

*You Are Why We Are Here*

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| ***FRANKLIN COUNTY*** ***BOARD OF COMMISSIONERS*** **REGULAR BOARD MEETING MINUTES** **August 1, 2022**  |
| **7:14 P.M.**   |   |
| Present:  | Acting Chairman Kyle Foster/ District 2 Commissioner  |
|   | District 1 Commissioner Robert Franklin  |
|   | District 2 Commissioner Kyle Foster  |
|    |  District 4 Commissioner Eddie Wester  |
| Media:  | Shane Scoggins, Franklin County Citizen  |
|   |   |
| Staff:  | County Manager, Derrick Turner  |
|   | Planning & Zoning Director, Matthew Hailey |

**Item 1. Call to Order** Acting Chairman Foster called the meeting to order and welcomed everyone.

**Item 2. Invocation and Pledge of Allegiance to the American Flag** Chairman Wester gave an invocation, followed by the Pledge to the American Flag.

**Item 3. Agenda** Commissioner Franklin moved to approve the meeting agenda as presented. Commissioner Wester seconded the motion. There was no discussion. The motion carried,3--0, with all commissioners voting in favor. The meeting agenda was approved as presented.

**Item 4. Personnel Report** The chairman asked the county manager for a personnel report. The county manager introduced the new Planning Director/Assistant County Manager, Mr. Matthew Hailey. Mr. Hailey briefly served as county marshal last year. The chairman welcomed Mr. Hailey on behalf of the board.

**Item 5. Approval of Minutes** The following prior meeting minutes were considered for approval. The chairman offered the following corrections to the draft minutes for the work session:

Item 5A. Add personnel as one of the matters discussed in executive session.

After Item 12, add the following items: a. The board considered and renewed the UGA Extension Service Contract; b. The board considered and approved the Indigent Defense Contract.

Commissioner Wester moved to approve the prior meeting minutes with corrections. Commissioner Franklin seconded the motion. There was no discussion. The motion carried, 4-0, with all commissioners voting in favor. The prior meeting minutes were approved with the corrections noted.

**Item 6. Public Comment** The chairman opened the meeting for public comment.

1. \_\_\_\_\_\_\_\_\_\_\_\_\_from Commerce Georgia spoke in opposition.
2. Cole Roper spoke in opposition to the proposed settlement of the Corridor lawsuit. He asked if the board had considered liability insurance to help fight the lawsuit. He said that the comprehensive plan directs the county to take care of the volunteer fire departments, emergency medical services, and infrastructure first. He said that the nearest fire station to the proposed development needs a ladder truck. He said that people do not want this development.
3. Ray Hanley spoke in opposition of the proposed settlement of the Corridor lawsuit. He advised the board that the development is not needed in the county, and he said the board should fight the lawsuit.
4. Teresa Sears spoke in opposition of the proposed settlement of the Corridor lawsuit. She noted that both the Planning and Zoning commission and the Board of Commissioners voted down the development proposal originally. She asked the board not to settle with Corridor.
5. Alan Martin spoke and advised the board that the Corridor lawsuit was the first battle in the real estate wars. He noted that large numbers of people are leaving office, and he recommended that the board should approve the Unified Development Code as soon as possible.
6. Polly Walker spoke in opposition of the proposed settlement of the Corridor lawsuit. She told the board she would rather spend money on a legal fight. She asked the board to do what was right for Franklin County.
7. Courtney Long spoke in opposition of the proposed settlement of the Corridor lawsuit. She said she believed Corridor had no reason to sue, and she said the development would negatively impact the school system.
8. Alan Williams spoke in opposition of the proposed settlement of the Corridor lawsuit. He told the board he believed the lawsuit was an intimidation tactic.
9. David Gaines spoke in opposition of the proposed settlement of the Corridor lawsuit. He thanked the board for voting against the original proposal, and he said he feared what the impact would be to Franklin County. He said the board was right the first time, and he recommended the board fight the lawsuit. He said he would rather pay more in property taxes. He said that approving the development would set the county on an irreversible path and devastate the local economy.

**Item 7. Items for Discussion** The chairman introduced the following items for discussion:

**Item 7A. Rezone Application** Alan Mitchell filed an application for an amendment to the Franklin County Zoning Map from Agriculture Intensive to Light Industrial on an approximately 132.89 acre tract of land located on Hwy 59 and further identified as tax parcel number 044 072. The planning director summarized the application for the board. The Planning and Zoning Commission voted 2-2 on the application and offered no recommendation. Staff offered no recommendation. Commissioner Wester moved to table the application by Alan Mitchell to rezone tax parcel 044 072 from Agriculture Intensive to Light Industrial and refer it back to the Planning and Zoning Commission. Commissioner Foster seconded the motion. There was no discussion. The motion carried, 4-0, with all commissioners voting in favor. The application by Alan Mitchell to rezone tax parcel 044 072 from Agriculture Intensive to Light Industrial was tabled and referred back to the Planning and Zoning Commission.

**Item 7B. Alcohol License Application** The chairman called for a motion to table the application by Jutin Patel for a new alcohol license for beer, wine, and distilled spirits at 24 Tugaloo State Park Road, Lavonia, Ga 30553, until additional information could be obtained by staff. Commissioner Foster moved to table the application by Jutin Patel for an alcohol license. Commissioner Swails seconded the motion. There was no discussion. The motion carried, 4-0, with all commissioners voting in favor. The application by Jutin Patel for an alcohol license was tabled.

**Item 7C. Alcohol License Application** The chairman called for a motion to table the application by Randall Broome and Erika Hewatt for a new alcohol license for malt beverage, wine, distilled spirits, and retail package sales at 70 Hwy 145, Royston, Ga 30662, until additional information could be obtained by staff. The chairman noted that one of the applicants, Erika Hewatt, is a member of the Franklin County Planning and Zoning Commission. Commissioner Swails moved to table the application by Randall Broome and Erika Hewatt for an alcohol license. Commissioner Franklin seconded the motion. There was no discussion. The motion carried, 4-0, with all commissioners voting in favor. The application by Randall Broome and Erika Hewatt for an alcohol license was tabled.

**Item 7D. City of Lavonia Proposal** Mayor Umbehant of the City of Lavonia addressed the board and asked the board to consider conveying all or portions of Hwy 328, Gerrard Road, Pleasant Hill Road, Concrete Road, and Tiger Tail Road to the city. This would only include the roads, and no property owners would be forced to annex their property into the city. The board will consider resolutions conveying these roads/portions of roads to the City of Lavonia at an upcoming meeting.

**Item 7E. Planning and Zoning – UDC** The board discussed the draft Unified Development Code and timeline for approval. The chairman noted that at the June 6, 2022 regular board meeting, the board voted to table the UDC and refer it back to the Planning and Zoning Commission for additional consideration. By consensus, the board tentatively agreed to hold additional public hearings on the UDC at the July and August regular board meetings. The second public hearing on the UDC was held earlier this afternoon. At the June 6, 2022 regular board meeting, staff was directed to present the proposed Zoning Text Amendment on special use provisions to the Planning and Zoning Commission. Staff confirmed that this zoning text amendment would be heard by the Planning and Zoning Commission later this month, on July 21, 2022. The chairman advised the board that the zoning text amendment would need to be considered for approval prior to or simultaneously with the Unified Development Code. The current moratorium on heavy industrial uses will expire at the end of 90 days since its passage or at the time the UDC is adopted.

**Item 7F. Corridor Settlement Agreement** The board reviewed the proposed Corridor Settlement Agreement. The chairman advised that the proposed settlement agreement includes the following:

a. The developer has agreed to significantly reduce the size and number of units in the development, from 399 units on 47.48 acres to a maximum of 226 units on 30.149 acres. This effectively cuts the development to slightly more than half the size of the original proposal.

b. The developer has agreed to a maximum density not to exceed 7.5 units/acre.

c. The developer has agreed that the smaller plans may not be further modified to increase the number of units or density, and internal roads in the development are prohibited from directly connecting to any adjoining parcels of land.

d. The developer has agreed that there will be no expansion of the development on the additional 17+ acres that have been removed from the original proposal, and the development is expressly prohibited from being enlarged into adjoining parcels.

e. The developer has agreed to pay the county public utilities fees of $3,000 per unit that would be paid upon issuance of building permits (a total of $678,000.00).

f. The developer has agreed to create a Homeowners Association to maintain community standards and covenants.

After discussion among themselves and consultation with the county attorney, the board by consensus directed to call a special called meeting to further consider the proposed settlement agreement. The special called meeting was tentatively set for Friday, July 22, 2022, at 6:00 pm at the Franklin County Justice Center.

**Item 7G. Qualifying Fees – Chairman** The board considered a resolution establishing the qualifying fees for the office of chairman in the upcoming special election at $288.00. Pursuant to state law, this fee is based on 3% of the base salary of the position in the preceding calendar year. Commissioner Foster moved to adopt the resolution establishing the qualifying fees for the upcoming special election for chair of the board of commissioners. Commissioner Wester seconded the motion. There was no discussion. The motion carried, 4-0, with all commissioners voting in favor. The resolution establishing the qualifying fees for the upcoming special election for chair of the board of commissioners was adopted. A copy of the resolution will be attached to the minutes of tonight’s meeting and made available for public inspection.

**Item 7H. Library – Maggie West** Maggie West, a representative of the Library Association, advised the board that in 2020, the Board of Education withdrew financial support of the local libraries. The Library Association has since amended their constitution to remove the BOE’s two library board member appointments and add two additional library board members from the Board of Commissioners (currently the Board of Commissioners appoints one member). The county will advertise the two new positions for the next 30 days with the goal of appointing two new library board members in the next couple of months.

**Item 7I. Updated – Indigent Defense Agreement** The board considered an updated version of the Indigent Defense Agreement. At the June 28, 2022 work session, the board approved an Indigent Defense Agreement. This agreement provides for contributions from each county in the Northern Judicial Circuit to pay for public defenders. Since the approval at the work session, the agreement among the member counties has been revised. Contributions from each county are based on population. Commissioner Foster moved to approve the updated Indigent Defense Agreement. Commissioner Wester seconded the motion. There was no discussion. The motion carried, 4-0, with all commissioners voting in favor. The updated Indigent Defense Agreement was approved. A copy of the updated agreement will be attached to the official minutes of tonight’s meeting and made available for public inspection.

**Item 8. Announcements** The chairman announced that the next regular meeting would be a work session on July 26, 2022 at 6:00 pm at the Franklin County Justice Center. A special called meeting has been tentatively planned for Friday, July 22, 2022, at 6:00 pm at the Franklin County Justice Center to further consider the proposed Corridor Settlement Agreement.

**Item 9. Adjourn** Commissioner Wester moved to adjourn the meeting. Commissioner Franklin seconded the motion. The motion carried, 4-0, with all commissioners voting in favor. The meeting was adjourned.

**Attachments:**

**Special Election Qualifying Fees Resolution**

**Updated Indigent Defense Agreement**

*Signed on the \_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022*

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*Chairman Jason K. Macomson*

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*Robert L. Franklin, District 1 Commissioner*

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*Kyle Foster, District 2 Commissioner*

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*Ryan Swails, District 3 Commissioner*

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*Eddie Wester, District 4 Commissioner*

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County Clerk