

MINUTES
MERIWETHER COUNTY BOARD OF COMMISSIONERS
July 25, 2023
6:00 P.M.

Commissioners Present: Chairman Bryan Threadgill, Vice Chairman Gene King, Commissioner Rosla Plant, Commissioner Emmett Collins, and Commissioner Adam Worsley
Staff Present: Interim County Administrator Theron Gay, County Clerk Beverly Thomas, Finance Director Bill Gregory, and County Attorney Michael Hill

I. CALL TO ORDER

Chairman Bryan Threadgill called the meeting to order at 6:00 p.m.

II. INVOCATION

The Invocation was given by Bill Gregory, Finance Director.

III. PLEDGE TO THE FLAG

All

IV. ADOPT AGENDA

Motion was made by Rosla Plant and seconded by Emmett Collins to adopt the Agenda with the following changes. Remove under Public Hearings: 1. Ordinance Text Amendment – to amend the official Zoning Ordinance by adding to Article 3, Section 3.1 – Definition of a Plat, minor. Add under New Business: 2. Discuss Jail Roof Contract. All were in favor.

V. PRESENTATIONS

1. Chairman Threadgill read a Proclamation of Congratulations to the Manchester-Meriwether County 8U Baseball Team. A Proclamation was given to each player and each coach. The 8U Team competed in the Rick Honeycutt World Series and placed second. This was the first Team from Meriwether County to accomplish this.

VI. FINANCE REPORT

Finance Director, Bill Gregory, reported the General Fund was still good. The Auditors will be at the first meeting in August to present the annual report.

VII. CITIZEN COMMENT

None

VIII. MINUTES

1. Motion was made by Rosla Plant and seconded by Vice Chairman Gene King to approve the Minutes of the July 12, 2023, 9:00 a.m. Regular Meeting. All were in favor.
2. Motion was made by Rosla Plant and seconded by Emmett Collins to approve the Minutes from the July 13, 2023, 4:00 p.m. Work Session. All were in favor.

IX. PUBLIC HEARING

1. Removed from the Agenda (see under Adopt Agenda)

2. Motion was made by Rosla Plant and seconded by Vice Chairman King to go into Public Hearing Session to hear the request from Building, Zoning and Community Development to amend the Official Zoning Ordinance Article 16, Section 16-2(d). Change meeting date of the Planning Commission Board from the 4th Monday of each month to the 3rd Monday of each Month. All were in favor.

Cassandra Sharpe, Building, Zoning and Community Development Director, stated her Planning Commission would prefer to meet on the 3rd Monday of each month and this provides time to advertise. There were no other comments.

Motion was made by Rosla Plant and seconded by Vice Chairman King to go out of the Public Hearing. All were in favor.

Motion was made by Rosla Plant and seconded by Vice Chairman King to allow this change and move the Planning Commission Meeting from the 4th Monday of each month to the 3rd Monday of each month. Administrator Gay stated there were a few typos in the document that needed to be corrected before the Chairman signs. All were in favor.

3. Motion was made by Vice Chairman King and seconded by Adam Worsley to go into a Public Hearing to hear Case #2023-009, request to rezone 17.81 acres on the corner of Todd Road and Hwy. 27-Roosevelt Hwy. from RR to NHC. All were in favor.

Ms. Sharpe asked the Board to continue this until the next meeting since the applicant was not present. Motion was made by Rosla Plant and seconded by Emmett Collins to go out of the Public Hearing. All were in favor. Motion was made by Adam Worsley and seconded by Vice Chairman King to continue Case #2023-009 until the next Tuesday evening meeting on August 22, 2023. All were in favor.

4. Motion was made by Rosla Plant and seconded by Emmett Collins to go into a Public Hearing to hear Case #2023-011, request from Carmen Diamond to amend her special request approval for the number of adult dog and number of litters petitioner is able to have on her property. All were in favor. Cassandra Sharpe, Director of Building, Zoning, and Community Development, stated information had been provided to the Board and this was a requested modification from the original Special Use the Board granted her last year for 10 adult dogs and 2 litters. The request today is for an increase up to 25 adult dogs with an unlimited number of litters as well as a request to allow training and boarding onsite. Ms. Sharpe has done a lot of research and has spoken with previous Animal Control staff, Georgia Agricultural Department and George Richmond from Meriwether County Animal Control. Ms. Sharpe, Commissioner Plant and Commissioner Collins all visited the site. Upon reviewing the previous request that she had and with the research, the State does not recognize a hobby breeder and a person does not have to register as a breeder unless they have more than two litters a year. Ms. Sharpe stated the recommendation from the County was to allow the modification to 20 adult dogs, which is identified as a dog that is 6 months of age or older, for boarding and or kenneling on premises at any time and increase the number of litters to five. Ms. Diamond operates this business alone and Ms. Sharpe feels this is enough animals at one time for her to be able to handle. Ms. Sharpe recommended that she also have a plan in place in the case of sickness, injured or an evacuation due to weather, or the unknown of who would be the one to take care of these animals since she lives there alone and is the only one taking care of this. Her lot is very narrow. There are 8 acres on the property and the width is approximately 200' all the way down. About four of the eight acres are fenced to allow space for the dogs to run around.

Linda Dunlavy, Attorney for Carmen Diamond provided a power point that was included for the Board to review. There was a request to modify the conditions that were imposed by the Board in

2019. The conditions were for a total of 10 adult dogs and two litters. Ms. Diamond finds the current zoning not sustainable since this is her business and livelihood and she is not a hobby breeder. Ms. Diamond has 8-1/3 acres zoned LDR and a State of Georgia License to be a kennel and pet dealer. Some of the dogs are housed on occasion inside the home and the remainder of the dogs are housed at the rear of the house in an outdoor kennel. The indoor space is sufficient for nine dogs and the outdoor kennel is sufficient for seven dogs. Attorney Dunlavy described the property.

Ms. Diamond has lost income over the years, approximately \$10K per year, and Attorney Dunlavy discussed the expenses associated with raising the dogs. Expenses are usually paid for from the sale of the puppies. The German Shepards can have 8-11 puppies per litter but can also only have one puppy. In 2021 the dogs had two litters. One liter had one puppy and the other litter had 2 puppies. The income from the three puppies was \$6,000 which did not meet the expenses she had put into these puppies. Ms. Diamond's request was denied last year on a similar request. She would not keep coming back if it were not for her livelihood and the sustainability of her business. Ms. Diamond's request was for the following conditions, the breeding and boarding of dogs be permitted on the property, there be no more than 25 adult dogs on the property at any given time, adult be defined as 12 months and up, no more than 8 breeding females at any time. They also asked to impose a condition that there be no more than 3 litters of puppies at any time.

Ms. Diamond has support from the six residential neighbors in the immediate vicinity of Roosevelt Hwy. and her property is surrounded by large swaths of undeveloped property. Attorney Dunlavy described the surrounding properties. Attorney Dunlavy read customer testimonials and support letter for her to expand. Ms. Diamond was in this exact business for approximately 7-years before moving to Meriwether County and she has loyal fans and a loyal customer base.

There are future plans but she has not had the cash flow generated from the business. The future plans include renovation of the playhouse to provide a dedicated space for moms and puppies until the puppies are old enough to be toilet trained, increase space for housing dogs, add an above ground pool for recreation, and construction of a classroom building on the rear of the lot. In order to do this, she will have to invest a large amount of money and generate cash flow from the business. To generate cash flow, she need to be able to train and board dogs, which the current 10-dog limit does not allow. She need to have more than two litters of puppies per year. Construction cost will not allow Ms. Diamond to do this with the current limited allowable amount of cash flow from the dogs and litters. The problem with 5 litters is if the size of the litters. Currently she cannot break even or be able to generate cash flow for the expansion she would like to make. Staff has recommended increasing the limit to 20 adult dogs and 5 litters per year. The problem with the 5-litter limit, is litter sizes are unpredictable.

Ms. Diamond needs 40 puppies each year to make a sufficient amount of money and reinvest in the property. The hybrid proposal from Attorney Dunlavy was for a 25-adult dog limit which is necessary for her to take on the boarding and training of dogs she has sold to customers. The 5 dog litters per year would be workable as long as they produce 40 puppies. Attorney Dunlavy suggested a motion of imposing 25 adult dogs, and instead of 5 litters, modify to a 40-puppy limit per year, then asked the Board to approve the modification. If they produce 40 puppies or more, she is done for the year. If those 5 litters produce less than 40 puppies the condition would read that she would be able to continue having litters until she reaches the 40-puppy limit. Attorney Dunlavy asked to Board to move to impose the 25-adult dog limit, impose the 5 litter

limit but modify the limit to a 40-puppy minimum per year.

Vice Chairman King asked how many breeding females was Ms. Diamond requesting. Attorney Dunlavy stated eight and not to have litter limits. There was additional discussion on the breeding dogs and the puppy litter count. Vice Chairman King asked what the setback was for housing the animals. Interim Administrator Gay stated if you have a structure with feed there is a 100' set back from the property line but it would be impossible to do this on this lot. However, this addresses horses, cows, and large animals and Interim Administrator Gay does not know if this addresses dogs. There was additional discussion of the set back. The property is residential and in a residential neighborhood. That was one reason for the restriction of the maximum of 5 dogs in our Ordinance for an individual home owner. The property was rezoned to allow the kennel as an allowable special use. You cannot have a kennel in RD but can in LDR and that is why it had to be rezoned. That is why there was limited numbers. Interim Administrator Gay stated if the Board agreed they could state up to 5-litters per year with a maximum of 40 puppies. Vice Chairman King asked who monitors how many puppies are there each year and reports. Attorney Michael Hill stated that is what we ran into a few years ago. When Ms. Diamond moved from Atlanta a few years ago she made these requests. Unfortunately, her license doesn't transfer so she was running unlicensed by the State. It came to the attention of Animal Control that there were more dogs on the property than her Special Use allowed at the time. They indicated they would revoke the Special Use permit and she was cited for being beyond her Special Use Permit. It was worked out that she would put conditions on the quality of the outside kennels and that she would have to get straight with the State and then the County would withdraw our citations and allow her to continue her Special Use as it then existed. We did not know for a couple of years that she had more animals than what the Special Use was allowing at the time.

Attorney Dunlavy stated it is her understanding the set back is not a 100' and that it is 50'. She has a 200' wide lot so there is room for the 50' setback. Regarding the citation issue, one of the reasons that she was over the number of dogs is she had more dogs than ten when the conditions were imposed and she was trying to rehouse those dogs. Chairman Threadgill stated the dogs were not on the property at that time. The dogs came to the property after the Board put the conditions in place. Attorney Hill stated there were a lot of claims. She claimed a couple of people returned animals, etc. but it still left more animals than she was allowed to have. Attorney Dunlavy stated that goes to the enforcement issue of four years ago and that is one of the reasons they are suggesting there be a litter number on her operation limiting the number of breeding females. The State monitors from their inspections and tell you how many adult male dogs are on the property and how many breeding females are on the property and if any of the dogs are studs. Vice Chairman King stated the way it is worded, there are no more than 25 adult dogs on the property at one time. It was confirmed the 25 included the 8 breeding females, the studs, any puppies she had kept to grow up to adulthood, and boarded dogs. Vice Chairman King stated since you are calling adult dogs at the age of 12 months, if she was able to have four puppies and bred them, and it said unlimited 2x per year, she would have 64 puppies that are not adult dogs. That is the way it is worded. She would have 64 puppies and 25 adult dogs which puts it at over 80 dogs. Attorney Dunlavy stated it was her understanding from Ms. Diamond that once a female dog's pregnancy is confirmed Ms. Diamond begins to marketing the puppies before they are born. Once the puppies are born, and under Georgia Law, they would be gone within 8 weeks of birth. In some instances, Ms. Diamond may choose to keep a puppy and raise it to adulthood. Normally they will be gone within 8-weeks and maximum 12-weeks.

Commissioner Worsley asked about the rural use and not commercial use. Commissioner Worsley confirmed Attorney Dunlavy was asking the Board to allow Ms. Diamond to operate a commercial industrial business in a non-commercial industrial area by way of a Special Use. Attorney Dunlavy stated they went through the Special Use process back in 2017 and the Special Use that was granted was for a kennel and for boarding. Now the limitations on that made it difficult for the business to be economically viable but a kennel under your Ordinances is defined to essentially be a business so the County Zoning Ordinances allows a business in the low density residential if you get a special use permit which Ms. Diamond has but the request is to increase the numbers. Commissioner Worsley stated he understands why they are asking but that is also why we have the restrictions on that Special Use in those areas is not to have the precedents so anyone can have any kind of Commercial Industrial business anywhere in the County. It is infringing on other property as well. Attorney Dunlavy stated they can only do that if it does not have a negative impact on the public health, safety, and welfare. The residential neighbors on the stretch of Roosevelt Hwy. have submitted letters of support. Ms. Diamond went out and asked the neighbors for the letters of support and some neighbors stated they did not know she was there. Attorney Dunlavy stated that is the reason for asking for a Special Use Permit when they come in and demonstrate they do not have a negative impact on the public safety, health, and welfare of the adjoining residents then that is the type of use that a Special Use Permit is designed for. Commissioner Worsley stated in his opinion, he was all in favor of people who would like to do something with their property but before he could make a decision, he asked about the setbacks. Interim County Administrator Gay stated there is an Ordinance that stated the farm-based setback is 100' from a residential zoned property. The neighbors are fine but if the business keeps growing, at some point in time the neighbors may object with a larger amount of dogs. Commissioner Worsley stated if it is supposed to be 100' away it would not be allowable in this case. Interim Administrator Gay gave examples of what could happen. Chairman Threadgill stated there are Ordinances in place in any County for a reason. It may not suit every citizen but we have to look at this as a whole. There are Ordinances in place for that particular area. Chairman Threadgill stated we did a Special Use for that. Chairman Threadgill stated he had been at the meetings both times and this is the third time Ms. Diamond had come before the Board to request this. Chairman Threadgill stated he did not know if anything had changed in his mind because if we open up anything in this particular zoning and allow this, with allowing citizens to only have 5 pets, he feels we are opening this up to have people come into the County and request the Special Use situations for their private property which will cause issues in different areas of the County. Attorney Dunlavy stated she was a Zoning Lawyer and has been doing this for 30-years. Special Use permits are special exceptions to be considered on a case-by-case basis. Chairman Threadgill stated if you open one up what is to say that if someone comes before us it puts this government and County into a situation for a lawsuit. If we allow one for each situation it opens us up for that. Attorney Dunlavy stated not really because you have to consider these cases on a case-by-case basis. Chairman Threadgill read there were 9 kennels for indoors and 7 kennels for outdoors then where would the other 9 be located. Attorney Dunlavy stated the extension for the 9 kennels would be very slow and she would not be housing more dogs than she had individual crates or kennels for at any given time. She just hasn't been free to invest in this property because of the limitations. She probably will not get up to 25 adult dogs for a couple of years. She has to house them under State regulations. Vice Chairman King asked if the conditions she has now is what the County put on it or what she requested. Chairman Threadgill stated no, she requested more and what is in place now is the original Special Use that

the Board put in place. When she came back the second time, we voted to continue with the original Special Use which is what is in place now. Interim Administrator Gay stated he thought when she initially came the Board gave her what was requested. Attorney Hill stated she indicated in 2017 that she was only expecting to do this as a hobby and that is where the Board got the language as a hobby breeder. Vice Chairman King asked if there was a separate septic system installed for all the dogs where everything washes to a certain pipe and goes into a septic tank on the property. Attorney Dunlavy stated no. Vice Chairman King stated he does a lot of dog kennels and under State Regulations once you get a certain number you have to have that. Vice Chairman King stated he was not trying to get into the personal finances but wanted to understand how this was going to work. It was stated earlier she need at least 25 dogs and so many litters per year to be a profitable business, but then it is said that she will not be able to get the 25 dogs for a couple of years. It was stated she had lost \$70K since 2017. With all the things she is going to do on that property and with the septic system it is going to cost a lot of money upfront. Commissioner Plant left the meeting. If the Board was to go forward, Vice Chairman King stated he would want the stipulation of everything being in place with what she has said she would do before the County would allow the dogs to come in. Vice Chairman King was referred to the photos submitted to the Board of the above ground pool and container housing. Vice Chairman King stated she would need the septic system and cooling in that building. Attorney Dunlavy stated she was aware that is has to be between 45 and 85. Attorney Dunlavy stated to make a growing concern for the future she cannot build up to 25 dogs and that many litters immediately. There was further discussion on funding to start and grow the business. She can also take on more dogs for boarding and has the additional kennel space. Commissioner Plant returned to the meeting. Chairman Threadgill asked how many dogs were currently on site. Ms. Diamond stated there were 9 dogs on site. Commissioner Collins looked at the property and both sides of the property is wooded. The issue is the litters not the dogs right now. Commissioner Collins asked if we increased the litters would that satisfy. Attorney Dunlavy stated it would be better than her current situation because most of the money is made through the litters. She sells puppies and many of her customers want her to train and to board the dog at the same time. Commissioner Collins stated if she is allowed to increase the litters, she can start making money and make progress towards upgrading her facilities to house the extra dogs. Attorney Dunlavy stated she would not board for the general public; it would be only for the dogs she had bred and sold to owners. Vice Chairman King stated it was mentions earlier that the dogs were gone within 8-12 weeks. There was additional discussion of her boarding and training. Attorney Hill stated kennel is defined that it includes boarding. The 100' setback was for a farm business which is only for agriculture and RR Zoning. That is not what this is. The LDR Zoning does have a special use for kennels which does allow for boarding and breeding. Attorney Hill did not know if there were specific setbacks that would apply to that. There was additional discussion of setbacks. In this case Ms. Diamond has already been approved for the original Special Use. Attorney Dunlavy stated Ms. Diamond currently has two breeding females and two studs and she has old dogs that she is attached to and does not want to part with. Chairman Threadgill asked Ms. Diamond what the maximum puppies she had per litter over the past three years. Ms. Diamond stated 6-8 is about normal range she could have 10 but that was not in the normal range. It was confirmed she would need 40 puppies per year. Commissioner Plant stated Ms. Diamond mentioned to them at the visit that she only had three puppies in 2021-2022. One litter was with one puppy and she had to have a C-Section at a cost of \$1,800 and the other litter was 4 puppies. She kept one puppy and one puppy from the litter of four and sold three at a cost of

\$1,500 per puppy. The puppies sold were to previous puppy buyers. At eight weeks they were gone and the mother of one of the litters was rehomed to a previous puppy buyer as well. Vice Chairman King asked how many dogs could she house now in her existing location in accordance to the State and County Animal Control. Ms. Diamond stated she could have 10. She has two storage rooms in the house and seven outdoor kennel runs. Because her breed of dog barks, she does not leave them outside in the kennels all day. She keeps them in crates parttime and they rotate throughout the day in the yard and that keeps the barking at a minimum. Vice Chairman King asked Ms. Diamond if the Board did increase the amount of dogs, she would not have room for more dogs until she actually builds something. Ms. Diamond stated that is why she would have to grow slowly to increase the space and keep the indoor/outdoor accommodation. Attorney Dunlavy stated Ms. Diamond had purchased the storage container that was in the picture provide to the Board members. There was discussion of the location of the portable kennel, A/C, and drainage. Interim Administrator Gay stated if you are on a bigger track of land, zoned A-1, or RR, it is an allowable use. If you are in LDR it is a special use. It was advised to decide on what the Board could live with and make adjustments where we could take into account if the litters were smaller but it will have to come to a point when we have to stop or there will be neighbors complain and it will be too late. Commissioner Worsley stated that was his concern on how to come to a reasonable number to help her without putting the County in a compromising position with the LDR Special Use. It has to stop and we can't keep coming back and doing it. The Board's job is not to help her run a business. Interim Administrator Gay stated if business grows to a point where it is very big then at that time it may not be the right location. Commissioner Collins asked Cassandra Sharpe, Building, Zoning and Community Development Director, what her recommendation was. Ms. Sharpe stated it was for 20 adult dogs and 5 litters per year. Chairman Threadgill asked Ms. Diamond how many breeding females did she have at this time. Ms. Diamond stated she had two. Chairman Threadgill stated he was thinking, if the County left it where it was and increased the litter amount to see how that would work for the next 12-months. With what is in place at this time with ten dogs, it does not say you can only have two females. With more females the litter amount could increase. Vice Chairman King asked if the Board to add the stipulation of unlimited litters with the dogs she has now. She could have three studs and seven females. Attorney Dunlavy stated she has 9 dogs on site right now. Vice Chairman King stated with unlimited litters and more females within the amount of adult dogs she can presently have, she would make money and in time upgrade the facility to move forward and at that time the Board can consider upgrading the amount of dogs. Attorney Dunlavy stated the question is why do you want us to keep coming back since it is incredibly expensive. Vice Chairman King gave an example if it were him, he would make a motion to give her unlimited litters and at the time she chooses for inspection that she has the kennels done, the sewer and septic system installed so that she can house 20 dogs, at that time it would be permitted. Attorney Dunlavy asked if she had to have the multiple layers since she would have to also show that to the State. Attorney Dunlavy stated she cannot house dogs that is beyond her housing capabilities under State regulations. Right now, she has room for 17. If she wants to go to 20, she has three units in the trailer she is working on online, why would it not be sufficient to have the State authorize that, they do that already. Attorney Dunlavy stated the Board was suggesting an additional layer that she come back to the County for that. Vice Chairman King stated he was suggesting that because he did not want a lot of outdoor pens down the line to get dogs. What has been presented today was a top-notch facility. If the County just says it is alright for dogs and unlimited litters she could just put chaining pens there and have dogs and never

have to spend money to do the other things like the pool. It has been presented to the Board that she will really invest into this too. If we trust this and give an increase of dogs there was a concern of not ever doing what was presented to the Board. Attorney Dunlavy stated her client has sufficient housing for 17 dogs that was authorized by the State. Attorney Dunlavy asked if there was any reason this Commission could not say we are going to increase it to the 17 dogs, 17 housing units she has and unlimited litters. Vice Chairman King stated if she has 17 dogs and has been losing money every year, why are there only two females. Attorney Dunlavy stated she only has 9 dogs. Vice Chairman King stated if the females are the ones making the money why haven't there been more females brought in for breeding. Interim Administrator Gay stated we should be more cautious with unlimited dogs because it could get out of control. The dogs that you are limiting are adult dogs not puppies. The County defines an adult dog as 6-months and older. The State defines an adult dog as 12-months old. Interim Administrator Gay stated to consider limited it to the total number of puppies or total number of litters and put a number on that. Chairman Threadgill stated what has been said is that she needs roughly 40 puppies per year to be able to not only make a profit but to be able to do the things she wants to do. What we have in place now with the Special Use actually is that but we have limited the number of litters. The Board said she could have 10 adult dogs and that is her choice if she has 2 females. It was the Board's stipulation that we put a two litter per year limit on puppies. What we have in place as far as adult dogs is sufficient. If we did something with the puppy litters and allowed more then we don't need to expand it to 25 adult dogs because what originally came before the Board was that she need 40 puppies which she can do with 8 females easily in five litters. Commissioner Worsley stated if he were to purchase a puppy and have her train it, the dog could be classified as an adult which would put her over the limit. Attorney Dunlavy spoke with Ms. Diamond and she would like to be allowed maximum 40 puppies annually and increase the adult dog limit to 20 as recommended by staff. Chairman Threadgill stated if the Board allows 40 puppies that opens it up where there may be 20 females that have one puppy each and you would still not be at that number. There was additional discussion of the number of female dogs and the number of puppies they could have. Attorney Dunlavy stated she has control over whether the pregnancy goes full term and when she reaches the 40-puppy limit which in some years she may not, she cannot breed any more no matter how many females she has. Commissioner Worsley stated he didn't know if you really care how many litters and puppies she breeds and sells is it a matter of how many there are at one point in time. If you go with 20-adult dogs, classified as 6-months and older, or your breeding puppies and at two to six months they haven't sold and you didn't have a buyer then they should not have been bred in the first place. Commissioner Worsley stated 6-months is an adult dog and if we say no more than 20-adult dogs, over six-months of age, and no more than 40-puppies or less, then she has what she needs. Attorney Dunlavy stated she is alright with that. Commissioner Worsley stated there is still the potential of 60-dogs at one time on the property but that is up to her to manage how many litters she needs. Chairman Threadgill stated that was really up to the Board to limit what can be in a certain area. Attorney Dunlavy stated they did offer another condition in terms of the number of litters she could have on the property at any given time if the Board wanted to do the 40-puppies and there will not be any more than three litters on the property at any given time. Commissioner Collins stated if you agree to 40-puppies she would have to have 7 litters to get 40. Attorney Hill stated he does not make policy decisions but did remind the Board that once they made a determination on Special Use, you can't take it back. It will remain on that property until the end of days. That is why he feels the previous Board was conservative, that and the fact that she was planning to do this as a hobby

initially. Attorney Hill stated to keep in mind, if the Board extends beyond you have to be happy with that. Her neighbors currently might not be the neighbors' next time. If there are 60 dogs there and you have a new neighbor, the County will have to deal with the phone calls. Attorney Dunlavy stated they would be happy if the Board would consider it to have the 40-puppy per year and the 20-adult dogs and they will come back in one year to 18-months to reevaluate how that is working. Commissioner Worsley asked if they come back would they be looking to extend the Special Use. Attorney Dunlavy stated no, just to see that there is not a reason to lower the puppy limit and adult dog limit to make sure that this is working well. Attorney Hill advised the Board that they would not be able to lower once they give it to Ms. Diamond. Interim Administrator Gay suggested that is why you go in increments. Vice Chairman King asked if she had been losing money when she is allowed to have 10 dogs, and puppies are what is bringing in the money, why has she only had two females. Commissioner Worsley stated there is a restriction of only two-litters per year total.

Attorney Dunlavy stated there was nothing else to discuss on the matter and hoped that is had been an informative discussion for everyone and that there was at least an understanding that she cannot continue under the current restrictions. It is just too restrictive for a sustainable business. Attorney Dunlavy stated she did not know where it came from that she was a Hobby Breeder because she never has been. This is her business and her livelihood. Attorney Hill stated it was because that is what is in the Minutes and what she represented that she was doing when she first moved here.

IN FAVOR:

Whitaya Chaisit, 26183 Roosevelt Hwy., Luthersville, GA stated he is a neighbor and has property there. He was ok with having puppies over there and it did not matter to him. Mr. Chaisit did want her to have a privacy fence if possible. Mr. Chaisit wanted her to have a solid board fence, not necessarily all the way down the 8-acres but where they have the dogs. He did not want to have to deal with the dogs there when he was cleaning the fence line of his property. Mr. Chaisit pointed out where is lived on the map provided by Interim Administrator Gay. There were no other comments.

Motion was made by Vice Chairman King and seconded by Adam Worsley to go out of Public Hearing. All were in favor.

Interim Administrator Gay stated on the amount of puppies the Board may say up to 8-litters maximum of 40-dogs. She could have multiple litters until she reached 40 and could not go over that. Vice Chairman King stated what do you do if the dog has more puppies in the litter and it goes over the 40. Attorney Hill stated he thought it would be inclusive of the last litter. It is the first in time, which comes first and that is where it will end. If she got litter X first, she would get no more and if she got 42 puppies before litter number X, she would get no more and it would be inclusive of that last litter. Commissioner Collins stated if Ms. Diamond has 5 litters and 39 puppies, she gets another litter. Attorney Hill stated if the Board gives her 6 and 40 and she was at 5 litters and 39 puppies, she will get another litter and if she hit 47 then she would have 47 for that year.

Cassandra Sharpe, Building, Zoning, and Community Development Director reminded the Board of having a plan in place since there is no one else to take care of the dogs. Chairman Threadgill stated he did not think the number of allowable dogs is the issue but did think the number of allowable puppies is the issue. Vice Chairman King stated the dogs and litters are one thing but they have room for boarding too and that is where the count of 25 comes in. It is not all for breeding. She will be breeding and boarding. Following additional discussion, Chairman

Threadgill asked Ms. Diamond approximately, how many animals would she bring back to train each year. Ms. Diamond stated she has not been able to do that many but had done a handful, around five who are with her for 2-3 weeks at a time. Attorney Dunlavy stated they are willing to stipulate that she would not board dogs that she had not bred to alleviate the concern of the Board. Interim Administrator Theron Gay stated the recommendation from Building, Zoning, and Community Development for 20 adult dogs (6 months or age or older) and 5 litters per year. There was additional discussion on the number of adult dogs, the number of puppies and the number of dogs that could be boarded. Attorney Michael Hill stated if the Board was considering breaking it down the way they were discussing, she would have to have the paperwork on the premises that indicate the five dogs that would be owned by others and being boarded for the purpose of training. It is hard for enforcement to figure out which dog belongs to who. Chairman Threadgill stated he was trying to give Ms. Diamond the opportunity to have her 10 dogs, increase the amount of puppies per year but also be able to allow her to do her kennel and training business. Attorney Hill stated if the Board was going to make that a stipulation, he would suggest that she have the proper paperwork to prove the ownership of those dogs and all dogs on her property at any given time. Chairman Threadgill stated no more than 15 at one point for 10 being her private and no more than five kenneled at one time. Following more discussion, Attorney Hills stated in looking back there was a period of time when Animal Control had difficulty finding Ms. Diamond and had legitimate concerns that the dogs were not being cared for at the time, therefore it would be a wise idea to have a strategic plan in place in the event of her incapacitation. Attorney Hill stated he was not talking about Ms. Diamond going out of town it was in case she had a stroke and the dogs were there for weeks without anyone realizing it. Animal Control is not looking at this property on a daily basis and may not have access. Attorney Hill stated this plan should be updated annually and submitted to Animal Control annually. Attorney Dunlavy stated the State requires an emergency plan. There was discussion of adding the fence that would need to be built when she starts increasing the amount of dogs. Chairman Threadgill asked Ms. Diamond what she would be ok with after coming in and stating she needed at least 40 puppies and with the current stipulations of what is in place, what would she settle for. Ms. Diamond stated 20 adult dogs and 40 puppies per year. Ms. Diamond stated she could live with the definition of an adult dog as 6-months. There was discussion on the length and height of the fence. It was determined the fence should be a 6' tall solid wood fence that would be where the activity was and would need to be expanded when more structures or activity is added. Following more discussion, motion was made by Rosla Plant and seconded by Emmett Collins to Limit the amount of Adult Dogs to 15 and allow 6 litters with no more than 40 puppies whichever comes first, have an emergency plan in place in case of weather, evacuation, or sickness, and submit that plan annually to Animal Control for our contact information, have a 6' solid wood privacy fence along the south property line where the activity would be, and dogs over 6-months of age are considered adult dogs. Voting in favor were Rosla Plant, Emmett Collins, Vice Chairman King, and Adam Worsley. Chairman Threadgill was opposed.

X. APPOINTMENTS

1. Motion was made by Adam Worsley and seconded by Vice Chairman Gene King to appoint Chairman Bryan Threadgill to the Region Six Department of Behavioral Health & Development Disabilities Board. All were in favor. The current term expires on 6-30-2023 and this is a three-year term.

2. Motion was made by Rosla Plant and seconded by Adam Worsley to table the appointment to CAFI to fill an unexpired term. All were in favor.
3. Motion was made by Emmett Collins and seconded by Chairman Threadgill to table the appointment to the Airport Authority, District 3. All were in favor.

XI. UNFINISHED BUSINESS

1. Commissioner Plant stated Trammell Bottom Road was in her district and the County had been waiting on the quotes to come back for repairs to this road. Chairman Threadgill left the room. Commissioner Plant stated it would have 3.5" of patching and will cost \$34,190. Interim Administrator Gay provided additional information. Motion was made by Rosla Plant and seconded by Adam Worsley to approve and allow the Chairman to sign the contract change order request with Piedmont Paving, Inc. for the 2023 Meriwether County Resurfacing Project to add Trammell Bottom Road. Chairman Threadgill returned to the meeting. This will be for 3.5" of patching, in the amount of \$34,190. Funding for this project will come from SPLOST. All were in favor.

XII. NEW BUSINESS

1. Attorney Michael Hill stated the Board had before them the Public Access easement between Quercus Properties, LLC. and Meriwether County. Attorney Michael Hill stated the County had abandoned a section of Twin Lakes Road between Jimmy Clark Road and Rat Road. As part of that abandonment the Board had a condition to leave it open to pedestrian traffic with no motorized vehicles. An Easement was drafted by Stephen Jones, Attorney for Quercus Properties, LLC. Mr. Hill stated this has been reviewed by legal counsel and that is what is being presented to the Board tonight for approval and allowing the Chairman to sign and the Clerk to attest. Vice Chairman King asked if this would leave the County liable if anything happened. The County abandoned the road and they opened it up to the public. Attorney Michael Hill stated no, they did not believe it would leave the County liable. There is a provision in the Georgia Code that allows for when any entity opens up an area for recreation to the general public on land that is not public land that you waive liability under Georgia law for that. We made it clear that our entitlement to the easement is solely for that recreation we discussed and that we, as well as the owner of the property, are opening it up subject to that code section. In addition, typically the benefiting party is responsible for the upkeep of an easement area and that will not be the case in this situation. The owner will be responsible for the upkeep of the easement area so that does not put any additional cost on the County or its taxpayers. Commissioner Worsley left the room. The Attorney for Quercus Properties, LLC will provide the Quitclaim Deed to that area of the road owned by Quercus Properties, LLC. This will clean up the property records and make it clear that the area where the road used to be is now owned by Quercus Properties, LLC. Motion was made by Vice Chairman King and seconded by Rosla Plant to approve the Easement Agreement, allow the Chairman to sign, and the Clerk to attest. Voting in favor were Vice Chairman King, Rosla Plant, Chairman Threadgill and Emmett Collins. The motion passed. Commissioner Worsley returned to the meeting.

2. Interim Administrator, Theron Gay, stated the Board had previously approved the Jail Roof bid at a meeting. Interim Administrator Gay recommended the Board execute the Contract with ACR (Alpha Commercial Roofing) in the amount of \$214,661.31 and utilize SPLOST proceeds for funding. They are working on the required bonds and maintenance agreement. Once those are in place, we will issue a notice to proceed, and coordinate the work with Sheriff Smith.

Motion was made by Rosla Plant and seconded by Emmett Collins to approve the contract with ACR in the amount of \$214,661.31, utilize SPLOST funds and allow the Chairman to sign. All were in favor. Interim Administrator Gay stated this was only for the Jail and not the Annex.

XIII. REPORT FROM COUNTY ADMINISTRATOR

Interim Administrator, Theron Gay updated the Board on Coleman Creek Road. The Bridge is out on Hwy. 27 and the County has been there to monitor Coleman Creek Circle due to it being used as a detour. Truck traffic is not supposed to use Coleman Creek Circle. The County has met with GDOT and they have added more signage. The County has requested GDOT add another warning sign and increase their enforcement on truck traffic. Currently it is mostly monitored by the Sheriff's Office but they cannot be there all the time. Interim Administrator Gay asked GDOT to call him tomorrow about this matter. The Road was built for minor residential traffic but now has much heavier traffic and there are trucks that constantly try to get by. We will request GDOT help us with assistance on the current condition of the road and more signage. Interim Administrator Gay will also look into having the speed limit lowered to 25 and consider this as a construction zone. There may be an issue with being able to run radar if the speed limit is 25, however, this is to help slow the traffic on this road during the time it is used as a detour. School buses will be using this road soon and that is a concern with all the additional traffic. There was discussion of adding speed bumps. There was additional conversation of experiences similar to this. Chairman Threadgill asked Interim Administrator Gay to speak with GDOT and ask them about replacing the road due to the additional traffic causing large portions of the road bed to break away.

Interim Administrator Gay stated staff had spoken with the Board about a State Road Tollway Authority Grant to apply for the KB Industrial access. It was a great project but we were told last week they did not get the funds transfer approved. Interim Administrator Gay wants to look for another project where the money can be transferred. Staff did not recommend using the funds for the original project right now. We will need to come up with additional funds for the KB project. Interim Administrator Gay will speak with the person who is over the funds and find out what projects are allowable for these funds to be transferred.

Staff has been working with the IDA on industrial prospects and some access options that will be discussed in the future.

We are working on RFP's and bids have already been let on River Cove Road, Dukes Waddell Road, and Strickland Town Road. The pipes for Dukes Waddell may come in today. We have the Jail Roof contract that was executed earlier. We have an RFP out now for plumbing at the Jail and we have an RFP in the process for the Jail locks, dirt road improvements, Beulah Evans, and the Tax Building. The A/C coils for the Jail have shipped and should be here in 7-10 days. There is a couple of coils they did not have in stock so they will be out for approximately 6-8 weeks. We are about to send out a bid request for self-contained breathing apparatus filling systems. The Fire Department applied and received a \$95K grant to add two more filling areas for the air tanks. This will get the firefighters back into service quicker. We have one in Greenville and one will go to Luthersville and the other will go to Woodbury. We share one with Manchester. The price will be in the \$130K range and we may need to add \$25K-\$30K to this grant funding but it is still a good investment.

We reached an agreement with Liberty Gas to relocate their meter to the Water & Sewerage meter site which will help with issues we have had with gas for a long time.

The engineering for the Greenville Recreation Park is about 90% complete.

Pathways staff have moved from the building and the locks will be rekeyed.

We are moving forward with the software for the Agenda Management System and considering the Open Records System. It is budgeted and much needed by staff.

Chairman Threadgill stated we need to have Elections Superintendent, Patty Threadgill, go out and look at the Pathways Building in order to get an assessment done as to what we would have to do to get it ready. Interim Administrator Gay stated they will look at the building next week. Chairman Threadgill wants the County to look at adding a security system to the building in the back to prevent homeless people from going into the building.

XIV. REPORT FROM COUNTY COMMISSIONERS

Commissioner Adam Worsley: asked if the County put out an RFP regarding the Tax Commissioner Building. Interim Administrator Gay stated we are working on that and plan to try and do some exterior work and have someone come and look at the interior. We have been working on the Courthouse and underneath the Clock Tower, is an area similar to a bowl that catches water that blows in. It does not have a drain so we will put in a tap like a condensation line to drain out the water. We hope that will address the issue. The line will be added soon. There are a lot of RFP's we are working to get out. Commissioner Worsley thanked everyone for what they are doing.

Vice Chairman Gene King: stated he was grateful for what everyone is doing and the hard work with the staff stepping up and Interim Administrator Gay giving us a hand again. Public Works must have received a new load of quick patch because what they are fixing right now looks great. It is much better than what was being used. There were complaints for Mt. Carmel Road, Alps Road, and Forrest Road. The complaints were sent to Barry Lucas, Public Works, and within 48 hours the people who complained took time to text, email or call with their appreciation of getting this done. Vice Chairman King stated he is glad we are getting things done and the people are appreciating it.

Chairman Bryan Threadgill: reported Valerie Chambers, HR Director, put out advertisement for an Administrative Assistant. Interim Administrator Gay stated that is a position we desperately need. Chairman Threadgill stated he did not feel the position should report to the County Clerk but should report to the County Administrator because it is an Admin Assistant, therefore it is for the Admin Building and it needs to be for everybody instead of just reporting to the County Clerk.

Commissioner Rosla Plant: On August 5, 2023, there will be a parade in Greenville to honor Kentavious Caldwell-Pope, a professional basketball player, who is from Greenville, and who currently plays for the Denver Nuggets, The Mayor Pro-Tem has requested to use the west lawn of the Courthouse for the program that follows the parade at noon. The Board will have a Proclamation for this event. The Board agreed to allowing the Courthouse lawn to be used for the program. Commissioner Plant was disturbed of the comments on Social Media this past week regarding Red Oak Covered Bridge. This Bridge was designated as a Georgia Trust top ten Places in Peril last year. There was a meeting there on March 31, 2021, with Mark McDonald who is with the Georgia Trust. He brought his staff down for the meeting which included an engineer and architect along with Commissioner Plant, Commissioner McCoy, Interim Administrator Gay, Carolyn McKinley from the Chamber of Commerce, and Bill Cawthorne from Meriwether County. The meeting was held to discuss corrective measures that needed to be taken for some improper and unauthorized additions to the Covered Bridge. A lot of the Social Media posts would have indicated that something may have been inappropriate. Commissioner

Plant stated the County followed the recommendations from the Georgia Trust. With it being on the Places in Peril List it would qualify for grants in the future and Georgia Trust is who we would reach out to at that time. Commissioner Plant stated absolutely no one should be doing anything to the covered bridge without the written permission of the Board of Commissioners. The County would have to go back to Georgia Trust at that time for any recommendations of what is to be done. The Chamber will host another dinner this November on the bridge. The bridge is something to be proud of and Commissioner Plant wants the County to take every opportunity we can to recognize this and we do appreciate Georgia Trust and their support. Interim Administrator Gay stated someone posted on Social Media that the County does not have barricades and they can drive around what we do have. It was also stated that the County took the braces out inside the bridge, etc. The reality is we do have barricades up and the ditches on the side of the barricades are blocked with rock the size of the podium so no one can drive around. Interim Administrator Gay described what it would take to enter on the east side which would be impossible. We had someone who was thinking they were a good Samaritan who put some braces up. The braces he installed were lower than what was originally there and when a truck came through it knocked down 12 of the braces because they encroached into the overhead. That caused more damage structurally. Following this the County had an engineer come out to see it. We went back in and sawed off the braces at the roof line which reopened the area. The person who added the braces had good intentions. However, the people who made the posts on Social Media are spreading information that is not true. Commissioner Emmett Collins: thanked all the County employees for the job they are doing. Commissioner Collins thanked Interim Administrator Gay for filling in as the interim. Several calls have been received about the roads and one lady said her road was the best it has been in twenty years. We are getting something done. Commissioner Collins thanked the Board members for everyone working together.

XV. REPORT FROM COUNTY ATTORNEY

County Attorney Michael Hill did not have a report but understood there was a need for Executive Session for potential Litigation and Personnel.

XVI. EXECUTIVE SESSION

Motion was made by Vice Chairman Gene King and seconded by Rosla Plant to go into Executive Session for potential Litigation and Personnel at 8:10 p.m. All were in favor.

Motion was made by Vice Chairman King and seconded by Adam Worsley to go out of Executive Session at 9:03 p.m. All were in favor.

Motion was made by Vice Chairman Gene King and seconded by Adam Worsley to go back into Regular Session at 9:06 p.m. All were in favor.

There was no action taken in Executive Session.

XVII. FUTURE MEETINGS & NOTICES

Chairman Bryan Threadgill made the announcement of future Meetings and Notices prior to Executive Session.

XVIII. ADJOURNMENT

With no further business to discuss, motion was made by Adam Worsley and seconded by Vice Chairman King to adjourn at 9:06 p.m. All were in favor.

Approved by: Majority vote of the Board of Commissioners

Attest: Beverly Thomas, County Clerk

Date: August 9, 2023