

# MINUTES

## WORK SESSION AND PUBLIC HEARING OF THE COLQUITT COUNTY BOARD OF COMMISSIONERS

Monday, January 14, 2008  
10:00 A.M.

**CALL TO ORDER:** The meeting was called to order at 10:00 a.m. by Chairman John B. Alderman. The meeting was duly called and advertised.

**PRESENT:** Those present were Commissioners Luke Strong, Rebecca Whitaker, Billy Herndon, Ray Saunders, Johnny Hardin, and Chairman John B. Alderman. Also present were County Administrator Jack D. Byrd, Jr., County Attorney Lester M. Castellow, and County Clerk Deborah Cox.

**ABSENT:** Commissioner Terry Clark

**DISCUSSION OF THE PROPOSED ADULT ENTERTAINMENT ORDINANCE:** Chairman Alderman turned the meeting over to Mr. Castellow. Mr. Castellow stated that the proposed ordinance comes under Zoning in as much as it would only allow an establishment of this nature to be placed in a C2 and C3 zoned area. He feels that this would be a modification to the Zoning Ordinance. Therefore, the Board must go through the proper procedures for amending the ordinance. The proposal has been sent to the Moultrie-Colquitt County Planning Commission for their meeting on February 11, 2008 and the County will hold a Public Hearing at its regular meeting scheduled for Monday, February 18, 2008. Proper advertising will be made.

**DISCUSSION OF PROPOSED DANGEROUS DOG ORDINANCE:** Mr. Castellow stated that the state has a dangerous dog and vicious dog ordinance in place which allows local authorities to enforce the laws. The county has not given the authority to any one body to enforce and the Animal Control Contract between the County and Moultrie-Colquitt County Humane Society does not currently give them that authority.

Mr. Castellow proposed that language be added in Section 6.11 (b) to state that “an animal shall be subject to impoundment only if the animal is creating a nuisance.” He defined nuisance as a dog going onto a neighbor’s property and destroying property, etc.

Mr. Castellow explained the process for declaring a dog as a “dangerous dog.” He stated that a complaint must first be filed with the Humane Society who in turn would investigate and make a determination as to if the dog had hurt, bit or had the propensity to bite. If it was determined that this was the case, the owner would be notified by certified mail that the dog was being declared a dangerous dog. If the owner disagrees, an appeal may be filed in the Magistrate Court followed by a hearing with the

January 14, 2008 – Page 2.

Magistrate Judge making the final decision. Mr. Castellow stated that once a dog was declared “dangerous,” the dog would have to be penned up and the owner would have to show proof of financial responsibility with a bond or liability insurance to the Humane Society.

Mr. Castellow further addressed that the state law provides for \$15,000.00 liability for a dangerous dog, but he has concerns that this amount is very low. He has checked with insurance companies and suggested that the liability limit be set from \$25,000.00 to \$300,000.00 as to not make the owner provide a special rider from their insurance carrier.

Chairman Alderman asked if cats could be declared as nuisances. Mr. Castellow stated that State law did not address cats in particular, just animals.

Don Flowers, Director of the Moultrie-Humane Society, stated there is no way to control cats that create problems. He stated most complaints with cats had to do with the number of cats and their fleas.

The issue of dogs and cats being required to have a rabies tag at all times was discussed in length. Mr. Flowers stated that Georgia law states the rabies vaccination *must* be done by a Georgia licensed veterinarian. He stated that many pet owners will order the vaccinations through the internet and administer the shots themselves, but this is not legal in Georgia.

Commissioner Whitaker asked how the Humane Society could make sure all dogs and cats had the required rabies tag. Mr. Flowers replied that this is impossible with the shortage of man-power and funding that the Humane Society receives.

Commissioner Herndon stated that he had a problem with picking up dogs that bark and do not bite, especially when these dogs are protecting the owner’s property.

Commissioner Strong inquired as to how many more employees would be needed by the Humane Society to enforce the state laws. Dr. Byrd stated that he would meet with Mr. Flowers and look into what the costs of personnel would be to enforce the state law for dangerous and vicious dogs.

Mr. Flowers stated that the fines imposed now do not even cover the expenses of the fuel it takes to retrieve these animals. Mr. Flowers further shared that many dogs that complaints are called in for are wild dogs and these dogs are almost impossible to catch.

January 14, 2008 – Page 3.

Don Wooten, a resident of East Gate Subdivision, shared his experiences in his neighborhood about dogs running loose and causing havoc. Mr. Wooten has had to call on the Humane Society for assistance many times for one particular dog whose owner does not see the problems the dog creates.

Commissioner Hardin asked if there was any record of the number of dog bites in a year. Mr. Flowers stated anywhere from five to ten.

Mr. Flowers stated after a dog bite is reported, the dog is confiscated for 10 days. If the owner does not pickup the dog and pay the fine imposed, the dog will be put to sleep.

Chairman Alderman shared comments he received from a lady who has a dog that runs loose, but she depends on her dog for her protection and the protection of her property.

Mr. Castellow stated that most of the county's proposed ordinance tracks state law with the main provision for nuisance dogs being added to the county's ordinance.

There being no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

Respectfully submitted,

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John B. Alderman  
Chairman

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Deborah Cox  
County Clerk

Approved:

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