137. In the last round of modifying the ordinance, we had to move some provisions around and it did not get picked up there. My comment to that is, if you look at 137, we spent a good bit of time trying to figure out certain acts that we wanted to define as in and of themselves constituting animal cruelty. For example, putting a dog outside and not providing it food and water, a classic example, or not cleaning the pen. State law is pretty good on this. State law is tough on this. But certainly, this provision, if you violate one of those five identified things in 137, you'd have pretty strong evidence that you have an animal cruelty violation. You know, you could go under the State law, you could go under local ordinance. In this particular case, we think there'll be circumstances where it'll be easier to make a case under the local ordinance. That's just an opinion.

Commissioner Odell said, may I ask a question? If the burden of proof in a criminal case is beyond a reasonable doubt, why would we ever subvert the U.S. Constitution and make something criminal which, in fact, is not criminal? It either is or it is not. A statute that makes the burden of proof — and this would do that —, you know, concerns me. I mean, I'm not waving the flag, but if the State has an ordinance — has a statute which covers this, I do not want to use a parallel statute which weakens down the State, because we get into, I think, an equal protection of the law, in that we have an ordinance which, on the west side, we might apply one way, or Wilmington Island, we might apply another way, because you've got people who say, I don't want to be too hard on Joe, I'm not going to do that to Joe, and they charge under the ordinance, where someone else charges under the State. We've already got a law. Mr. Hart said, okay. Commissioner Odell said, and our job is not to make criminal prosecutions easier. We already have a standard for that, and it's called the Constitution. Mr. Hart said, I'm not trying to change the Constitution here. What 137 does, as read in the act, if you flip to 137, there are one, two, three, four, five circumstances where we felt that the actions of those, if you did those things, would be per se animal neglect, and if you did them with the intention and purpose of causing harm like that, those acts would constitute animal cruelty, example, lack of providing drinking water, lack of keeping free potable water and sustenance available, failure to provide sufficient space to be able to turn, lie down, use normal postural movements, lack of providing any type of stationary shelter, and what you find are circumstances when you go out to some of these places where some of these things are not being done. These five things were the most common things that everybody that had something to say about this or had comments about this found as the most common things towards animal neglect.

Commissioner Odell asked, Jonathan, are these covered also by State statute? Mr. Hart said, well, I don't know if they are or they aren't under the State statute, because those five items are not defined as animal neglect and, if done with intention, constitute animal cruelty, and what we were trying to do was give some teeth to our animal cruelty provision where we can say, if you do this and do this with intent

to harm the dog, then, ergo, you're at least under the Chatham County animal cruelty. Now, when you get into the subjective question of, have you committed animal cruelty or you haven't committed animal cruelty under the State statute, you don't know when you've got animal cruelty until a jury comes back and tells you that.

Chairman Liakakis said, so what you're suggesting, then — . Mr. Hart said, it gives a benchmark to you to define what animal cruelty is. If you commit one of these acts with the intention to harm the animal, then you've committed animal cruelty under the local ordinance. Chairman Liakakis said, yeah, because then there's a problem with the State, that we might not be able to proceed. Mr. Hart said, yeah. It's entirely up to you all. I'm not promoting it or discouraging it. Commissioner Odell said, I see what you're saying, Jon. I differ, but I see.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I have a question. It doesn't say dogs and cats and pets; it just says animals. Is a legal act of hunting, would that be — could that — could someone be arrested for this or if someone owned a farm and had domestic animals and decided to fry a chicken tonight, would they come under this? I mean, because it's kind of — it just says animal.

Gail LaBerge said, I might be able to answer that question. My organization had great input in the cruelty bill. There's not a person in this room in front of me or behind me that is not a bigger supporter of a cruelty bill. I will tell you what we are encountering in locales. In my own county, we adopted the State, but we had to go back and we had to do what we were proposing to do here, because we were finding that they would not charge under the State, because they said it wasn't — we weren't meeting all of the necessary items. We are thrilled that one thing, the State will supersede anything you do, so if a case is going to meet the State standards, then you will be able to charge with that, but do look at giving your neglect charge some enforcement, because we've seen people walk across this State. We were very disappointed, because they were charged with the State and they really couldn't prove it enough. And no, it does not affect the farm animals, the hunters, any of us that do that type of thing. It is strictly limited more to — I would say you would put it more domestic animals. It's very well stated, once you look at it. Commissioner Farrell said, what I'm seeing here, it says a person commits an act of animal cruelty when such a person causes the death of an animal, skipping some of the other parts of it. Ms. Laberge said, trust me, the hunters would have never let this pass. I work with them all the time. Commissioner Odell said, you can't have chicken for lunch. Commissioner Farrell said, no, I just don't want unintended consequences of an animal cruelty ordinance to get out of hand. That's all I'm asking. Mr. Hart said, we could put it a human consumption provision in there, if you wish.

Chairman Liakakis recognized Rob Lee, and said, Rob, we're trying to get through this thing, so let's —.

Mr. Lee said, I understand. The State statute does specifically state, Commissioner Farrell, that legal activities such as hunting, animal husbandry, farming, and all that are specifically exempted, and once again, I agree strongly with Commissioner Odell, the State statute does address this and even though there are circumstances where a felony charge as the State does mandate, may not divert —, the elements may not be there to substantiate a felony charge. There is also a misdemeanor clause, as Mr. Newberry already pointed out, and I'd like, once again, to have them come up so that they will answer any question you may have. But the State statute does cover it and it offers both felony and

misdemeanor penalties. Mr. Newberry said, Gentlemen, Section 22-137, animal neglect, is perfectly fine. Go ahead and put that in the ordinance. The animal cruelty provision, 22-138, like Rob Lee just said, is covered by State law. You don't need that in your County ordinance. You don't need 22-138 in your County ordinance. 22-137 will cover it, and give you the same penalties you could get under 22-138. The State law provides for much more severe penalties, 12 months, \$1,000 fine for misdemeanor cruelty; a second misdemeanor, 12 months, up to a \$5,000 fine, but if the animal dies from the second offense, a \$10,000 fine, it can't be suspended or probated, three to 12 months imprisonment, and the proposed ordinance, 22-138, incorporates what is now codified as a felony statute and gives you a misdemeanor sentence. Under the felony statute, 16-12-4, Subsection C, is aggravated animal cruelty is a felony, one to five years, and \$15,000 fine. You don't need it in your County ordinance.

Chairman Liakakis said, okay, any other discussion by the Commissioners? All right, we heard that they said that the State law covers this, what was just told to us, so do you want to not put this in, to vote against this amendment, or just don't — we don't have to take any action on it. Is that right, Jon? Mr. Hart said, yes. You can just say we want it deleted and I'll delete it and it's not included in the ordinance, if that's what the consensus of the Commission is. Commissioner Odell said, is that 22-138? Mr. Hart said, yes, sir. Commissioner Odell said, that's being deleted? Mr. Hart said, yes, sir. Commissioner Odell said, I'll make that motion. Commissioner Stone seconded the motion.

Chairman Liakakis recognized Lieutenant Boulware.

Lieutenant Boulware said, I just have a question. Will animal neglect remain? Mr. Hart said, yes. Commissioner Odell said, it's to try them under the state statute rather than —. Commissioner Shay said, cruelty and neglect remain. Lieutenant Boulware said, I have another question. In Recorder's Court, is it \$1,000 per count or is it \$1,000 concurrent? Commissioner Odell said, per count. Lieutenant Boulware said, okay, so in the instance of the west side incident, then if we had an ordinance for it, instead of getting a \$2500 after four years of waiting to get it prosecuted, and probation, we could have had \$7,000 in Recorder's Court? Commissioner Odell said, oh, more than 7,000. Lieutenant Boulware said, yeah, but see, it went to a higher court and he got probation and he had 129 pit bulls and we were able to pull seven out of there, and we couldn't prove dogfighting, but there was evidence there, but it wasn't enough to prove.

Chairman Liakakis said, well, I understand what you're saying, but if we couldn't have got it on the State, we couldn't have got it on the —, we wouldn't have been able to get it on the local, either. Is that right? Mr. Hart said, we didn't have the local then. Chairman Liakakis said, oh, okay. Commissioner Gellatly said, but we're trying to. Commissioner Shay said, as a matter of fact, that's the reason we started off on this whole package. Lieutenant Boulware said, that's right, this has been going on for me for over a year and, thank God, I've had some very good supportive staff and the Chief of Police is supporting me, and all these animal rights people, the legislative specialist, Gail LaBerge, she's down here from Atlanta today. This is what she does, is write animal legislation, and I appreciate all that. And Linda McLarty has been my right arm. These people have worked — she's worked in this field for 26 years. I've only been blessed to work in this for five years. Oh, what a blessing. But, you know, I'm being facetious, but, you know, I do love animals and I just think that giving our enforcement, our Animal Control officers some enforcement ability, keeping the animal neglect as it is, and if we had something where, if we could charge them \$1,000 per count, that particular case on the west side wouldn't have got off with a slap on

the wrist. Thank you. Mr. Newberry said, 22-137 does cover this County. You're covered. State law covers it, too.

Commissioner Shay asked, how did we end up with the situation we ended up with here, where somebody was clearly engaging in animal cruelty, at the least, and ended up with a penalty that sounded to me for all the world, like it's less than what we're about to adopt? Mr. Newberry said, actually, Melanie Higgins would probably be better to address that point, since she prosecuted the case. Ms. Higgins asked, how did the sentence come out the way that it did? Commissioner Shay said, well, you know, I just keep hearing about how the State law is going to be so tough and, yet, under the circumstances where really, the reason we engaged in this whole exercise for the last six years for an Animal Control Ordinance — it wasn't anywhere near tough enough. That's why we've spent the last six months deliberating. Ms. Higgins said, what would have been helpful in that instance is to have this 22-137, the animal neglect statute, and it would have been prosecuted more quickly and it would have covered what we needed to have it cover. The case did go up to State Court. It took a little longer that way and, you know, the Court decided what the penalty is going to be. Commissioner Odell said, after deciding — after the evidence was heard. I mean, the Court just —, there was a trial in this matter, wasn't there? Ms. Higgins said, it was a jury trial, yes.

Commissioner Odell said, right, so the jury decided. It's not like all of the counts survived. I actually pulled the record on this thing. I don't want this to be laid at the feet of any Judge. Commissioner Shay said, I just — because I'm not a lawyer like you are, Harris, I don't understand why we can't have provisions in County ordinances that make it clear that there are penalties for these things and let the professional prosecutors and law enforcement people make decisions about what kind of case they want to make and what kind of provisions, but under the law that we had it before, this situation on the west side was able to go on for years, while we were waiting for whatever the State law's provisions were to run its course, so that it could at least be, you know, intervened in. You know, if we hear, what we're going to say is that we're just going to abdicate this responsibility to the State and let the State take care of it, well, that's all well and good, except for if it takes three and a half years to prosecute somebody, then I'm not sure that we're doing ourselves and our citizens much of a favor here. Commissioner Odell said, it was 23 months, not three and a half years, before the case came to court. Is that true, Melanie? Ms. Higgins said, I honestly don't recall. Commissioner Shay said, I stand corrected, 23 months. Commissioner Odell said, I'm not saying that it's acceptable. My concern is that I don't want to create a dual system of justice where, depending on your locale, might depend on the treatment. The law should be clear, and the law is what the law should be, and if you have two parallel laws, it leaves too much to the individual. It either should be State or County.

Lieutenant Boulware said, can I say something, Mr. Odell? Commissioner Odell said, sure — I'm sorry. Lieutenant Boulware asked, if an ordinance is stronger than a State law, you know, \$1,000 per count if found guilty, which would equate to \$7,000 in this particular instance, why wouldn't we want that? It is stronger. Commissioner Odell said, I understand, but that presupposes that it's not there under the State statute, which is not a fact. Commissioner Shay said, we don't have any control over State law. All we have control is County. Commissioner Odell said, if it doesn't preclude it.

Chairman Liakakis said, okay, we've got two options. Let's just go with this. We've got two options. We can add this County ordinance to this, you know, that some feel that it'll be good, it'll amplify, you know, some more, give the enforcement officers the ability to do it on a County ordinance or on a State

ordinance. It's more encompassing than some people are saying, and we understand what has been said to us. I'd like to hear a motion on the floor now, which way would you like to go. Would you want to add this as a County ordinance? And, of course, you understand they can still charge them under either, the County ordinance or the State ordinance, and as the enforcement officers have some concern about it, so I'd like to hear a motion on the floor how you would like to go with this.

Commissioner Gellatly said, I make a motion that we leave it in the County ordinance as written. The Acting Clerk said, there was a motion already on the floor, Mr. Chairman. Commissioner Odell said, what was the motion? The Acting Clerk said, you made it. Commissioner Odell said, that was 30 minutes ago. Chairman Liakakis said, that was different from the original one now. The Acting Clerk said, I have it under the animal cruelty section, and Commissioner Stone seconded it. Commissioner Odell said, you're right. Commissioner Thomas said, and what was the motion? Commissioner Odell said, the motion was that we delete the animal cruelty —. The Acting Clerk said, it was to delete 22-138. Commissioner Odell said, as we have a State statute.

Mr. Newberry said, Gentlemen, is it proper for me to make one more comment? Chairman Liakakis said, yes, go ahead. Mr. Newberry said, the proposed ordinance, as it's drafted, it nixes felony animal cruelty and misdemeanor animal cruelty into a County ordinance, which can only be prosecuted as a misdemeanor, 12 months, \$1,000 fine. It's taking away the State's ability to prosecute the felony animal cruelty cases. It could be brought as a County ordinance violation. It's not right. We don't need 22-138. Keep 22-137. You get the same penalties under 22-137 as you could get under 22-138. We don't need 22-138.

Chairman Liakakis said, all right, we've got that and we've got a second. We have the motion on the floor Commissioner Odell made to go with the State and not with this one. You can vote this up or down, and then if you want to add the local, you can come to it. Let's go on the board.

Action of the Board:

Commissioner Odell made a motion to delete Section 22-138, Animal Cruelty, from the Animal Control Ordinance. The motion was seconded by Commissioner Stone. Commissioners Stone and Odell voted in favor of the motion. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Gellatly and Thomas voted in opposition. The motion **failed** by a vote of six to two. [NOTE: Commissioner Kicklighter was absent.]

\* \* \*

Commissioner Shay said, I'd like to make a motion that we adopt the language that's in the proposal. The motion was seconded by Commissioner Gellatly.

Chairman Liakakis said, we have a motion on the floor and it's been seconded to add the County recommendation. Let's go on the board.

Action of the Board:

Commissioner Shay made a motion to adopt the proposed ordinance. The motion was seconded by Commissioner Thomas. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Gellatly and Thomas voted in favor of the motion. Commissioners Stone and Odell voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Kicklighter was absent.]

Commissioner Odell said, show my strong opposition to this. Strong opposition.

\* \* \*

**Tethering [§ 22-139]. It shall be prohibited in unincorporated Chatham County to retain or confine to property of dogs or cats in a manner achieved by the use of a chain tied, fastened, or otherwise tethered to any dog house, tree, fence or other stationary object as such means of confinement within the property.**

The alternative provision needs to be one or the other.

**It shall be permitted to restrain and confine to the property of dogs and cats to be achieved by a chain, tether, or animal harness fastened to a dog house, tree, fence, or other stationary object as a means of confinement upon property, so long as said tether shall be twelve feet in length, and adequate food, water, and shelter shall be provided to said dog and cat, and tethering shall not be in a continuous manner for more than eight hours in a twenty-four hour period.**

Mr. Hart said, okay, currently, there is no law in this County that prohibits you from tethering your dog. There are people that strongly believe that you ought to be allowed to tether dogs. There are people who also very strongly believe that tethering should be prohibited. And then there are people who believe that tethering should be allowed under some circumstances. There were a lot of viewpoints, and what I tried to do was to give you Alternative 1 or Alternative 2. One was to totally prohibit tethering. Alternative 2 was to allow tethering as long as the circumstances spelled out food, shelter, not more than eight hours in a twenty-four hour day, and on a twelve foot length of chain, which would keep you from having so many dogs tethered in a single area.

Chairman Liakakis asked John Savage, would you hold that up right there so the Commission can see this of the tethering, the results of that, right now, please? Mr. Hart said, and this right here is purely a decision of policy. You have some communities that are very much in favor of it, some communities very much against it. The issue that was raised to me that I'd never really thought about was, we do have some communities within our County that do not permit fences within their development, so there are good arguments either way. Commissioner Gellatly said, and there are invisible fences. Mr. Hart said, the only other argument about visible fences were that some people say they work great, some people say they don't work on big dogs, and I don't know, I'm not a dog expert, and then the argument that if you have a electronic fence, that doesn't prohibit another dog from coming into your property. And I don't really have a position on any of this, I'm just telling you the information that we've managed to accumulate.

Chairman Liakakis said, all right, do we have a —, excuse me. Rob?

Rob Lee said, thank you. I know Mr. Hart has spent a considerable amount of time on this one provision within the ordinance, but we've been working on this and, for one thing, they say a picture is worth a thousand words; there's 6,000 words worth in front of you right now. Our position is, we would like to see tethering completely banned. The question about the communities that don't allow fencing, every one of them, including The Landings, will allow you to put up a dog pen, as long as it's screened from visibility. I've talked to many pet owners that live on The Landings. A lot of them are here today. They have invisible fences installed. Mr. Mark Bondy, who is in the industry of invisible fences, is also here today to answer any questions you may have. Two of us working over the weekend, without the benefit of Lexus-Nexus or any other fancy search engines, just using Google and good old Buena Vista, managed to locate these 15 communities that have outlawed tethering in its entirety. The other communities that you see listed below that, including the entire State of Connecticut, have not banned it, but they have restricted it to where the animal may not be tethered for a period of longer than one hour during any twenty-four period, nor may it be tethered between the hours of midnight and six a.m. The communities that we've called and spoken with about this say there was an instant, instant decrease in calls to Commissioners, not to mention to the police departments, about noise complaints. The officer responds, sees the dog tied in the yard, he issues a citation, orders them to take the dog inside immediately, end of problem. There is no, well, you have to call Animal Control in the morning and then Animal Control comes out in the morning, the people are gone to work, so the next night, guess where you're at again. It puts a stop to that. The number of animal cruelty cases have gone down in the communities where this has been enacted, and the areas where fencing is not allowed, it is not a problem. Most of the families in those communities have fence. They don't have fences and they aren't allowed under their own covenants to tie a dog out on a chain to begin with. So it's not a concern of theirs, because it's already not allowed within those communities. As far as the length of the chain making a difference, all that does, as illustrated in the bottom photograph on my left, is, it gives them more opportunity to get even more tangled up.

Chairman Liakakis said, okay, thank you, Rob. Did you want to come forward?

Mark Bondy said, good afternoon. My name is Mark Bondy, and I've been putting in invisible fences for over ten years, and in Chatham County alone, I have over a thousand customers. It works on any size dog. It literally has over a 99% success rate. I would be happy to answer any questions that you all have about it.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I don't have a question. I have a comment. I know of a person that owns two full size Great Danes and they put a fence, invisible fence up about two years ago, and I don't know whether it's controlled by batteries or what but, I mean, it works so well that they found out like six months ago that their batteries were dead, but the animals don't try it after they've learned where that boundary is. Mr. Bondy said, they do get conditioned. Commissioner Gellatly said, so if there's a question about big dogs, both of these dogs are about 170 pound dogs and, believe me, it works. Mr. Bondy said, also one other point. The County Attorney said it won't keep other dogs out. Well, certainly tethering a dog doesn't keep other dogs out, either.

Chairman Liakakis said, thank you. Lieutenant?

Lieutenant Boulware said, this is a hot item with me. I'm going to be quite honest with you. Right now, our Judges in Recorder's Court do not recognize underground fencing. Now, if they have it as a secondary means of confinement, excellent. But for that to be the only way to confine a dog, I think, would be a very tremendous mistake on this Commission's part, but it's going to be your decision. You have the issues of batteries on the collar can go dead, which has already been mentioned. We had a lot of power outages, your fence is dead. The public safety, when I first came onto this particular unit, when I use the example about not keeping another person from entering onto a yard, this happened. A child went on — a seven-year old went onto the property and she required reconstructive and plastic surgery. The child, of course, wasn't wearing a collar. It will not keep another dog from entering onto the property. You've got a big dog that's running at large, you've got Fufu, the Poodle, out in your back yard, he has no way to escape. So I just think that — and I don't know, this is maybe an attorney issue or whatever — I just say to accept the underground fencing, to use that language in an ordinance, you're accepting, I think —, correct me if I'm wrong, attorneys —, liability.

Commissioner Shay said, this ordinance and the part we're talking about today has nothing to do with underground fencing; it has to do with tethering. Lieutenant Boulware said, right, but they were saying that this underground fencing is an alternative to tethering. Commissioner Shay said, everything is an alternative to tethering.

Chairman Liakakis said, yeah, but nothing is in this ordinance whatsoever that says you can use invisible fencing. Lieutenant Boulware said, okay. Chairman Liakakis said, you see, that doesn't cover that, so whether it works or it doesn't work, it doesn't go into that area. Lieutenant Boulware said, all right, this right here, we've asked the County Attorney to include the prohibited barrels in the housing definition. Chairman Liakakis said, well, that's not in the tethering. This part here does not cover that. We're not into that. Lieutenant Boulware said, okay.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, well, there's another gentleman, I guess, that wants to speak, but I'd like for us to go ahead and — I'm not trying to keep you from speaking, but this is another one of those where we could hear a lot of testimony.

John Capozzi said, no, no, this is going to be very quick. First of all, we have invisible fencing. One, it works. Second of all, if a dog is running wild in the streets, call Animal Control. It's their job to pick up the dog. All I keep hearing from Animal Control is, I can't do, and I'm getting a little tired of listening to this, number one. Number two, if a child walks onto your property, with a parent not caring for the child, then that parent is negligent.

Commissioner Shay said, could we do the tethering thing? Chairman Liakakis said, we're talking about tethering, so if anybody wants to comment on tethering, come up. Commissioner Shay said, we'd love to do a child cruelty.

Chairman Liakakis said, yes, ma'am?

Ms. Wagner said, I'm Paula Wagner. Okay, speaking on tethering, we absolutely need tethering because there are some dogs, I don't care, you could put five fences in front of them, bingo, they're over

it, under it or through it. We need the tethering, but it does need to spelled out exactly what is acceptable, attached to what and, trust me, attached to a dog house, my neighbor down the street has one chained, and when there's a thunderstorm, dog, chain and dog house are all coming down my road.

Chairman Liakakis said, but it's contained in here, because not only does it say — Ms. Wagner said, attached to a dog house. It needs to be a secure dog house. Chairman Liakakis said, let me read this to you, so that you'll know, please, ma'am. Is tethered to any dog house, tree, fence, or other stationary object as a means of confinement with the property. So, you see, that covers the whole gamut, so it doesn't mean just dog houses. I mean, the ones that are not listed here, it's covered by any stationary object that the dog might be tethered to. Mr. Hart said, if Alternative 2 is the decision of the Board, we could certainly put the word stationary in front of stationary dog house, tree, fence, or other stationary object, and that'd clarify that.

Ms. Wagner said, and you also need to put in there that tethers shall be placed far enough apart to prevent animal-to-animal contact and/or tether entanglement. Commissioner Odell said, I didn't hear the last comment, ma'am. Ms. Wagner said, the tethers shall be placed far enough apart to prevent animal-to-animal contact and/or tether entanglement. We've got to have tethering. It cannot be the only means, but is a secondary means of keeping the dogs home. Electronic fences, I've got a neighbor, trust me, two of those dogs, you might as well not have it. Like I said, power failures in my area are rampant. We need to be able to tether the dog, but not 24/7, not by a chain around the neck, but by a ... collar or a body harness. Specify it. Specify the amount of time. We've got to have that option, because the option of a dog being at large is so serious. A dog at large can become a nuisance, it can be dangerous, and it can cause an accident, darting across the road, and some poor citizen tries to avoid hitting it. We've got to be able to tie these animals.

Chairman Liakakis said, thank you. What she is saying, that she's in favor of tethering to some lesser degree than twenty-four hours a day. Commissioner Odell asked, what would that be? What would that be? If it's not twenty-four — Ms. Wagner said, about eight, about the average work day, eight hours. Commissioner Odell said, eight of the twenty-four? Ms. Wagner said, uh-huh. Mr. Hart said, we put an alternative — in the alternative for tethering, we tried to put as many restraints, twelve foot length, eight hours, not more than a twenty-four hour day. Chairman Liakakis said, okay, thank you, ma'am. Mr. Hart said, that generally appeared to be the consensus. Commissioner Odell said, we've had a lot of testimony.

Chairman Liakakis said, would you come forward, please, ma'am?

Ms. Ailene Jones said, to kind of repeat what Paula said, I'm with the dog training club, the obedience groups, the kennel club, therapy groups. Anyway, nobody really likes tethering, but it is, unfortunately, necessary in some cases. I've had neighbors who had to tether their dogs or put them on a trolley because they couldn't keep them in the yard. I've seen dogs come dashing out over these invisible fences. Some dogs are very stoic. Once they find they can get across the line, they're gone. I've had them come out and try to attack my dog. I have fostered a dog which had puppies, and once the puppies were gone, that dog was over the fence and out of the yard the minute I opened the door. I had to put a tether on her just to take her out to pee. I don't like doing that, but sometimes it's essential. But it's got to be a system here where it's not abused, but it can be used.

Chairman Liakakis said, thank you. Rob?

Mr. Lee said, just a couple of quick points. One is that a tether that's put on a dog to take it outside to, as the euphemism goes, do its business is not a tether. That's called a leash. And that's responsible pet ownership. The second thing is, the second alternative with the lengths of chain and the amount of time they're out there and, as was previously mentioned by Ms. Wagner, avoiding dog-to-dog contact, et cetera, et cetera, those are all fine and dandy, but I would remind the Board of Commissioners that Mr. Hunt was in compliance with each of those provisions.

Chairman Liakakis said, okay, thank you, Rob. All right, we have this — we've got two alternatives here, where we prevent it altogether —, yes, ma'am?

Carol Williamson said, I know everybody's getting tired, and I am, too, but this is such an important subject, and I know your vote's coming up momentarily. Dogs are social creatures. If someone is going to tether an animal for eight plus hours a day, this is animal cruelty. This should not be allowed. You are giving that animal an address, not a home. I hope each of you took time to read the e-mail I forwarded to you on outside dogs that was written excellently by the veterinarians. Please, we must end tethering. If people are going to have an animal in their possession, this animal deserves humane treatment as their pet, not their possession. We must end that mentality. I beg of you to end tethering, and if your decision comes down to you feel you cannot end it completely, eight hours time limit is ridiculous to allow. And also, how would this be regulated? If the Animal Control officer or a policeman goes out there at one time and asks the person, what time did you put your animal on this tether, eight hours from then, that same officer could be off-duty. How is it ever going to be proved? What a headache that would be for Animal Control. One more point. Responsible pet owners that do not wish to have their right taken away to possibly tether their animals for a short time of an hour or two every day, or once in a while, they must realize by them having that right, which may be all right for responsible pet owners, they are dooming so many to a miserable life on a chain. Please, please, revise what we've got written and what I'm afraid you might be placing your vote on. If it's going to come down to a time limit, please lower it to much, much less than eight hours and, of course, my position, and everyone we talked to with our petitions — and believe you me, these were not members of the animal welfare groups. I am not a member of an animal welfare group, either. I am just a concerned citizen that has gotten involved enough to start speaking up for the animals. Everyone we talked to is against this treatment of animals, life on a chain. Thank you for your very careful, well thought out vote today, on this matter.

Chairman Liakakis said, okay, Lieutenant Boulware, and after Lieutenant Boulware, I'm going to ask for a motion as to how you would like to proceed on this.

Lieutenant Boulware said, I'll make this short and sweet. I am totally against the tethering that was used out on the west side. I have another case very similar to that going on right now on the south side. I am against that. But by including the prohibition of the barrels used as homes, by increasing the length so that they will not get entangled, that will not happen. We want to prohibit these barrels from being used. Most of these dog collectors that do this sort of thing, that's what they use for housing, and that is not right.

Chairman Liakakis said, thank you. Commissioner Stone?

Commissioner Stone said, well, I'm prepared to make a motion. I've listened to what —. Chairman Liakakis said, speak up a little bit, please, so she can hear you. Commissioner Stone said, I'm prepared to make a motion that I feel is correct. After listening to Ms. Williamson, that an hour for tethering a day in a twenty-four hour period would be sufficient to let an animal be outside, so that would be my motion, that the maximum amount of time for tethering would be an hour in a twenty-four hour period. Chairman Liakakis said, do we have a second to that motion? No second, motion dies.

Chairman Liakakis said, do we have another motion on the floor about tethering?

Commissioner Shay said, Mr. Chairman, I'd like to make a motion that we go with the language that's proposed, to eliminate tethering altogether. The motion was seconded by Commissioner Gellatly.

Chairman Liakakis said, all right, discussion? Do we have any discussion? Okay, go on the board.

Action of the Board:

Commissioner Shay made a motion to accept language to be placed in the Animal Control Ordinance to eliminate tethering. The motion was seconded by Commissioner Gellatly. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Farrell voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]

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**Commercial Pet Animal Facility License. Any person who maintains within Chatham County a premises operation or business used as a commercial pet facility shall obtain a commercial pet animal facility license prior to the start of business operations. Any individual that shall sell more than one litter per year, or the sale of three adult animals per year, shall deem to be operating a commercial pet animal facility and must comply with all provisions of pet animal license provisions.**

The Chatham County Animal Control and the Georgia Canine Coalition desire this section to read as follows:

**Any person who maintains within Chatham County a premises operation or business used as a commercial pet facility shall obtain a commercial pet animal facility license prior to the start of business operations. Any individual that sells more than one litter and three adult animals in a public facility for the purpose of profit shall comply with all provisions of the commercial pet animal license provision.**

Mr. Hart said, the reason for the two differing versions there is, the version represented by the Georgia Canine Coalition and the Chatham County Animal Control would allow hobbyists who like to raise dogs, but not sell them for profit, to be able to continue to do so. The provision that they're suggesting is that if you sell more than one litter or more than one adult dog — one adult animal in a public facility, you would have to fall under the commercial licensing provision, which would stop your sale of puppies at flea market type situations. Not necessarily limited to that.

Chairman Liakakis said, okay, do we have a motion on the floor concerning the pet animal facility license? Commissioner Odell said, let me just ask Jon a question. I was listening very carefully to your explanation. Does that mean that if I raise kittens, that I could sell a thousand out of my kitchen? Mr. Hart said, no, it means that you could raise them and if you wanted to give them away, that would be fine, but if you start selling them or sell more than a litter a year or more than three adult animals, yeah, you've violated the situation.

Chairman Liakakis said, do we have a motion on the floor?

Commissioner Stone said, I make a motion for the sale of more than one litter a year, that they would have to have a license. Mr. Hart said, in a public facility or just more than one? Commissioner Stone said, just more than one.

Chairman Liakakis said, let me ask you, Jon, you say in a public facility. Suppose they're selling them from their home? Mr. Hart said, that's what the first provision would prevent. Chairman Liakakis said, so you're talking about that you're proposing the first one? Commissioner Stone said, yes. Commissioner Gellatly seconded the motion.

Chairman Liakakis recognized Ms. LaBerge.

Ms. LaBerge said, Mr. Chairman, the reason the Georgia Canine Coalition — and, by the way, we also represent individual dog owners, not just breeders, and the majority of the dog clubs in the State, including the two in your county — the reason we ask for this is, first of all, state law requires that if you sell more than one litter or 30 adult dogs a year, you must be licensed by the Department of Animal Protection at the Department of Agriculture with the State of Georgia. So those people who are doing that, whether it is in their home or not, are supposed to have a license. What I'd like to say is that the reason we ask it be limited to the public facility for the purpose of profit is that there are hobby breeders, we call them, who breed normally, just to improve their own lines and to have dogs to show. If I was a toy breeder, I might have two litters a year and I might have two puppies in each of those litters. Out of those four puppies, I may decide to keep two and I may decide to sell two, but the two that I sell, I assure you, would not be in a public facility at the flea market or on the street corner, and I would be — well, let me put it to you this way. They would be filling out application. They would have to be checked out before any animals, 99% of the responsible breeders in this state, would let an animal go, and they will not hesitate to tell a family you can't have it. The guy down on the corner who's at the flea market, and we have problems all over this state, not just in your County at the moment, and the Department of Ag, I serve on an advisory board to the Commissioner of Ag, and I can assure you that this is something all over the State that we're all looking at and trying to get a handle on, is those people out there in the flea markets and some other places. But I don't think it's your intention to punish the responsible dog owner and the responsible breeder, and if you leave the — if you do not adopt the alternative, the way it's worded, they would have to get the license. The problem with that is that you're requiring these people to have a business license in order to get the commercial facility license, and they're not a business. They're not in this for a profit or for a business. It's part of the hobby. And I don't know what any of your hobbies are, but I spend a lot of money in mine, and I don't make any.

Chairman Liakakis said, thank you. All right, we have a motion on the floor and it's been seconded.

Paula Wagner said, wait. Chairman Liakakis said, yes. Ms. Wagner said, the hobby breeder is a person who provides to the public a service. They provide our healthiest, most structurally sound, and temperamentally matched to owners dogs and cats, that he has to replace from time to time because they have a short lifespan. By passing this as it is, you put a handicap on the people providing the most satisfactory animals to their owners, thus reducing the rates coming into the shelters and the Humane Society. If you get the best pet, you're going to keep that pet. If you go down to your flea markets and places like this, and this in no way stops them, this does not penalize them, those are the places where you get unhealthy animals, temperamentally unsocialized, and not matched to their owners. The only criteria they have for selling it is cash in hand. Please, please, put the alternative, which regulates the people who are operating for a profit, selling them in a public facility, and as for the definition, breeding at home for sale. Other than the hobby breeders. Please pass the alternative, please.

Chairman Liakakis said, thank you. Rob?

Rob Lee said, obviously, we want you to accept the main body language, and the reason for that is, it doesn't matter if the responsible pet breeders do everything that they say they do or not. Unfortunately, there are entirely too many irresponsible pet breeders in the community and that's proven by the simple fact that every single mixed breed pet that comes through our doors, unwanted, without a home for it to go to, was originally a pure-bred dog. At one point, you could take a mixed Shepherd, you know there was a German Shepherd involved. You can take a mixed Poodle, you know there was a Poodle involved. So the argument that responsible breeding is not part of this problem is null. The other part about it being a hobby, most zoning laws have laws prohibiting your home being used for business, if people are coming to the door. If you're selling puppies, have a litter of eight puppies that are put up for sale, you've got people coming to the door already for the point of doing business, and these puppies aren't cheap, in the first place. They're sold for several hundred or more dollars. It is a commercial enterprise, and it's a longstanding one that has contributed to the pet over-population for several years. Enacting the first wording of this amendment will go a long ways toward correcting that problem. Thank you.

Chairman Liakakis said, thank you. All right, we've got a motion on the floor for the first one. If we go against that, then we'll come back on the alternative. Let's go on the board.

Action of the Board:

Commissioner Stone made a motion to approve the following language to be incorporated in the Animal Control Ordinance: "Commercial Pet Animal Facility License. Any person who maintains within Chatham County a premises operation or business used as a commercial pet facility shall obtain a commercial pet animal facility license prior to the start of business operations. Any individual that shall sell more than one litter per year or the sale of three adult animals per year shall deem to be operating a commercial pet animal facility and must comply with all provisions of pet animal license provisions." The motion was seconded by Commissioner Gellatly. Chairman Liakakis and Commissioners Stone, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Holmes voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]

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**ACTION OF THE BOARD:**

1. Commissioner Stone made a motion to amend of the Animal Control Ordinance, Confiscation of Dangerous Dog, Section 22-132 , and Confiscation of Potentially Dangerous Dog, Section 22-133, that the owner of a dangerous dog, or a potentially dangerous dog, shall notify the Animal Control officer as soon as possible, but in no event longer than 24 hours, that the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated, as described in the ordinance. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Farrell, Odell and Kicklighter were absent.]
2. Commissioner Gellatly made a motion to amend Section 22-110 of the Animal Control Ordinance, Vaccination and Registration of Dogs and Cats, Exotic Animals, as follows: “A wild or exotic animal is defined as any vertebrate animal ordinarily confined to a zoo, or one that would normally be found in the wild. This includes, but is not limited to, all carnivorous wildlife, monkeys, raccoons, squirrels, ocelots, hybrids of wild felines, wolves, hybrid wolves, and mammals and non-venomous reptiles weighing over 50 pounds.” The motion was seconded by Commissioner Stone, and it carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were absent.]
3. Commissioner Stone made a motion to amend Section 22-110 of the Animal Control Ordinance, Vaccination and Registration of Dogs and Cats, Fees, as follows: Unneutered male dog, \$35; Unspayed male cat, \$35; Unspayed female dog, \$35; Unspayed female cat, \$35; Neutered male dog, \$5; Neutered male cat, \$5, Spayed female dog, \$5; and Spayed female cat, \$5. The motion was seconded by Commissioner Thomas. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Farrell voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]
4. Commissioner Shay made a motion to amend Section 22-116 of the Animal Control Ordinance, Payment of Fees, to adopt the following: “Within five (5) days after a dog and/or cat is impounded, the owner or possessor shall come forward and pay the annual license fee, if he has not paid the same, and an impoundment fee, and a boarding fee. Impoundment and boarding shall be paid before an impounded animal shall be release to the owner or possessor. (a) The impoundment fee shall be \$35.00. (b) The boarding fee shall be \$10.00 per day.” The motion was seconded by Commissioner Farrell, and it carried unanimously. [NOTE: Commissioner Kicklighter was absent.]
5. Commissioner Odell made a motion to amend Section 22-117 of the Animal Control Ordinance, Dogs Put to Death, as written, leaving discretion with Animal Control as to the method of euthanasia used, and extending the time from three days to five days, which was seconded by Commissioner Shay. Chairman Liakakis and Commissioner Holmes, Commissioner Shay, Commissioner Farrell, Commissioner Odell, Commissioner Gellatly and Commissioner Thomas voted in favor of the motion. Commissioner Stone voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]

6. Commissioner Stone made a motion to delete the dogfighting section from the Animal Control Ordinance. Commissioner Odell seconded the motion. Chairman Liakakis and Commissioners Stone, Holmes, Farrell, Odell and Thomas voted in favor of the motion. Commissioners Shay and Gellatly voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Kicklighter was absent.]
7. Commissioner Odell made a motion to delete Section 22-138, Animal Cruelty, from the Animal Control Ordinance. The motion was seconded by Commissioner Stone. Commissioners Stone and Odell voted in favor of the motion. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Gellatly and Thomas voted in opposition. The motion **failed** by a vote of six to two. [NOTE: Commissioner Kicklighter was absent.]
8. Commissioner Shay made a motion to adopt the proposed ordinance. The motion was seconded by Commissioner Thomas. Chairman Liakakis and Commissioners Holmes, Shay, Farrell, Gellatly and Thomas voted in favor of the motion. Commissioners Stone and Odell voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Kicklighter was absent.]
9. Commissioner Shay made a motion to accept language to be placed in the Animal Control Ordinance to eliminate tethering. The motion was seconded by Commissioner Gellatly. Chairman Liakakis and Commissioners Stone, Holmes, Shay, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Farrell voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]
10. Commissioner Stone made a motion to approve the following language to be incorporated in the Animal Control Ordinance: "Commercial Pet Animal Facility License. Any person who maintains within Chatham County a premises operation or business used as a commercial pet facility shall obtain a commercial pet animal facility license prior to the start of business operations. Any individual that shall sell more than one litter per year or the sale of three adult animals per year shall deem to be operating a commercial pet animal facility and must comply with all provisions of pet animal license provisions." The motion was seconded by Commissioner Gellatly. Chairman Liakakis and Commissioners Stone, Shay, Farrell, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Holmes voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Kicklighter was absent.]

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### **XIII. INFORMATION ITEMS**

1. **PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M & O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

#### **ACTION OF THE BOARD:**

Status report was attached for review.

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**2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

**ACTION OF THE BOARD:**

Status report was attached for review.

**AGENDA ITEM: X111-2**

**DATE: July 22, 2005**

List of Purchasing Items between \$2,500 and \$9,999  
That Do Not Require Board Approval

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Multi-media video projector	Manager	CDW Government, Inc. (State Contract)	\$2,762	General Fund/M & O - Manager
Purchase and install irrigation system	Juvenile Court	Sodman Landscaping, Inc.	\$9,320	General Fund/M & O - Juvenile Court
Purchase and install remote status indicator panel for fire alarm system	Juvenile Court	Simplex Grinnell (Sole Source)	\$4,600	General Fund/M & O - Juvenile Court

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Odell and seconded by Commissioner Gellatly, the board recessed at 1:30 p.m. to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 2:08 p.m.

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## ITEMS FROM EXECUTIVE SESSION

### 1. JUVENILE COURT PERSONNEL MATTER

#### **ACTION OF THE BOARD:**

Commissioner Thomas made a motion to settle this personnel issue in Juvenile Court in accordance with County Attorney's recommendation. The motion was seconded by Commissioner Stone and passed unanimously. [NOTE: Commissioners Odell and Kicklighter were absent.]

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### 2. REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN AFFIDAVIT THAT THE EXECUTIVE SESSION WAS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT.

#### **ACTION OF THE BOARD:**

Commissioner Shay moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Act. The motion was seconded by Commissioner Stone and passed unanimously. [NOTE: Commissioners Odell and Kicklighter were absent.]

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## APPOINTMENTS

### 1. LIVE OAK LIBRARY BOARD

Chairman Liakakis said, a recommendation has been made that Thomas J. Linstroth be appointed to the Live Oak Library Board.

#### **ACTION OF THE BOARD:**

Commissioner Shay said, move for approval. Commissioner Thomas seconded the motion and it carried unanimously.

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### 2. ZONING BOARD OF APPEALS

Chairman Liakakis said Terrence Murphy has been recommended. Are there any other recommendations?

**ACTION OF THE BOARD:**

Commissioner Stone said, I make a motion to approve. Commissioner Thomas seconded the motion and it carried unanimously.

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**3. BOARD OF ASSESSORS**

Chairman Liakakis said that Art Gunter has been recommended. Are there any other recommendations?

**ACTION OF THE BOARD:**

Commissioner Gellatly said, move to approve. Commissioner Thomas seconded the motion and it carried unanimously.

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**4. SOUTHEAST COAST REGIONAL BOARD**

Chairman Liakakis said that Loretta Miller has been recommended for reappointment. Are there any other recommendations?

**ACTION OF THE BOARD:**

Commissioner Thomas said, motion to approve. Commissioner Holmes seconded the motion and it carried unanimously.

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**5. YOUTH FUTURES AUTHORITY**

Chairman Liakakis said that John Finney has been recommended for reappointment. Are there any others?

**ACTION OF THE BOARD:**

Commissioner Thomas said, motion to approve. Commissioner Holmes seconded the motion and it carried unanimously.

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**ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 2:10 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005

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PETE LIAKAKIS, CHAIRMAN, BOARD OF  
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

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BARBARA B. WRIGHT, ACTING CLERK  
FOR SYBIL E. TILLMAN, CLERK OF COMMISSION