

**FRANKLIN COUNTY
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
May 4, 2015
6:00 P.M.**

Present: Commission Chairman Thomas Bridges
District 1 Commissioner Robert Franklin
District 2 Commissioner David Strickland
District 3 Commissioner Jeff Jacques
District 4 Commissioner Eddie Wester

Media: Kandice Eberhardt, Franklin County Citizen
MJ Kneiser, WLHR

Staff: County Manager, Beth Thomas
County Clerk, Elaine Evans
County Engineer, John Phillips
County Attorney, Bubba Samuels

Item 1 & 2: Invocation and Pledge of Allegiance – Chairman Bridges called the May regular board meeting to order. He welcomed everyone and thanked them for their interest in the business of Franklin County. Chairman Bridges asked Commissioner Wester to lead the invocation and pledge to the American flag.

Item 3: Approval of Minutes:

April 6, 2015 Public Hearing
April 6, 2015 Regular Board Meeting
April 28, 2015 Work Session

Chairman Bridges said that there are three sets of minutes for approval. He said that these were sent to the Commission Board for review. He asked for a motion to approve the April minutes. Commissioner Jacques made the motion to approve the minutes as written and distributed, following review of them. Commissioner Wester seconded the motion. Chairman Bridges asked for discussion. There was no discussion. He asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Wester; Commissioner Jacques; Commissioner Strickland; and Commissioner Franklin.

Item 4: Items To Be Discussed:

A. Public Comment – Chairman Bridges asked if anyone wished to make a public comment. He said to please come forward and state your name before making the comment.

Patricia Canup came forward to speak. She said that she owns property on Hwy 59 and she is not in favor of chicken houses being built down the road from her. Mrs. Canup said that she believes that the odor from the chicken houses will cause problems as well as lower the value of the surrounding properties.

Greg Gibson stated he is against the chicken houses being built on Hwy 59. He said that all chicken houses smell and attract flies. He said that he lives close to the chicken house location and does not want them built in this area. Mr. Gibson said that other people are against the chicken houses but they did not attend because they feel that the decision has already been made to allow the chicken houses to be built. He asked the Commission Board to vote what is in their heart and do the right thing for Franklin County.

Larry Brannen came forward and spoke against the proposed chicken houses for Hwy 59. He said that he does not want to offend any chicken farmers but he said that the chicken houses on Hwy 59 are not welcome because of the location near the hospital. The future businesses that may come in will probably be hindered by the location of the chicken houses. He said that he is looking after his future and the future of the County.

David Brown asked to speak. He said that he and his family are looking after the future. He said that the location of the proposed chicken houses is family land where pigs were raised in years past. Mr. Brown said that he and his family did not just move into the community, it has been a farm a long time. He also said that all requirements have been met per Franklin County. He also stated that the houses will be turned the opposite way from the hospital and the adjoining land owners.

Judy Segars said that she lives next door to the proposed chicken houses on Hwy 59. She said that she does not want to live beside of them. She also said that her neighbor does not want to live next to them. She asked that they put something besides chicken houses on the land.

Terry Rushton said that he lives in Lavonia so it will not directly affect him but he said that he pays Franklin County taxes. He said that it does not matter how a chicken house is turned that the wind will take the smell back. Mr. Rushton said that there is an area around the hospital that has been designated hospital zone. The people in this zone can continue doing as they are doing now. If these people decide to sell their properties then they must sell to someone who will be hospital zone, such as a doctor's office, drug store, restaurant or hotel. He said Franklin County does not need to lose the hospital.

David Brown asked permission to speak again. He asked if everyone is familiar with the City of Franklin Springs. He said that a General Dollar store has just been built within throwing distance of broiler houses. McDonalds has cars running in and out all day. The location near the chicken houses does not seem to bother these businesses.

Greg Gibson asked to speak again. He said that what bothers him is that the Brown family does not live in Franklin County. As far as he knows they live in Madison County. Mr. Gibson said that the people of Franklin County are proud to have the hospital. He said that he does not see how Franklin County can grow with the location of these chicken houses.

Wesley Allen asked to be recognized. He said that he has an item to be voted on tonight to be able to build chicken houses. Mr. Allen said that poultry built Franklin County. Franklin County is the number one poultry county in the State of Georgia. Georgia is the number one poultry state in the United States. Franklin County was built by chicken farmers. Mr. Allen stated that he was raised on a chicken farm by a chicken farmer. His college education was paid for by his father who operated a chicken farm. Chickens built Franklin County.

Larry Brannen spoke again. He said that he understands that there are a lot of chicken farmers in Franklin County. He said that he understands that this does employ a lot of people. Mr. Brannen stated that not everyone in Franklin County aspires to be a chicken farmer. There is nothing wrong with that kind of business. His only issue is the location of the chicken farm on Hwy 59, just strictly the location not the chicken houses.

Thomas McHaney said that he does not believe that chicken farmers built Franklin County. He said that his opinion is that the lake built Franklin County. He said that he does not want chicken houses near the hospital.

Commissioner Strickland said that Franklin County is a poultry county. Franklin County is also a growing county. He said that it is not the desire of the Commission Board to raise taxes on the citizens. Commissioner Strickland said that he has been trying to find a buyer for the land on Hwy 59. He said that he spoke with Mr. Brown and he is open to selling the land. Commissioner Strickland asked Mr. Brown could they have delay on the vote. Mr. Brown said no because he and his family have followed all of the requirements from Franklin County.

B. Comprehensive Plan – Chairman Bridges said that the comprehensive plan for Franklin County was talked about at last week’s work session. He then asked County Manager Beth Thomas to go over this item. Mrs. Thomas said that the local government plan was given out at the work session for review. Franklin County has already received approval from DCA and GMRC. A resolution was given in the packet at the work session. Mrs. Thomas asked that the Commission Board adopt the comprehensive plan for Franklin County. Chairman Bridges asked for a motion to adopt the comprehensive plan. Commissioner Jacques made the motion to adopt the comprehensive plan as written. Commissioner Franklin seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Commissioner Franklin; Commissioner Strickland; Chairman Bridges; Commissioner Jacques; and Commissioner Wester.

C. Purple Heart Declaration – Chairman Bridges asked County Manager Beth Thomas to give the details on the Purple Heart Resolution. Mrs. Thomas said that Farris Johnson made a request of the Commission Board last year to declare Franklin County as a Purple Heart County. Georgia is designated as a Purple Heart State. This resolution would give recognition to the veterans of Franklin County who are Purple Heart recipients. Chairman Bridges asked for a motion to designate Franklin County as a Purple Heart County. Commissioner Strickland made the motion to approve. Commissioner Jacques seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Commissioner Wester; Commissioner Jacques; Chairman

Bridges; Commissioner Strickland; and Commissioner Franklin.

D. Library Board – Chairman Bridges said that the next item for discussion is the library board. County Manager Beth Thomas said that Rita Shoemaker had asked to speak to the Commission Board. Mrs. Thomas asked Ms. Shoemaker to come forward and make her presentation. Ms. Shoemaker said that she is the chairman of the Franklin County Library Board and she is here to make the library budget request. She said that the good news is that with the addition to the library patron usage has increased at the Royston Library. Ms. Shoemaker said that the library is asking for an increase of \$26,972.96 over the amount given last year by Franklin County. Teacher retirement has gone up by \$405 annually. Insurance which has to be held in reserve, even if not used is \$10,116 annually. The library board also has asked for a wage increase of three percent for FY 2016. In this budget request Ms. Shoemaker also asked for a part time employee at an increase of \$6,899 annually. The extra part time employee is needed because of the increased patronage from Hart County and Madison County, in addition to Franklin County.

Ms. Shoemaker said that the computer usage is up at the library. She also said that there is a service offered once a month to help people with job searches. Commissioner Strickland said that this service is offered by Georgia Mountains Regional Commission. Ms. Shoemaker confirmed that this is true but that they come through the library system. She said that the library is a needed service although people have greater access to internet connections.

Ms. Shoemaker said that the funding received from Franklin County for last year was \$32,500. The funding contributed for the library system from Elbert County was \$65,000 and the contribution from Hart County was \$77,000. Stephens County, which is a larger county, contributed \$267,000 to the library system. Hart County has one library branch; Franklin County has two library branches. Franklin County is doing more with less than Hart County is with more. One of the branches in Franklin County is a Carnegie Library. Most of the Carnegie buildings are no longer used as libraries.

Franklin County is part of the PINE system which means that books can be checked out anywhere in the State of Georgia. Books can also be transferred from other libraries to the Franklin County system. Ms. Shoemaker said that the libraries in Franklin County are something to be proud of. She also said that the increase is necessary to keep the doors open to provide services to residents of the County.

Commissioner Strickland asked Ms. Shoemaker if the library has fund raisers. Ms. Shoemaker confirmed that they do but that this is what puts new books on the shelves. She said that this does not help with the other expenses only new books. She said that if grant money is received it is for upkeep on the buildings, not for operating expenses. Commissioner Strickland asked for clarification on what the \$8,225 deficient was. Ms. Shoemaker said that this amount is to make up where the reserve amount was spent last year.

Commissioner Jacques asked Ms. Shoemaker what the residual is for the library. Ms. Shoemaker said that they are required to have salaries for the two full time managers in residual. Commissioner Strickland asked how much is in reserve at this time. Ms. Shoemaker said that

\$8,225 is what is showing. She said that this amount will be used for this budget year. Commissioner Strickland questioned Ms. Shoemaker on the increase given the library for last year. Ms. Shoemaker said that Franklin County gave an increase of \$2,500 last year and they are very appreciative of it. She said that the library system will be happy with anything that can be added to the budget for this year. She went on to say that the libraries bring people into the County. People come to see the Carnegie Library in Lavonia because of the history. People come to the Royston Library because it is larger. When people come into the County they stay and shop. Commissioner Strickland asked if the Royston Library could get funding from Hart County and Madison County. Ms. Shoemaker said no because the library is in the city limits of Royston.

Chairman Bridges thanked Ms. Shoemaker for her presentation. He said that County Manager Beth Thomas is currently working on the budget for next year. The library request will be taken into consideration. Commissioner Strickland asked Ms. Shoemaker why an increase for the County for FY16 and not for the cities. Ms. Shoemaker said that the City of Lavonia and the City of Royston pay the electric bills; custodial bills; property taxes and maintain the buildings. Because of this the library board is not asking for more from the City of Lavonia and the City of Royston. Last year the City of Canon and the City of Carnesville gave increases to the library board so they did not want to ask two years in a row.

E. Planning and Zoning Items

1. Request for Conditional Use – Brown – Chairman Bridges asked for a motion to approve the conditional use request for the Brown family. Commissioner Wester made the motion to approve the request from Mr. Brown. Chairman Bridges asked for a second. Commissioner Jacques seconded the motion for the purpose of discussion. Chairman Bridges opened the item for discussion. Commissioner Jacques said that what is proposed by the Brown family is legal based on the current zoning regulations of Franklin County. He asked that they consider the time, effort and resources that the City of Lavonia and the County has put into development of the area for an economic engine; an area to provide regional health care and the quality of life for the residents. Commissioner Jacques asked the Brown family to please consider these factors if the motion is approved. Commissioner Strickland said that he agrees with everything that Commissioner Jacques said. He also said that he has talked with Mr. Brown and he is open to selling the property for an amount of \$300,000 for 25 acres. A house and drilled well are also on the property. Commissioner Strickland said that this is a reasonable and doable amount. He said that personally he does not want poultry houses that close to the hospital. He also thanked the Brown family for their willingness to talk with the Commission Board.

Chairman Bridges said that his decision is based on the legal requirements for the property. He said that the guidelines were followed. Franklin County is a poultry county and the zoning is agricultural. He then stated that as far as the hospital, no indication has been received by the County that this will affect the sale of it. Based on these two elements Chairman Bridges stated that he is ready to vote on the item. Commissioner Strickland said that where the property adjoins the other 55 acres is where something might be affected. Mr. Brown asked how much is being asked for the 55 acres. Commissioner Strickland said that he did not know. Mr. Brown said that he asked the individual who owns the property and he said \$20,000 per acre. There was no further discussion. Chairman Bridges asked for a show of hands. The motion passed by five

(5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Wester; Commissioner Jacques; Commissioner Strickland; and Commissioner Franklin.

2. Request for Conditional Use – Tran – Chairman Bridges said that the next planning and zoning item is a conditional use request for Mr. Tran. He asked for a motion to approve the request. Commissioner Jacques made the motion to approve, following review and the recommendation from the Planning Commission. 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 five (5) YES votes to zero (0) NO votes. The YES votes were Commissioner Franklin; Commissioner Strickland; Chairman Bridges; Commissioner Jacques; and Commissioner Wester.

3. Request for Conditional Use – Allen – Chairman Bridges said that the next item is a conditional use permit for Mr. Allen to build eight poultry houses. He said that this item has been recommended for approval by the Planning Commission. Chairman Bridges asked for a motion to approve Mr. Allen's request. Commissioner Jacques made the motion to approve, based on the Planning Commission recommended and the applicant meeting the requirements of Franklin County. 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 five (5) YES votes to zero (0) NO votes. The YES votes were Commissioner Strickland; Commissioner Jacques; Chairman Bridges; Commissioner Franklin; and Commissioner Wester.

4. Abandonment of Clarks Creek Church Road – Chairman Bridges said that the last planning and zoning item is the abandonment of Clarks Creek Church Road. He asked for a motion to abandon Clarks Creek Church Road. The item died for lack of motion. The property stays as it currently is.

F. Hospital Update – Chairman Bridges asked County Manager Beth Thomas to give an update on the hospital. Mrs. Thomas said that the negotiations are ongoing and all parties are working together for a successful outcome. The County is contractually obligated to fund the Pilot bond balance of 8.3 million dollars. She then asked the bond attorney, Jim Pannell to give an update on the cash management plan for the hospital.

Mr. Pannell stated that he is a bond attorney with the Savannah law firm of Gray, Pannell and Woodward with over 30 years of experience. His firm has been involved with a lot of financing in the State of Georgia, in particular in the area of hospital financing and intergovernmental contracts. Late last year, County Attorney Bubba Samuels contacted Mr. Pannell and asked him to review the documents from 2010 concerning the hospital. At that time the bond issue was 39.5 million dollars through the Franklin County Industrial Building Authority. There was also an 8.5 million dollar bond issued through the Lavonia Hospital Authority. There is an intergovernmental agreement between the Lavonia Hospital Authority and Franklin County. The agreement states that if the revenues from the hospital are insufficient to pay for indigent care and medical services of the Hospital Authority then the County is contractually obligated to repay the debt service. The maturity of the bonds goes through 2040.

Franklin County was notified in 2014 that the hospital has been operating at a deficient. The debt service payments by the hospital ceased in May 2014. Franklin County was notified by the bond trustee and payment of the interest was demanded. During this time there was a letter of intent and some discussion of Saint Mary's Hospital acquiring Ty Cobb Regional Medical Center. Franklin County paid the interest payment because there was no other available source. Interest payments are due every six months. The next payment is due on June 1, 2015. Franklin County has already received notice that there are insufficient funds to make this payment. An asset purchase agreement between Saint Mary's Hospital and the operations of Ty Cobb is now being drawn up with closing by June 1, 2015. The required public hearing for sale of a hospital will take place this Thursday (May 7th) at the Ty Cobb Hospital. If all of the parties agree on purchase price and other conditions then the sale could possibly take place by June 1st. Mr. Pannell said that there are other lien holders ahead of Franklin County for repayment. The first bond holder is 39.5 million. The sale price of the hospital being negotiated with Saint Mary's is less than half of that. In order for the sale of the hospital to move forward, Franklin County needs to release the security deed against it. According to case law, Franklin County has a legal obligation to repay the bond because of the intergovernmental agreement.

Mr. Pannell stated that the cleanest and cheapest way to repay the bond is to go to the voters of Franklin County and ask them to authorize the Commission Board to issue general obligation bonds to refund and refinance the obligation. The next opportunity to bring any issue before the voters is this November 2015. Franklin County would be able to refinance at a lower interest rate than what is currently on the bond. If present market conditions prevail and the voters approve this, it is possible that this could take place by the end of 2015.

Another approach to make the bond payment is to put this on the next SPLOST. The current SPLOST expires at the end of 2016. It is not an uncommon practice for counties to renew the SPLOST a year in advance. There are several reasons to consider this option – the number of days to hold an election each year is limited. The County will know that SPLOST is renewed with no gaps in collections; and if SPLOST is rejected there is time to have another referendum before expiration. In order to renew a SPLOST a ten day notice has to be given to the mayors in the County. This action needs to be taken to start the process. This will help with the budget to help with the hospital bond repayment.

Commissioner Strickland asked how many years will the repayment be for. Mr. Pannell said that the current bond goes through 2040. SPLOST can be used to pay general obligation debt. If SPLOST is continued it is possible that this debt could be retired sooner. County Manager Beth Thomas said that careful consideration has been given to the financial plan. The option presented by Mr. Pannell for repayment with SPLOST seems to be the most feasible plan. Total payoff would not be the goal. The debt service payments would be included in the SPLOST request. Nothing would be taken from public safety or any other necessary service. Commissioner Jacques said that this particular bond has a ten year call. There is a method that will allow refinancing prior to the call date. Commissioner Jacques asked if this has been explored and would it be financially feasible for the County. Mrs. Thomas said that this was looked into but the cost would be in excess of the interest payment, almost \$300,000. Commissioner Strickland asked when the call date is. Mrs. Thomas said that the call date is 2020, 10 years after the start of the bond in 2010. Chairman Bridges and the Commission Board

thanked Mr. Pannell for his update on the hospital.

G. Executive Session – Pending Litigation – Chairman Bridges asked for a motion to close regular session and go into executive session. Commissioner Jacques made the motion to close the regular session and move into executive session for pending litigation. Commissioner Strickland seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Wester; Commissioner Jacques; Commissioner Strickland and Commissioner Franklin. The regular session closed at 7:00 p.m.

Chairman Bridges asked for a motion to come out of executive session and go back into regular session. Commissioner Jacques made the motion to come out of executive session and go back into the regular board meeting also for Chairman Bridges to sign the closed meeting affidavit in which pending litigation was discussed. Chairman Bridges then asked for a second. Commissioner Strickland seconded the motion. Chairman Bridges asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Jacques; Commissioner Wester; Commissioner Strickland; and Commissioner Franklin.

Chairman Bridges asked for a motion to allow County Manager Beth Thomas to move forward with contacting the mayors of the City of Canon; the City of Carnesville; the City of Franklin Springs; the City of Lavonia; and the City of Royston about SPLOST negotiations. Commissioner Strickland made the motion to move forward. Chairman Bridges asked for a second. Commissioner Jacques seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Commissioner Franklin; Commissioner Strickland; Chairman Bridges; Commissioner Jacques; and Commissioner Wester.

Chairman Bridges asked for a motion to adjourn. Commissioner Strickland made the motion to adjourn the regular board meeting. Chairman Bridges asked for a second. Commissioner Jacques seconded the motion. There was no discussion. Chairman Bridges asked for a show of hands. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Wester; Commissioner Jacques; Commissioner Strickland; and Commissioner Franklin. The meeting adjourned at 7:30 p.m.

Signed on the _____ day of _____, 2015

Chairman J. Thomas Bridges

Robert L. Franklin, District 1 Commissioner

David R. Strickland, District 2 Commissioner

Jeff Jacques, District 3 Commissioner

Eddie Wester, District 4 Commissioner

Elaine H. Evans, County Clerk