



You Are Why We Are Here

**FRANKLIN COUNTY
BOARD OF COMMISSIONERS
WORK SESSION MINUTES
January 28, 2020
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
District 4 Commissioner Eddie Wester

Media: Shane Scoggins, Franklin County Citizen Leader
MJ Kneiser, WLHR

Staff: County Manager Beth Thomas
Interim County Clerk Gina Kesler

Item 1: **Call meeting to order** – Chairman Bridges called the January work session to order and thanked everyone for attending.

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

Item 3: **Items for discussion**

A. 2nd Amendment Sanctuary Proclamation – David Phillips

Mr. Phillips addressed the Board about the consideration of adopting the 2nd Amendment Sanctuary Resolution. He spoke of affirming our support of the Constitution and how it is the “fabric of our country”. He stated he was proud of Franklin County for helping to lead, signaling that we will not help enforce any unconstitutional law that seeks to limit our 2nd Amendment rights. He thanked Commissioner Swails for meeting with their group and for opening the door to bring this resolution before the commission. Chairman Bridges thanked Mr. Phillips and stated that the Board would read and study the Resolution and vote on it at the Regular Board meeting on Monday, February 3. The commissioners each spoke favorably about the resolution and its passage.

B. Public Comment

Chairman Bridges asked if anyone would like to speak in public comment. He said to come forward and state your name.

Glenda Williams asked questions about the 2nd amendment resolution as to whether or not if it is passed could it be reversed at a later time. She stated that she was 100% in support of its passage.



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Mike Poss, a representative of GeorgiaCarry.org, stated that the organization had been working to improve 2nd Amendment rights in Georgia for the past twelve years. He thanked the Board for their support of the 2nd Amendment Resolution. He encouraged everyone to call the state Senate Judiciary Committee about Senate Bill 224 which restores some rights in Georgia. The bill removes churches from the list of unauthorized locations for concealed carry, redefines the definition of courthouses and provides some protection for property owners.

Sheriff Stevie Thomas stated that the 2nd Amendment is all about what we do. He thanked the Board for supporting this resolution and stated that the Sheriff and law enforcement stands with the commissioners in support of the 2nd Amendment Sanctuary Resolution.

C. CASA Representative – Chuck Taylor

Chuck Taylor is the Outreach Coordinator with Northeast Georgia CASA (Court Appointed Special Advocates). The community-based program recruits, trains and supports citizen volunteers who advocate for children in foster care. He stated that in their eight-county service area, 53 of the 310 children served in 2019 by their agency were from Franklin County. He encouraged interested citizens to serve as Court Appointed Special Advocates for foster care children. He shared statistics on where Franklin County stands in the state from October 2018 through September 2019. Franklin County averaged 46 children in care last year, and currently there are 37 children. Only 20% of children find permanent family placement leaving 80% of those children falling into the care of foster parents. Their care is over \$53,000 a month and is a large monthly responsibility of the county which is handled through Title IV money. Of the children in foster care, 77% of those are because of drug and alcohol issues and 41% of those were found with inappropriate housing. Reunification with families is the goal, but in Franklin County the reunification rate is around 43%. Commissioner Swails asked how those numbers lined up compared to other communities. Mr. Taylor stated that Franklin County ranked 44th highest out of 159 counties for children in care. He said Franklin County's numbers are comparable to surrounding counties. He stated that community resources play an important role. Commissioner Macomson asked how interested people could get started in becoming a foster parent. Mr. Taylor said that the Department of Family and Children Services (DFACS) offers a training program on how to become a foster parent. The state has also contracted with other private agencies that provide training. He said that when a child has a CASA volunteer appointed to their case they do better in school and are less likely to come back in care. He said that CASA only serves about 70% of the children in foster care. He reminded the Board that April is Child Abuse Awareness Month and that he appreciated the county's support of CASA.

D. Colston Drive

Vickie Ervin a resident of 537 Colston Drive says they purchased their property in 2016. During the 3 years they have lived there she stated that the road has deteriorated from two cars being able to pass to one. Rain has caused loss of access to their homes. She said that 13 families live at the top of the hill on the back side of the dam. Several residents of Colston Drive have significant health problems and



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services have been suspended due to inability to access the road safely. She stated there have been instances where residents couldn't get their children to the bus stop and their garbage service will no longer service their road. FedEx and UPS also will not come down the road.

Chairman Bridges stated that Colston Drive is a difficult situation. John Phillips, County Engineer reported that all easements to adopt the road have been acquired. The most difficult obstacle is the watershed dam.

Mrs. Ervin said that Chester Colston was given an easement, a joint drive agreement between himself and Franklin County to place a road over the dam. She has documentation to support this with plat and page numbers. She said it is actually Williams Bridge Road Lake Dam because Colston Drive did not exist when the dam was built in the 1960s. Colston Drive came into existence in 1994. According to the US Army Corps of Engineers, Franklin County Board of Commissioners own the dam. She also said that an inspections report was given in 2011 to former Commissioner Elrod stating that the residents can't request an inspections report because they do not own the dam. Residents of Colston Drive also cannot apply for grants to fix the dam because they don't own the dam. She stated that her title search for her property indicates that Colston Drive is a 40-foot easement that was granted to Mr. Colston.

Chairman Bridges stated that Mr. Colston is a private citizen who built a dam. Mrs. Ervin said that Mr. Colston was a developer that acquired an easement to cross William Bridge Road Lake Dam. She said the easement was issued by Franklin County. The Chairman asked for copies of the records that she has showing the county provided the easement for the private road construction across the dam. Commissioner Macomson stated that there should be a deed record of where the plats are recorded.

Commissioner Franklin asked the other Board members to take time and ride out to look at the road before Monday's meeting. Mrs. Ervin reported that the road cannot accommodate two cars anymore. When oncoming cars meet someone has to pull into the ditch to allow the other vehicle to pass and that there was a sink hole which is a dangerous situation when two cars meet and pass.

Commissioner Macomson asked if there was a way to open up the road on the top side. Mrs. Ervin stated there used to be an access road off of Highway 320, which is now abandoned. Chairman Bridges said that the abandoned road has been taken up by pastures.

Chairman Bridges had asked the county engineer to examine the easements and find out who the Franklin County Tax Office shows owns it. Mr. Phillips said that four different property owners own the dam and have been paying property taxes on that land. Mrs. Ervin stated it was a perpetual easement and citizens still pay the taxes on the property.



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Teresa Cortigiano a resident of 40 Colston Drive stated that the geographic location of the said watershed dam is Williams Bridge Road and not Colston Drive. The name of the dam is William Bridge Road Lake Dam. She said the dam was installed on private property in the 1960s as a watershed dam for flood prevention. She had received an inspection report dated May 18, 2011 from former Commission Chairman Sammy Elrod that shows the name of the dam as Colston Drive Dam. All dams are listed with the National Inventory of Dams (NID). She said that former County Manager Billy Morse sent a letter renaming the dam to Colston Drive Dam. She questioned how and why the name of the dam changed. The dam is listed with the US Army Corps of Engineers as the William Bridge Road Lake Dam with NID number GA08795. Mrs. Cortigiano stated there are two dams in Franklin County that are owned by local government. One being William Bridge Road Lake Dam with the Franklin County Board of Commissioners listed as the owner and the second is located in Lavonia and is owned by the City of Lavonia. The original Corp of Engineer records show the Franklin County Board of Commissioner Chairman as the owner of the lake. After a call with the chairman, she noticed a few days later that a change in the name of the owner of record was made to reflect the Franklin County Board of Commissioner on the NID public database.

Mrs. Cortigiano said approximately 3 years ago they were told to get easements and in January 2017 they presented those easements to the Board and now they were back where they had started. She stated the private road is a separate entity from the dam where the property owners own the road, and the county owns the dam. She discovered at the end of last year, after speaking with a district conservationist with the Natural Resources Conservation Service through the USDA that the county had contacted them 3 years ago about getting out of a 50-year lease agreement involving the dam. She was told that the 50-year lease agreement does not apply to this watershed dam. She stated that several federal agencies list Franklin County as the owner of the dam. She went on to say that sponsor would be a better term for who is responsible for the dam. All NRCS dams built have a non-USDA governmental sponsor. Project sponsors are responsible for obtaining land rights, permits, easements, overseeing operation and maintenance of the structural measures. Land owners grant perpetual easements to construct the dam, store the flood water and grant ingress to allow work to be completed.

Chairman Bridges said that the county had looked at several options and had run into issues each time. He stated that the County Attorney was now looking into the liability of the dam. The Chairman asked that the residents leave their documents for the Board to review. Mrs. Ervin stated that she would make copies and bring them back to the chairman. She said that if she or a family member suffered an injury, an ambulance could not reach them. There is also a danger of a vehicle sliding off the road into the lake. Mrs. Cortigiano said that her neighbor, Mr. Charles Todd spoke at the commissioner meeting in March of 2019 and he brought it to the Board's attention about the dam. It was also stated by Mrs. Ervin that Colston Drive was maintained by the county in 2010.



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Commissioner Swails asked about an email from the county attorney. The Chairman said that the county attorney had emailed the Board this afternoon with a response about the liability issue. He encouraged Board members to review this response from the county attorney.

Ryan Cortigiano spoke and stated he is an engineer and that the dam is a low risk dam. He said if the dam collapsed there would be a low risk of property damage.

Chairman Bridges said that the Board needs to make a decision at Monday nights meeting as to how they could help the residents of Colston Drive

Commissioner Wester said he had been in discussion with a member of the Board of Education about Colston Drive. The Board of Education member was in agreement of taking it to their board to see how both boards could partner together to repair the road.

County Manager Beth Thomas said the county was exploring GEMA as an option for assistance with the road and dam given the emergency conditions.

Commissioner Franklin stated that if the residents of Colston Drive call for the sheriff to come out deputies would not make it in one of their cars and would need a four-wheel drive vehicle to access the road.

Mrs. Ervin told the Board that there is a lot of grant money and funding available for repairing the dam, for the people that own the dam because of soil conservation. It just needs to be applied for. Mrs. Cortigiano told the Board she had spoken to a representative in Congressional Representative Doug Collins' office who is planning to visit the road and was told that there was funding available. She had also spoken to Representative Alan Powell about the road. Chairman Bridges thanked them for coming and speaking with the Board and sharing their concerns.

E. Emergency Management

1. GEMA Memo of Understanding

County Manager stated a copy of the MOU was in their packet. This is a Memorandum of Understanding between the county EMA and the Georgia Emergency Management Agency (GEMA). Grant funds were received from GEMA for EMA salaries and she would like the Board to consider the MOU for approval at the regular board meeting on Monday night.

2. Mutual Aid Agreement

This is an agreement between Franklin County and its municipalities. The municipalities have approved theirs. This agreement is statewide and allows Franklin County to give and receive emergency assistance to other counties when needed. She would like for the Board to consider approving this at the regular board meeting on Monday night.



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F. Comprehensive Plan Update

Mrs. Thomas stated that the Joint Comprehensive Plan that was worked on for 2019 had been emailed to each commissioner in draft form. It was also sent to Department of Community Affairs (DCA) and was approved. This plan needs to be adopted at Monday's meeting so that it can be finalized. The plan is important for any county government to be considered a qualified local government and is important to our grant funding as well as having a vision and a plan for Franklin County.

G. Manager's Report

- 1. It's a very big year for elections and the state has made available three grants to help assist with some of the unexpected costs, storage and security that is associated with the new equipment. The Board of Elections and Gina are working really hard to identify needs. Gina and our Maintenance Supervisor have made site visits to identify any needs or changes associated with power and security at all of our polling locations.*
- 2. A wireless internet provider has expressed interest in attaching to the county-owned water tower located on Black Snake Road. The concern is that the tower was paid for by federal and state funds as well as a loan, and the county manager wants to check and make sure that it would not affect the loan and grant funding for the wireless provider to attach to our tower.*
- 3. Mrs. Thomas provided an update on some work with the Georgia Renewable Power Plant (GRP) – She reported that GeoHydro was on site last week and conducted the noise study, but has not received the official report back. At the time of the testing, the plant was running at 30 Megawatts (it is operating at a higher level now). GeoHydro will be back this week for air quality testing at four sites around the plant and one control location outside of the 2-mile radius of the plant. The county has received the new air quality equipment that was approved for purchase earlier this month. GRP installed the steam vent silencer last weekend, and the plant has conducted 3 shutdowns and startups since then, and that there are additional silencers in the procurement stage. Trees have been planted along the perimeter of the plant, and a noise study has been conducted.*
- 4. Chairman Bridges stated that one problem that must be addressed and corrected with GRP is the burning of creosote. He spoke with Representative Alan Powell who is also concerned with this and agreed that EPD needs to be convinced not to renew GRP's permit that allows them to burn creosote. The permit must be renewed in September. He stated that GRP needs to step up and follow through on the promise they made to the county of burning clean, wood chips. The county is looking to keeping the public informed by posting updates on the county website, in the paper and on the radio.*



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- 5. Commissioner Wester reported on the meeting held Sunday with the Madison County Clean Power Coalition and the Franklin County GRP Fallout Group. 3 scientists were invited to present information on the dangers of burning creosote. He stated it was a very informational meeting and it had opened his eyes even more to the dangers of railroad ties.*
- 6. Commissioner Swails asked if the county manager had been contacted by Doug Collins' assistant in regards to the visit to Colston Drive. Mrs. Thomas said she had spoken with him and expressed her concern to get help for these citizens. She thinks that a title search would be the place to start due to so much conflicting information. She was unsure if the assistant was actually going to visit. Chairman Bridges asked her to give the assistant a call and check and to let the Board know. Commissioner Swails asked that Doug Collins' assistant be given the information about GRP and invited for a site visit of the GRP location.*
- 7. Commissioner Franklin had spoken with Representative Alan Powell and Mr. Powell stated that when the legislative session was over, he was going to work on having creosote cross ties banned from being burned in Georgia.*
- 8. Commissioner Macomson asked the county manager to follow up with the EPD representatives who visited earlier this month to see if they would be able to host the public hearing on the permit renewal here in Franklin County. This would allow the citizens of Franklin County to give direct comment on the renewal process.*

Chairman Bridges adjourned the meeting at 7:09 p.m.



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Signed on the _____ day of _____, 2020

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

Gina L. Kesler, Interim County Clerk