



You Are Why We Are Here

**FRANKLIN COUNTY
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING MINUTES
June 3, 2019
6:00 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 Leader*

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

Item 1: ***Call meeting to order*** – *Chairman Bridges called the June regular meeting to order at 6:52 p.m. and welcomed everyone. (There was a break from 6:30 p.m. to 6:52 p.m. due to the public hearing running over.)*

Item 2: ***Invocation and Pledge of Allegiance*** – *Chairman Bridges led the invocation and pledge of allegiance to the American flag.*

Item 3: ***Approval of Minutes***

*May 6, 2019 regular meeting
May 20, 2019 special called meeting
May 28, 2019 work session*

*Chairman Bridges stated the May minutes were reviewed by the Commissioners after being sent by the Clerk. He asked for a motion to accept the May minutes. Commissioner Swails made the motion to approve the May minutes. Chairman Bridges asked for a second. Commissioner Franklin seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Chairman Bridges, Commissioner Swails, Dr. Macomson and Commissioner Wester.*

Item 4: ***Items for discussion***

A. *Public Comment*****
There was no one public comment.



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B. Public Hearing items

Mrs. Thomas said the variance request from **Steve M Ledford** is to reduce the poultry house setback from 300 feet to between 140 to 160 feet due to a mobile home on the property that is family owned. The mobile home was located on the property in 1989 before Franklin County had zoning. Mrs. Thomas said the required public hearings have been held with Mr. Ledford in attendance. The recommendation from the Planning Commission is for approval. Chairman Bridges asked for a motion to accept the recommendation from the Planning Commission as presented by Mrs. Thomas. Commissioner Franklin made the motion to approve. Chairman Bridges asked for a second. Dr. Macomson seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Commissioner Swails, Chairman Bridges and Dr. Macomson.

Mrs. Thomas said the conditional use for poultry houses from **Jason Phillips** is to construct four 40 feet by 530 feet houses. The required public hearings were held with no opposition from those in attendance although a letter from the Brown's was read opposing them. Mrs. Thomas said the recommendation from the Planning Commission is for approval of the conditional use for Mr. Phillips. Chairman Bridges asked for a motion to approve. Dr. Macomson made the motion to approve the condition use permit for Jason Phillips. Chairman Bridges asked for a second. Commissioner Swails seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Commissioner Swails, Dr. Macomson and Chairman Bridges.

Mrs. Thomas said the conditional use for poultry houses from **Aubery Lunsford** is for six 40 feet by 500 feet pullet houses. The 80-acres will be divided into two parcels. The required public hearings were held. The Planning Commission recommended approval with the condition that a survey from a qualified surveyor be provided by Mr. Lunsford confirming the setbacks. There was no opposition at the Planning Commission meeting but new concerns were expressed tonight. Chairman Bridges asked for a motion. Commissioner Franklin made the motion to send the request from Mr. Lunsford back to the Planning Commission for further review. Commissioner Swails seconded the motion. He then stated there was enough questions raised at the public hearing that need to be reconsidered by the Planning Commission. Dr. Macomson agreed and said the site plan and all setbacks need to be reviewed. Chairman Bridges asked for a show of hands. The motion passed to Mr. Lunsford's request back to the Planning Commission by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Swails, Chairman Bridges, Dr. Macomson and Commissioner Franklin.

Mrs. Thomas said the conditional use/variance for the **New Beginnings Ministry** was tabled and sent back to the Planning Commission at a previous meeting. The information on the septic tank has been received and reviewed and the land's ability to hold additional dormitories. Mrs. Thomas said after review of the additional information the Planning Commission recommends approval of the conditional use/variance for the New Beginnings Ministry on parcels 033052 off of Greater Hope



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Road and 033089 off of December Lane. Chairman Bridges asked for a motion to accept the recommendation from Mrs. Thomas and the Planning Commission. Dr. Macomson made the motion to approve. Chairman Bridges asked for a second. Commissioner Franklin seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Commissioner Swails, Chairman Bridges and Dr. Macomson.

Mrs. Thomas said the consideration of abandonment for Bowman Street was made in March with plans for economic development for the land that is known as the Sibley site. This site is jointly marketed by the IBA, Georgia Power and the State of Georgia as a premiere industrial location. The road was posted and the property owners were notified and public hearings were advertised and concluded with tonight's public hearing. Mrs. Thomas stated the County staff researched public safety, traffic flow and economic development along with EMS, Lavonia Fire Department, City of Lavonia and the IBA. The closure of Bowman Street does not restrict access to Hwy 59 as there is an alternate way through Hillcrest Drive. EMS, Lavonia Fire and Lavonia Police confirmed closure of Bowman Street will be minimal impact on service delivery.

Growth and economic development are a mission of Franklin County. The IBA was created in 1962 by State Legislation. Annual contributions are provided for daily operations and funds are dedicated for capital investments. Mrs. Thomas said in State of Georgia law a portion of the County road system may be abandoned when the County Commissioners determine it is ceased to be used by the public to the extent that no substantial public purpose is served by continuing to maintain it or that its removal from the County road system is otherwise in the best interest of the public. The recommendation from Mrs. Thomas is for the County to abandon the portion of Bowman Street from Lavonia city limits to Hwy 59. Mrs. Thomas asked for consideration of the following motion after notice and public hearing on June 3, 2019 the Franklin County Board of Commissioners have determined that the following action is in the best public interest: the Franklin County Board of Commissioners authorizes the abandonment of Bowman Street from the Lavonia city limits to Hwy 59 and approves the conveyance of the abandoned right-of-way to the appropriate property owners; hereafter said portion of Bowman Street shall no longer be a part of the County road system and the rights of the public in and to those portions of the road described as public roads shall cease.

Chairman Bridges asked for a motion. Commissioner Swails made the motion to go forward with the abandonment of Bowman Street per the language of the County Management. Chairman Bridges asked for a second. Dr. Macomson seconded the motion. He stated he understands the concern of not wanting Bowman Street closed and a lot of valid points about safety were made. The Sibley site is an important industrial site and could be bring in jobs to help Franklin County's economy. Chairman Bridges told the people opposed to the Bowman Street closure he appreciated them coming out and he would have done the same thing if he was in their place. This was a hard decision but was made in the best interests of the whole County. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes



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were Dr. Macomson, Commissioner Swails, Commissioner Franklin and Chairman Bridges.

C. Vicious dog issue

Cheryl Giacalone said she and her husband are property owners on Seymour Road. She said she understands there is not a lease law in Franklin County and she does not have a problem with that. There is one neighbor who allows vicious dogs to roam the neighborhood and Franklin County officials and law enforcement will not help with the problem. Mrs. Giacalone asked that State of Georgia law be upheld concerning dangerous dogs. The residence at 4457 Seymour Road, Lisa Benefield Toney and James Toney are not licensed dog breeders but they breed some type of terriers and Great Pyrenees and own a pet pit bull. Mrs. Giacalone said after the Great Pyrenees have a litter of puppies if they do not sell, they roam the neighborhood along with the pit bull. None of the dogs are spayed or neutered which compounds the situation.

Mrs. Giacalone referenced the State of Georgia Responsible Dog Act and stated these neighbors are in violation as they allow these dogs to roam free. Many pets have been injured or killed by these roaming dogs. Mrs. Giacalone called the Sheriff's Office in 2017 when her dog, Tramp was killed. She was told there was nothing they could do and if they felt threatened, they had a legal right to shoot the dogs. Mr. Toney has been contacted by Mrs. Giacalone and he told her to go ahead and shoot the dogs. Mrs. Giacalone would like for law enforcement, Commissioners and County Marshal Chris Ayers to uphold the State of Georgia Responsible Dog Law.

A statement from **Nicholas Ainsworth** was read by Mrs. Giacalone. Mr. Ainsworth stated he is resident of Seymour Road and he is concerned about the dogs that belong to 4457 Seymour Road. He is fairly certain his dog, Blue was killed by these dogs. The dogs are a nuisance to the neighborhood and roam freely and chase cars nearly causing accidents. He asked for help from the Commissioners.

Terri Cleveland showed pictures of her dog, Jackson, stating he was her child's best friend. Jackson was injured in November by the roaming dogs. Ms. Cleveland nursed Jackson back to health from the puncture wounds. On Valentine's Day, Jackson did not come home and was found deceased on February 15 with a ripped open chest. Ms. Cleveland said the Franklin County Sheriff's Office was called and they were told to shoot the dogs. She said she did not want to teach her children it's okay to shoot dogs. Most of her neighbors are great but she is afraid for her children because of the roaming dogs.

Donna Bond said her dog is the only dog who survived. She thought the dog was shot but Dr. Pat Hitchcock told her the dog was attacked and there were 70 holes. Since the attack of her dog, Ms. Bond said she now carries a gun while outside. Ms. Bond has spoken with Lisa Toney about the dogs and Mrs. Toney says they belong to her husband and not her. She said these dogs growl at the neighbors and it should not be the responsibility of the neighborhood to have to shoot the dogs. Franklin County should be able to help.



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Veera Harrison said she does not have a dog but she cannot let her grandchildren go out on her 14 acres of land because of the vicious dogs. She keeps a gun with her when outside as these dogs travel in packs. Mrs. Harrison said she does not think she should have to go outside equipped with a gun to protect herself from these dogs. She would like her freedom back.

Eneree Bohannon said in February she started a weight loss program and started walking with her dog. The vicious dogs attacked her dog and killed it. Mrs. Bohannon said the dogs then turned on her and her daughter and they had to throw rocks at the dogs to keep them from attacking. Her grandchildren cannot go out in her yard and Mrs. Bohannon cannot go walk because of the roaming dogs. She requested the Commissioners to tell her who can help if they cannot.

James Giacalone said the dogs are classified LGD (Livestock Guardian Dog). He said they do a wonderful job when they are protecting livestock and property. The roaming dogs have come to act like everybody's property is theirs and they are protecting it all. Mr. Giacalone stated he has to carry a pistol when doing outside work. This is dangerous and scary as these dogs can be mean. He asked the Commissioners to help them find a solution.

Chairman Bridges said the Commission Board will do everything possible to help with this.

D. Road recovery bids

Mrs. Thomas said there were two separate bid openings on May 29 for proposed construction on Banks Road and Rocky Ford Road. The bid tabulations and recommendation from County Engineer John Phillips were provided to the Commissioners. The alternative bids of pre-cast concrete culverts were the cheapest option in both of the bids. Stratton and Sons Construction had the low bids in the amount of \$125,280 for Rocky Ford Road and the amount of \$94,000 for Banks Road. Mrs. Thomas said the County has been approved to receive \$72,000 in emergency LMIG funding and this will be used for these projects.

Mrs. Thomas gave the recommendation of awarding Stratton and Sons the projects in the amount of \$125,280 for Rocky Ford Road and \$94,000 for Banks Road. Chairman Bridges asked for a motion to accept the recommendation from Mrs. Thomas and Mr. Phillips. Commissioner Swails made the motion to accept the bids. Chairman Bridges seconded the motion. Dr. Macomson seconded the motion. Commissioner Franklin questioned if the starting date is known. Mrs. Thomas said the documents will be prepared and given to the contractor. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Dr. Macomson, Chairman Bridges and Commissioner Swails.

E. Board appointments

Mrs. Thomas said some applications for the Joint Development Authority have been received and forwarded to the Commissioners for review. Several of these were



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received this week and this did not give enough time for a thorough review.

Mrs. Thomas said in 2015 Cary Bennett resigned his position on the Airport Authority. The Board of Commissioners were prepared to appoint Bill Flowers as Mr. Bennett's successor but misinformation was conveyed that the appointment should be made by the Franklin County IBA. The applications received in 2015 were then forwarded to the IBA who made the appointment of Bill Flowers. Mrs. Thomas said Bill Flowers served the unexpired portion of Mr. Bennett's appointment which expired on June 30, 2016 and has faithfully continued to serve as a successor has not been named. Guidance has been sought from the County Attorney Mr. Samuels for this situation and how to handle it.

*Chairman Bridges asked for a motion. Dr. Macomson made the motion to appoint Bill Flowers to the Franklin-Hart Airport Authority to bring clarity to his position *nun pro tunc* to the date of Cary Bennett's resignation from the Authority and to continue the initial unexpired term until another successor is appointed to serve the remainder of the current term. This would confirm Bill Flowers appoint until now and allow him to continue to serve until a successor is named. Chairman Bridges asked for a second. Commissioner Swails seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Commissioner Swails, Dr. Macomson and Chairman Bridges.*

F. Executive Session – land acquisition

*Chairman Bridges asked for a motion to close the regular session and go into executive session. Dr. Macomson made the motion to close the regular session and go into executive session for the purpose of land acquisition. Chairman Bridges asked for a second. Commissioner Swails seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Dr. Macomson, Commissioner Swails, Commissioner Franklin and Chairman Bridges. The regular session closed at 7:45 p.m.*

*Chairman Bridges asked for a motion to close the executive session and go back into regular session. Dr. Macomson made the motion to resume regular session and authorize the Chairman to sign the closed meeting affidavit for the purpose of discussing land acquisition. Chairman Bridges asked for a second. Commissioner Swails seconded the motion. Chairman Bridges asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Chairman Bridges, Commissioner Franklin, Commissioner Swails and Dr. Macomson. The meeting resumed at 8:25 p.m.*

Commissioner Swails stated the County has a proposed option agreement to purchase the Old US Post Office building, located on the southeast corner of the courthouse in Carnesville for the amount of \$80,000. He made a motion to allow the Chairman to execute the option to purchase the building from LeCroy Lakehouse LLC in the amount of \$80,000. Chairman Bridges asked for a second. Commissioner Franklin seconded the motion. There was no discussion. Chairman Bridges asked for a show of



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hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Commissioner Swails, Dr. Macomson and Chairman Bridges.

G. Announcements

Commissioner Swails thanked everyone for speaking and sharing their opinions and heart. He would like to further discuss the options for the nuance animals with the County staff and Sheriff's department for what can be done to help the situation. Appreciation was expressed to Sheriff Thomas and his staff for the job they do in protecting the County. Chairman Bridges said the issue should be able to be solved with working with the Manager, staff and Sheriff. Commissioner Franklin thanked everyone for coming and stating their concerns. The Board will work to resolve the issues.

Chairman Bridges asked for a motion and second to adjourn. Commissioner Franklin made the motion to adjourn. Dr. Macomson seconded the motion. There was no discussion. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Commissioner Franklin, Commissioner Swails, Dr. Macomson and Chairman Bridges. The meeting adjourned at 8:32 p.m.

Signed on the _____ day of _____, 2019

Chairman J. Thomas Bridges

Robert L. Franklin, District 1 Commissioner

Dr. Jason Macomson, District 2 Commissioner

Ryan Swails, District 3 Commissioner

Eddie Wester, District 4 Commissioner

Elaine H. Evans, County Clerk