



You Are Why We Are Here

**FRANKLIN COUNTY  
BOARD OF COMMISSIONERS  
PUBLIC HEARING MINUTES  
June 3, 2019  
5:30 p.m.**

**BOC:** Commission Chairman Thomas Bridges  
District 1 Commissioner Robert Franklin  
District 2 Commissioner Dr. Jason Macomson  
District 3 Commissioner Ryan Swails

**Absent:** District 4 Commissioner Eddie Wester

**Media:** Shane Scoggins, Franklin County Citizen

**Staff:** County Manager Beth Thomas  
County Clerk Elaine Evans  
County Attorney Bubba Samuels

Chairman Bridges called the June public hearing to order at 5:30 p.m. He said there are four items to be covered tonight and an opportunity will be given to speak for or against each one.

**Steve Ledford** came forward to speak for his **variance request** for 6212 Bold Springs Road. He purchased 20 acres in 1989 which included four poultry houses and in 1994 he added more to his farm. Prior to zoning Mr. Ledford gave his sister two acres for her mobile home. Mr. Ledford recently purchased the adjoining property to add more chicken houses. Because of the placement of his sister's mobile home a variance is needed for setbacks. There was no opposition to the variance request from Mr. Ledford.

**Jason Phillips** came forward to speak for his **conditional use request** for poultry houses on Quail Run Road. The plan is to build four hen houses. Chairman Bridges asked what company he will be using. Mr. Phillips said IBP. Chairman Bridges asked if anyone was opposed to the request from Jason Phillips.

**Denise Brown** spoke against the request from Jason Phillips. Ms. Brown stated she lives across the street from Mr. Phillips' property. Mr. Phillips is wonderful and Ms. Brown does not want to take anything away from his living. Ms. Brown said she also does not want to have hurt feelings with neighbors but she is concerned about the deterioration of the dirt road because of the big trucks that will travel it.

**Aubery Lunsford** spoke for his **conditional use request** for poultry houses



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on Shackleford Road. He said about a year ago he bought an 80 acres poultry farm on Shackleford that had four poultry houses on it and he has plans to add six more pullet houses. Chairman Bridges questioned how the farm is split. Mr. Lunsford said it is 50 acres and 30 acres. Chairman Bridges asked if the present houses are on the 30 acres. Mr. Lunsford confirmed they are and the others will go on the 50 acres. Commissioner Swails asked Mr. Lunsford if he had been given permission in the past to place poultry houses on this tract of land. Mr. Lunsford said no, not on this tract as the houses were already in place when he bought the farm. Chairman Bridges asked if anyone was opposed to Mr. Lunsford's request.

**Teresa Burgess** said she owns property on Bray's Lake Road that backs up to the property where Mr. Lunsford is proposing to place the chicken houses. In the proposal that Mrs. Burgess was shown the split was 40/40 not 30/50 with the chicken houses being placed on the back. Mrs. Burgess said there are already six chicken houses on the first forty-acre parcel. On the site plan Mrs. Burgess said there is not an inhabitable dwelling within 1,300 of the rear-end of the chicken houses. A home is being built on Mrs. Burgess' land that is 154 feet 6 inches from the property line and the exhaust end of the chicken houses would be 354 feet from her home which would not meet the requirements. Mrs. Burgess said she is concerned about the required setbacks being satisfied and the adverse effect on adjacent neighbors. She is also concerned about the operation time being 24 hours a day. This is the retirement home of Mrs. Burgess and her husband and they plan to spend the rest of their lives on this property. She suggested Mr. Lunsford move his chicken houses to another location on his 80 acres.

**Carol Pope** stated she is speaking for herself and for the lady who has property across from the six houses that are already there. The neighbor was unable to attend because she is now living in another county due to the death of her husband. Ms. Pope said the neighbor's property has been for sale and has not sold because of the chicken houses that are already there. According to Ms. Pope the addition of more chicken houses in this area would be a detriment to property values, water, air and the environment.

**Danielle Weaver** stated she and her husband live on Bray's Lake Road and this is one of the three properties that border the property where Mr. Lunsford is proposing to build additional chicken houses. She presented a booklet to the Commissioners of her reasons why the request from Mr. Lunsford should be denied. A review of the applications was done by Mrs. Weaver per an Open Records Request turned in to Mrs. Thomas. Mrs. Weaver asked Commissioner Wester to come and go over the property with her and she gave a copy of his email where he stated the Planning Commission based their opinion on assumption. In the email presented Mrs. Weaver stated Commissioner Wester also expressed concerns about water runoff and no site map of where the water will go and what would happen if EPA is contacted about this.



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*Mrs. Weaver referenced the Conditional Use Permit Application and other documentation from Aubery Lunsford and said it is significantly vague, inaccurate and this makes the application impossible for the Planning Commission to render a recommendation based on fact and in compliance with Franklin County regulations. There was not enough information submitted by Mr. Lunsford or obtained by the Planning Commission to recommend a decision that would have been fair, just and well thought out. Mrs. Weaver stated the application for the permit consists of 10 questions and Mr. Lunsford's answers consisted of 37 words. She also said Mr. Lunsford did not submit a site plan only a proposed general arrangement. The property lines on the site plan were also incorrect.*

*Section 503 of the Franklin County Zoning Regulations states there are separate lagoon setbacks and commercial poultry structures and a site-specific nutrient plan be included. Mrs. Weaver said Mr. Lunsford did not include any of these in his application process and they were not covered by the Planning staff either. There was no way possible for the Planning Commission to make an adequate decision based on the information provided by Mr. Lunsford. Mrs. Weaver said it is not her intent to speak about what problems or penalties this may impose for the Commission Board, only to ask for this to be resolved and rectified and procedures to be put in place so this does not happen again.*

*Mrs. Weaver stated concerns about chicken house runoff going into the branches and Bray's Lake. No mention was made in the application from Mr. Lunsford referencing how this will be handled. Mrs. Weaver said the decision from the Planning Commission for approval is in violation of Franklin County regulations and she does not understand how the lake could be missed.*

*Another problem in the process as seen by Mrs. Weaver is the survey is provided after the foundation is set but before the poultry houses are in operation. Mrs. Weaver said this does not serve a purpose as all the construction of the houses will be done. The suggestion from the Planning Commission concerning this process is deficiencies will be remedied but not how or to whose satisfaction. Mrs. Weaver said this condition is irresponsible and neglectful and should never have been written.*

*Mrs. Weaver stated the recommendation from the Planning Commission is arbitrary and capricious and if the Commissioners make a decision based on this information their decision will also be arbitrary and capricious. Chairman Bridges asked Mrs. Weaver if she attended the Planning Commission meeting. Mrs. Weaver said she did not and she would like to see what took place at that meeting but the minutes are not on the County's website. Dr. Macomson questioned based on the site plan information if the exhaust end is facing Mrs. Weaver's property and asked if she knew the distance from it to her house. Mrs. Weaver said the property lines are wrong but she did measure and it is approximately 575 feet. She suggested as a means to resolve this matter for Mr. Lunsford to withdraw his application and if this doesn't happen for the Commissioners to deny the application.*



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*Aubery Lunsford presented a soil and erosion plan and stated it is not required by the County and as soon as he noticed that a house was being built on Shackleford Road he had his engineer turn the houses so the fans would not be in this direction. There was no way for Mr. Lunsford to be aware a house was being built when he bought the land. Mr. Lunsford stated when he bought the chicken houses the land was zoned Ag Intensive and still is. He said Ag Intensive is what Franklin County is and anyone who moved here had to ride by chicken houses. The AG Intensive zoning allows for chicken houses to be built when setbacks are met.*

***Mitch Murphy** of Victoria Station stated if Bowman Street is closed at the city limits sign it will make for an unsafe situation in a small subdivision that has a lot of foot traffic. Bowman Street is the only way to access the City of Lavonia in the event of a closure on Hwy 59. Mr. Murphy said Milliken does own property on both sides of the road but there is an individual property owner who will be denied access to his nine acres. Information has been given that Hillshore Road can be used. Mr. Murphy said there is an S curve and the road is too small to handle two cars passing each other. There is also limited sight on this road which could cause safety hazards. Chairman Bridges said this sounded like it needed to be taken care of now. Mr. Murphy told Chairman Bridges this is a city street. He also stated this land was split when Milliken bought it and why should they be satisfied when there are multiple people who want to keep the road open. Bowman Street is also used by farmers, EMS, fire departments and law enforcement.*

*Mr. Murphy read a statement from **Bonnie Elliott, Kelli Elliott Scott** and **James Scott** who were unable to attend. In their statement they voiced opposition to closing Bowman Street and increasing the traffic on Hillcrest Drive. Their statement said Hillcrest Drive is the same as a subdivision and if Bowman Street is being closed from Hwy 59 then Hillcrest Drive should be closed also. Hillcrest Drive is a narrow road and has a very dangerous curve.*

***Harold Harbin**, a member of the Lavonia City Council sent an email to the Commissioners but also requested Mr. Murphy read it in his absence. Mr. Harbin's statement was to say he does not support the abandonment of Bowman Street on Hwy 59 to the Lavonia city limits. He has been a resident of Bowman Street for over 40 years and has used the road numerous times over the years. In the statement Mr. Harbin suggested a traffic count should be done. Also, the closing of this portion of Bowman Street will cause traffic on Hillcrest Drive which was not designed to handle any additional traffic. Entering Hwy 59 from Hillcrest Drive is very dangerous as the view of oncoming traffic is limited. Mr. Harbin's statement ended by thanking the Commissioners for asking for public comment and their consideration of his opinion.*

***Jerry Bird** of Hillcrest Drive stated he is definitely opposed to the closing of Bowman Street. He stated he has nine grandchildren and they play with the kids across the street. There is already a lot of traffic on their road and he does not want the situation to be unsafe for the children in the neighborhood.*



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**Janet Gruber** said she lives in the S curve and has owned the property for 29 years. In the past someone hit a tree and if they had not hit the tree they would have ended up in her front yard. Her front yard is often torn up from cars and buses coming onto it. They are a nice quiet neighborhood and they do not want the extra traffic.

**Josh Duncan** of Victoria Station said he is opposed to the closure of Bowman Street. He said it is unknown what will be located due to the road closure and no one knows what will happen. Victoria Station is a family orientated subdivision and they would like to keep it that way. Mr. Duncan said he does not want to look at orange cones because of the road closure.

**Mary Lou Jackson** of Victoria Lane said there is plenty of traffic already. She said if Bowman Street is barricaded the traffic will then come through their subdivision and she does not want that. Their neighborhood is a beautiful quiet neighborhood. She questioned the Commissioners if they would enjoy looking at a barricade and asked for reconsideration of closing the road.

Chairman Bridges closed the public hearing at 6:30 p.m.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 2019

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*Chairman J. Thomas Bridges*

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*Robert L. Franklin, District 1 Commissioner*

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*Dr. Jason Macomson, 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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*Elaine H. Evans, County Clerk*