



You Are Why We Are Here

**FRANKLIN COUNTY
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING MINUTES
December 6, 2021
6:15 P.M.**

- Present:** Chairman Jason K. Macomson
District 1 Commissioner Robert Franklin
District 2 Commissioner Kyle Foster
District 3 Commissioner Ryan Swails
District 4 Commissioner Eddie Wester
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- Media:** Shane Scoggins, Franklin Citizen Leader via Zoom
MJ Kneiser, WLHR via Zoom
- Staff:** County Manager, Derrick Turner
County Clerk, Kayla Finger
Planning & Zoning Director, Scott DeLozier
County Attorney, Bubba Samuels
- Item 1:** **Call Meeting to Order** – Chairman Macomson called the meeting to order at 6:15 pm and welcomed everyone.
- Item 2:** **Invocation and Pledge of Allegiance to the American flag:**
Commissioner Franklin gave the invocation and led the Pledge of Allegiance.
- Item 3:** **Approval of the Agenda:** Commissioner Swails made a motion to approve the agenda with an amendment to add item 7-J Tax Assessor Board Vacancy. Commissioner Wester seconded the motion. No discussion. All were in favor, 4-0.
- Item 4:** **Public Comment:** None.
- Item 5:** **Personnel Report:** None.
- Item 6:** **Approval of Minutes:**
- A. 11/1/21 Public Hearing
 - B. 11/1/21 Regular Board Meeting
 - C. 11/3/21 Fall Retreat
 - D. 11/30/21 Work Session



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Commissioner Wester made a motion to accept all the minutes as presented. Commissioner Foster seconded the motion. No discussion. All were in favor, 4-0.

Item 7: Items for discussion:

- A. Harold Fowler, Jr, 1788 Brown Rd, Martin, Ga, has filed an application for a front yard setback variance for a stackhouse on a 35.16-acre tract. The property is located at 207 Baty Rd and is further identified as Tax Parcel 044-005.

Director DeLozier restated Mr. Fowler's application for the front yard setback variance of 22 ft from the property line. The planning and zoning board recommended 3-2 to approve.

Chairman Macomson and Dir. DeLozier clarified the setback is from the property line.

Commissioner Swails motioned to approve the application as presented with no added conditions. Commissioner Wester seconded the motion. No further discussion. All were in favor, 4-0.

- B. John Armstrong, 65 Woodrow Ln, Lavonia, Ga, has filed an application for an accessory building variance on a 0.78 -acre tract. The property is located at 65 Woodrow Ln and is further identified as Tax Parcel 070D-100.

Director DeLozier addressed the board summarizing Mr. Armstrong's application. He stated that the current code designates that for residential single-family homes like Mr. Armstrong's, accessory buildings are to be built on the side or the rear of the building. Given the size and shape of many of these skinny lake front lots this it is near impossible to place a building on the side and meet setbacks. Mr. Armstrong's home is placed so close to the lakefront so that also eliminates the possibility of placing it behind the residence. The frontyard setback variance request would allow Mr. Armstrong to place the accessory building for his RV in the front yard of his property. Dir. DeLozier and the planning and zoning board unanimously recommend approval.

Commissioner Swails asked about a uniform look of these structures.

Dir. DeLozier stated they had not gotten into design restrictions in the past because there are many pre-existing buildings that were put in in a similar fashion before zoning was approved. Also, most of these homes answer to a homeowner's association for these sorts of things.



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Chair Macomson asked clarification about the corps line or the house.

Dir. DeLozier stated it can be built right up to the corps line, but it must still be built to code.

Commissioner Foster motioned to approve Mr. Armstrong's variance application as presented with no additional conditions.

Commissioner Franklin seconded the motion. No further discussion. All were in favor, 4-0.

- C. Lori Huster and Robert Isherwood, 2112 Highway 145, Carnesville, Ga, have filed an application for a Conditional Use Permit to operate a wedding/event venue on two tracts totaling 49.93-acre. The property is located 2112 Hwy 145 and is further identified as Tax Parcels 047-076 & 047-078.

Dir. DeLozier reviewed the application again for the board. He made note of its significant historical buildings and that this type of event venue would be a good fit for the community.

Commissioner Foster asked if they would need an alcohol license if alcohol was served on the property.

Dir. DeLozier stated yes, the event venue would have to have an alcohol license depending on how the owners want to handle that.

Chair Macomson called for a motion. Commissioner Wester motioned to approve the application as presented with no added conditions. Commissioner Franklin seconded the motion. All were in favor, 4-0.

- D. Gene Schmidt, 282 Roberts Rd, Carnesville, Ga, has filed an application for a Conditional Use Permit to build on additional poultry house on a current two-house farm on a 47.81-acre tract. The property is located at 282 Roberts Rd and is further identified as Tax Parcel 011-070.

Dir. DeLozier reviewed the application again for the board, explaining that Mr. Schmidt will be building a third breeder/henhouse on his road. He stated that it was his and the planning and zoning board's recommendation to approve the application with no additional conditions.

Chair Macomson called for a motion. Commissioner Swails made a motion to approve the application as presented with no added conditions. Commissioner Foster seconded the motion. No further discussion. All were in favor, 4-0.

- E. Nathan and Elizabeth Hipp, 3689 New Franklin Church Rd, Canon, Ga, has filed an application for an Amendment to the



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Franklin County Zoning Map from Agriculture Intensive (AI) to Highway Business (HB) on a 3.69-acre tract. The property is located 15676 Hwy 17 and is further identified as tax parcel 052-118.

Chairman Macomson recused himself from this application to avoid any conflict of interest due to familial ties. Commissioner Wester led this portion of the meeting in his stead.

Dir. DeLozier reviewed the application to the board. The applicants wish to use the property as a used car lot. The property is currently zoned Ag-Intensive and will need to be rezoned to Highway Business to allow Mr. and Mrs. Hipp to operate their business. He and the planning and zoning board recommended unanimous approval.

Commissioner Wester called for a motion.

Commissioner Foster made a motion to approve the application as presented with no added conditions. Commissioner Franklin seconded the motion. No further discussion. All were in favor, 4-0.

Chairman Macomson returned to the meeting after the vote.

- F. Audit FY21: Rushton & Associates – Chris Hollifield briefly reviewed the attached presentation of the FY21 audit.
- G. Speed Issue: Mr. Emmett DeLaney – Mr. DeLaney addressed the board with concerns of excess speeding down his residential road, which is Pleasant Hill Road. He advised the board that they have the power to lower the speed limit. He asked the commissioners to lower the speed from 55 mph to 35 mph. Chairman Macomson explained to Mr. DeLaney that he had already reached out to the County Engineer, Mr. John Phillips and a study had been done in 2012 that did not meet requirements to support lowering the speed at that time. It is our understanding that the Georgia Department of Transportation is who would have the authority to lower a speed limit. Mr. Phillips is going to reach out about doing a newer study.
Mr. DeLaney expressed his concerns for the safety of those who travel that road and stated that the board has the authority to change the speed.
- H. Gateway Park Distributions – Chairman Macomson revisited the issue of the Gateway Park Distributions that had previously been discussed at length during the November Work Session. According to the original agreement, Franklin County should be



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receiving a portion of the taxes and fees collected from the joint project known as the Gateway Industrial Park. Franklin County's initial percentage was 25% and it has diminished to 9.2%. The county also has not received their portion of disbursements from 2017-present. Tax Commissioner Bobby Martin has been in communication with the Hart County Tax Commissioner to get everything caught up. Mr. Martin also brought up the issue of a check from 2012 that was issued to the county for \$10,671.80, Mr. Martin believed the check never should've gone to the Board of Commissioners, but instead to the Tax Commissioner's Office. The board since voted to have future disbursements sent directly to the Tax Commissioner's Office and the BOC cut a check for \$129,477.77 to forward the previously held cumulative amount, which did not include the \$10,671.80 check. The reason this amount was not included was because there is no definitive proof showing which account the check was deposited into. Hart County confirmed the check was sent and cashed, but could not provide a copy of the back of the check to show endorsement. There is no proof showing it ever was deposited into the Board of Commissioners General Fund. The board initially voted to wait on cutting a check for the \$10,671.80 until more information could be obtained showing where the money was deposited. The Tax Commissioner had also brought up the issue of the county lines in the Gateway Park showing which businesses are in Franklin vs Hart County. The board has asked County Attorney Bubba Samuels to look over the agreement for possible negotiations and the board hopes to have a joint meeting with Hart County to discuss the matter. The Tax Assessor's found surveys supporting the line that is shown on QPublic as the county boundary line. Commissioner Swails asked Mr. Martin how the taxes collected from this agreement are disbursed by his office. Mr. Martin stated he would have to create a tax bill for that year and distribute the funds as they normally would. Staff is working to obtain the audits from the Joint Development Authority. Chairman Macomson suggested reaching out to Tonya Powers and the JDA to improve communications. Commissioner Foster who serves as liaison to the IBA reported that he had spoke to Harris Little and Tonya Powers and neither of them recalled being offered an opportunity to contribute more to the Gateway Project. He also explained there is a possibility that there is no room left for us to contribute further due to space constrictions on our side of the county line.



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Mr. Martin questioned why the contribution percentage has diminished so significantly without Hart County giving Franklin County the option to contribute more since Hart County is the lead on this project.

Chairman Macomson stated the attorney would be looking into it and it seemed to be an issue that the board was unaware of for some time and now that they are aware, they are working to find resolution.

Chairman Macomson called for a motion regarding the disbursement of the \$10,671.80.

Commissioner Swails made a motion to instruct the county manager to cut a check for the funds in the amount of \$10,671.80 to the tax commissioner's office.

Commissioner Wester seconded the motion. No further discussion. All were in favor, 4-0.

- I. Qualifying Fees 2022 - The board was previously presented the resolution detailing proposed qualifying fees staying at the previous rate of 3% for the following positions: Board of Commissioner posts for District 3 and District 4, the base salary for each BOC post is \$7,200.00, and 3% of the base salary is \$216.00; and Board of Education posts for seats 3, 4, and 5, the base salary for each BOE post is \$1,200.00 and 3% of the base salary is \$36.00.

Commissioner Wester made a motion to adopt the resolution of the qualifying fees as presented. Commissioner Foster seconded the motion. No further discussion. All were in favor, 4-0.

Copies of the proposed resolution are attached to these minutes and were available at the meeting for public inspection.

- J. Amended Item: Tax Assessor Board Vacancy - Chairman Macomson announced the board was recently made aware of an opening on the tax assessor board which will be advertised for 30 days and appointed in January.

Item 8: Managers' Report: Manager Turner thanked staff for the audit. He also thanked Nick Johnson and the public works staff for their work on the recent Amnesty Day at the dump. The plan is to have it again in the Spring and do it twice a year.

Item 9: Announcements: Chairman Macomson echoed Mr. Turner's thanks to staff for the amnesty day. He also noted that the work session is tentative and the board will announce later on if that meeting will be held. He wished a Merry Christmas and a Happy



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New Year to all. He also thanked Miss Gabi Aguiar for her hard work on the audit.

Commissioner Foster thanked staff for the audit and amnesty day.

Commissioner Wester also thanked staff for their work on the audit.

Item 10: Adjourn

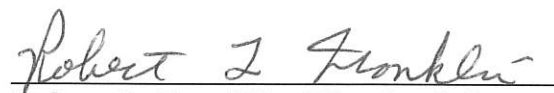
Commissioner Wester made a motion to adjourn.


Commissioner Foster seconded the motion.

All were in favor, 4-0.

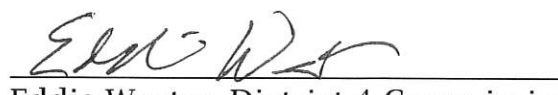
Signed on the 3rd day of January, 2022



Chairman Jason K. Macomson


Robert L. Franklin, District 1 Commissioner


Kyle Foster, District 2 Commissioner


Ryan Swails, District 3 Commissioner


Eddie Wester, District 4 Commissioner


Kayla Finger, Clerk