



You Are Why We Are Here

**FRANKLIN COUNTY
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING MINUTES
October 7, 2019
6:00 P.M.**

BOC: District 1 Commissioner Robert Franklin
District 2 Commissioner Dr. Jason Macomson
District 3 Commissioner Ryan Swails
District 4 Commissioner Eddie Wester

Absent: Commission Chairman Thomas Bridges

Media: MJ Kneiser, WLHR
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 – Vice-Chairman Swails called the October regular meeting to order at 6:00 p.m. and welcomed everyone.

Item 2: Invocation and Pledge of Allegiance – Commissioner Franklin led the invocation and pledge of allegiance to the American flag.

Item 3: Approval of Minutes

September 9, 2019 regular meeting
September 24, 2019 work session

Vice-Chairman Swails stated each Commissioner has had an opportunity to review the September minutes. He asked for a motion and second to approve the minutes. Commissioner Wester made the motion to approve the September minutes as written. Dr. Macomson seconded the motion. There was no discussion. Vice-Chairman Swails asked for a show of hands. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Vice-Chairman Swails, Dr. Macomson, Commissioner Wester and Commissioner Franklin.

Item 4: Items for discussion

A. Public Comment

Vice-Chairman Swails gave an opportunity for public comment and clarified this is not a question and answer time, only an information sharing time. His instructions were to come forward and state your name and then share with the Commissioners.



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Sheila Baker of Culpepper Road came forward to discuss the weekend event of the power plant poisoning her creek and killing the fish. She stated the power plant is puking noise and air pollution and is now poisoning the creek. A question was posed to the Commission Board if an investigation of the companies involved with the power plant was done prior to their approval from EPD and EPA and if any formal complaints have been filed against them. Ms. Baker said the power plant is now burning creosote railroad ties instead of clean wood. She also referenced the property values in the neighborhood around GRP going down.

Mark Gibson gave information on the question from Ms. Baker about the power plant having prior issues. This weekend when the creek was poisoned Mr. Gibson spoke with John Maddox of Georgia EPA and was told GRP has discharge permits for clean water and air and administrative orders have previously been issued for water quality violations. Mr. Gibson questioned the Commissioners if the Planning Commission made any recommendations as to what the power plant engineers should have done for storm water runoff. He said his livestock will not drink the water from the creek since the fish have been killed. He also showed a bottle of the contaminated creek water.

Ken Dickens of Culpepper Road stated he is frustrated with the power plant and with the Commissioners for allowing this to locate here. He said part of the creek is on his property and the water is very dark. With the condition of the water, Mr. Dickens said he will probably never have confidence to drink it again.

James NeSmith stated his land butts up to the power plant. He said black water is running off of GRP and going into the creek. His question to the Commissioners, is what are you going to do about it? Will GRP clean up the mess they made in the creek?

Mark Blalock said this weekend a new black substance came from the power plant and the issues are longer just the noise and soot. He said creosote is a banned substance to burn and it should not be washed off. The power plant should be filtering everything to keep possible carcinogens from the air and water. Mr. Blalock said the power plant is also having continual fires and the retention ponds are full and overflowing. He would like the power plant to be a good neighbor as they promised they would be.

Rodney Black of Burke Road said he has been living there since 2007. He stated his right to enjoy his property has been taken away by the smell and noise from the power plant. The property values have gone up and Mr. Black does not understand how. His greatest desire is for the problems at GRP to be fixed so he can enjoy his home.

Donnie Gettys told the Commissioners there needs to be a temporary injunction to stop the operations of the power plant until the containment of the ground water. He stated maybe there needs to be a good old-fashioned tax revolt to get something done for the citizens near the power plant.

Gerry Wilson said she looked through the Franklin County nuisance order and part of the wording is and all other State regulations concerning nuisance which includes noise. There is something that can be done per the ordinance and Mrs. Wilson stated the



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Marshal should enforce this. Mrs. Wilson questioned why a press release would be needed instead of GRP coming to speak to the people in the neighborhood. She also questioned if railroad ties are being burned at the plant.

***Myrtis Owens** stated the noise is bad but the smell is the worst problem. She has COPD and extreme asthma and is having a hard time breathing when she goes outside.*

***Roger Wilson** said he talked with Jackie Scarberry of Viola about coming to speak at a meeting for the concerns about the power plant. He said Ms. Scarberry said she would be happy to come speak but no one has asked her.*

***Bobby Martin** of Hwy 198 stated he lives about three miles from the power plant and on occasion smells an odor from there. He said he visited Indian Creek this weekend and the stench from the dead fish is horrible. As Tax Commissioner for Franklin County, Mr. Martin told the citizens he hopes a tax revolt does not happen. He said the property values are based on sales. So far there is not a decrease in values from the power plant but it is probably coming. Mr. Martin said GRP has made a huge investment but something has got to be done to help the people in the community. He stated the recommendations from Mr. Blalock are very good although it will take money to fix the problems at the power plant.*

***Rodney Black** thanked Mr. Martin for his comments. He told the Commissioners if the power plant was in their backyard it would drive them crazy. Then he implored the Commissioners to please do something about this.*

***Garvis McElroy** of Whippoorwill Road said he attended all of the meetings regarding the location of GRP. He stated concerns about the water because of the contamination from the poisoning of the creek. For over 20 years Mr. McElroy has enjoyed his home but he no longer does because of the plant. He stated the neighbors are suffering and until something is done, they will keep on suffering.*

B. Public Hearing items

***Rezoning** for James S Davis – Vice-Chairman Swails stated Mr. Davis applied to rezone three acres of a 13.25-acre tract from AI (Agricultural Intensive) to CG (Commercial General). The recommendation from the Planning Commission and staff is for approval. Vice-Chairman Swails asked for a motion and second. Commissioner Franklin made the motion to approve. Dr. Macomson seconded the motion. There was no discussion. Vice-Chairman Swails 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 Wester, Dr. Macomson and Vice-Chairman Swails.*

Conditional Use for Poultry House** for Matthew Dyck – Vice-Chairman said the request from Mr. Dyck is for a conditional use permit to construct two poultry houses. The recommendation from the Planning Commission and staff is for approval. Vice-Chairman Swails asked for a motion and second to approve. Commissioner Wester made the motion to approve. Dr. Macomson seconded the motion. There was no discussion. Vice-Chairman Swails asked for a show of hands. The motion passed by four (4) **YES



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votes to zero (0) **NO** votes. The **YES** votes were Commissioner Wester, Commissioner Franklin, Dr. Macomson and Commissioner Franklin.

Variance for Stack House for Kenneth Layton – Vice-Chairman Swails said the variance request from Mr. Layton is to reduce the setback requirement for a stack house from 200 feet to approximately 140 feet on Holbrook Road and 170 feet from Benton Hall property. The recommendation from the Planning Commission and staff is for approval. Vice-Chairman Swails asked for a motion and second. Commissioner Wester made the motion for approval. Commissioner Franklin seconded the motion. There was no discussion. Vice-Chairman Swails 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, Vice-Chairman Swails, Commissioner Franklin and Commissioner Wester.

Conditional Use for Truck Facility for Landstar Transportation Logistics – Vice-Chairman Swails said the conditional use request from Landstar is to construct and operate a trucking facility within 2,000 feet of I-85. The facility will include offices, classrooms and secure 24-hour parking. Vice-Chairman Swails stated Landstar Transportation Logistics has agreed to widen a portion of JF Shirley Road. Dr. Macomson questioned what the requirement was for Lube Zone when they located on JF Shirley and shouldn't Landstar have the same. Mrs. Thomas said Lube Zone extended the road by eight feet by the requirements from the Georgia Department of Transportation and condition of granting the necessary right-of-way after construction to the County. She asked the Commissioners to include this in the motion for Landstar Transportation Logistics. Vice-Chairman Swails asked for a motion to approve the conditional use for Landstar per the recommendation from Mrs. Thomas. Commissioner Franklin made the motion to approve. Dr. Macomson requested clarification of the conditions to be included. Mrs. Thomas said to widen the road by eight feet from the end of the eight feet addition of Lube Zone through Landstar's proposed entrance by the standards and specifications of the Georgia Department of Transportation and after close of the construction to grant the right-of-way for the new roadway to Franklin County. Commissioner Franklin amended the motion to include the recommendation as stated by Mrs. Thomas. Vice-Chairman Swails asked for a second. Dr. Macomson seconded the motion. Vice-Chairman Swails 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 Franklin, Commissioner Wester and Vice-Chairman Swails.

Conditional Use for Poultry House for Aubrey Lunsford – Vice-Chairman Swails said the application from Mr. Lunsford is to construct four 40 feet by 530 feet poultry hen houses. The farm is 42.85 acres and the minimum setbacks can be met. Mrs. Thomas said the recommendation from the Planning Commission is for Mr. Lunsford not to use any closed portion of Bald Eagle Road and not to go around any barricades and to work with the Franklin County Public Works during the construction period. Vice-Chairman Swails asked for a motion. Commissioner Wester made the motion to approve with the conditions as noted by the County Manager. Vice-Chairman Swails asked for a second. Commissioner Franklin seconded the motion. There was no discussion. Vice-Chairman Swails 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 Wester, Vice-



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Chairman Swails and Dr. Macomson.

C. Resolution – support of HB 302 & SB 172

Commissioner Wester said there is no longer a House Bill 302 and Senate Bill 172 as they did not make it but they will be coming back up in the 2020 legislation period. This legislation was sponsored by Senator John Wilkinson and Representative Alan Powell. Commissioner Wester stated the language in this legislation is the city or county government does not have the ability to tell a citizen how to build their home or business. This is overreach when the government tries to tell a citizen how and what to build. Commissioner Wester stated he would like for the Board of Commissioners to send a letter of support to Senator Wilkinson and Representative Powell for the next legislative session. County Attorney Bubba Samuels said it is appropriate to send a letter supporting the language or wait until the new Senate and House bills come out and then approve a resolution. Commissioner Wester said he would like for Senator Wilkinson and Representative Powell to know they have the support of the Franklin County Board of Commissioners. The resolution was tabled until numbers are assigned in the next legislation session.

D. City of Carnesville & City of Franklin Springs annexation

*Mrs. Thomas said certified mail was received from the City of Franklin Springs stating they will be annexing a 130-acre tract. Certified mail was also received from the City of Carnesville stating they be annexing a small parcel on Hwy 59. No action is needed from the Board of Commissioners unless they wish to contest the annexations. Mr. Samuels clarified a vote is not needed for the cities to annex but it is common practice for the county being notified to send a letter stating no plans to contest. This letter will help the cities with their annexation process. Vice-Chairman Swails asked for a motion to send a letter of support to the City of Franklin Springs and the City of Carnesville. Commissioner Wester made the motion. Dr. Macomson seconded the motion. The motion passed by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Dr. Macomson, Vice-Chairman Swails, Commissioner Wester and Commissioner Franklin.*

E. Announcements

Mrs. Thomas read an emailed memo from John Maddox, the State on-scene coordinator for the Emergency Response Program, a division of the State of Georgia EPD. A report was received and DNR resources are currently investigating the incident at Indian Creek. Mrs. Thomas said the Athens EPD office will handle the investigation. The Department of Agricultural has also been notified. Franklin County is relying on the EPD to handle the investigation and recommendations.

Dr. Macomson questioned if it would be appropriate for the County to stop the operations at the GRP power because of them being in violation. Mr. Samuels stated private citizens and the County are allowed to take action. This is a decision that will have to be made by the County. Dr. Macomson asked if this is something the County wants to pursue. Commissioner Wester said he is completely uncomfortable with what is happening. Mark Gibson asked if he could make a comment about what was said by Mr. Samuels. He said if the County gets an injunction to stop the operations at the plant, the wood chips will continue to burn and have to be watered and the problem will not be solved. This would



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be a short-term fix but might have long term consequences. Dr. Macomson questioned when will the plant be fully operational? Mrs. Thomas said she met with GRP recently about water consumption and was told at that time that they are about a month behind schedule. They are having to wet the mulch piles because the plant is not operational. Dr. Macomson asked if something could be done immediately for the water runoff. Mrs. Thomas said GRP constructed a berm to help with the runoff per EPD.

*Vice-Chairman Swails asked for a motion and second to adjourn. Commissioner Franklin made the motion. Commissioner Wester seconded. The meeting adjourned at 7:27 p.m. by four (4) **YES** votes to zero (0) **NO** votes. The **YES** votes were Vice-Chairman Swails, Commissioner Wester, Commissioner Franklin and Dr. Macomson.*

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