



**FRANKLIN COUNTY  
BOARD OF COMMISSIONERS  
PUBLIC HEARING MINUTES  
December 5, 2016  
5:30 P.M.**

**BOC:** 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:** Shane Scoggins, *Franklin County Citizen*  
MJ Kneiser, *WLHR*

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

*Chairman Bridges* called the meeting to order and thanked everyone for attending and for their interest. He said that this meeting is for three conditional use permits for poultry houses. The conditional use for Baty Road was withdrawn so that issue will not be addressed. Chairman Bridges said that with three items to be discussed; each item will have 10 minutes. Additional time will be given if not used by the previous item.

The first conditional use request was from **Uyen Le** for North Fairview Road. Ms. Le started that she is for the request. There was no opposition.

The second conditional use request was from **Huy Anh Dinh & Nguyet Hang Dinh** for South Fairview Road. Mr. Dinh said that he is in favor of the farm. *Donald Smith* spoke against the request. He said that he owns 157 acres down the road from the proposed location. Mr. Smith stated that he bought his farm as an investment. He said that he is afraid if chicken houses continue to be built that the property values will go down. Mr. Smith said that he thinks an environmental study needs to be done to see how many chicken houses the land can sustain.

*John Marr* came forward to speak against the chicken house. He said that he



lives about a quarter of mile from the proposed location. Mr. Marr said that the stench and the litter that comes with it will make his property value will go down. *Sue Ingram* came forward to speak. She said that on a portion of Hwy 326 there are 18 chicken houses that are visible from the road. Mrs. Ingram said that she knew that chickens bring money to the County but she doesn't want to smell or hear them. She doesn't want to hear the fans or see the trucks on the road all day long. Mrs. Ingram said that she does not want to live with chicken manure flying all over the place.

The third conditional use request was from ***Anthony David Pham*** for Athens Road. Chairman Bridges asked if anyone would like to speak for this request. *George Butler*, an attorney from Dahunega, GA came forward. He said that he had previously taught zoning law at Emory Law School and for the last 30 years has practiced almost exclusively in the area of zoning. Mr. Butler stated that the Zoning Ordinance for Franklin County is fairly extraordinary in that it recognizes the importance of chicken farms to the economy of the County. He said that the property is zoned A1 which has determined that the land is already suitable for intensive farming and poultry farms are a conditionally permitted use. Mr. Butler said that the Zoning Ordinance states that poultry farms will be allowed as long as they meet the minimum allowed requirements.

*Mr. Butler* presented the Commission Board a hard copy of an email that was sent to them earlier in the afternoon stating Georgia case law. He said that the State of Georgia treats a conditional use permit in the same manner as a building permit or a subdivision plat application. Mr. Butler stated that according to the rules of the State of Georgia, when a person applies for a permit they are entitled to have it based on the rules that apply when they apply for it. He said that in the State of Georgia when a person applies for a permit they vest their right to have the decision making body grant the permit based on the rules that are in place when they apply.

The Planning and Zoning Board tabled this permit and Mr. Butler said it was because the City of Carnesville raised some objections. He said that it looked like a secret meeting may have taken place on November 8 that may or may not have been advertised consistent with the Open Meetings Act. Mr. Butler said at this meeting it was determined that two applications would be granted and one denied. The controversial application is the one that is near the County ball fields and with the Vietnamese applicant and maybe can be held up by a moratorium. Mr. Butler said that this application cannot be held up by a moratorium because of vested rights.

In the November Planning meeting Mr. Butler said that Chairman Daphne Farmer gave the reasons to deny as not having a letter of intent from the integrator; no soil and



erosion study being done and not having a pit permit. Mr. Butler said that the other two applicants did not have letters of intent either. He also said that no one does a soil and erosion study or gets a pit permit until the conditional use permit is granted. Mr. Butler said that the last reason for denial was the County Recreation ball fields, although they are close to the City of Carnesville sewer pond. He said that under the County ordinance this is not one of the minimum requirements. This property also has chicken houses all around it, including houses that are in the City of Carnesville. Mr. Butler concluded by stating that based on the vested rights; the ethnicity of the applicant; and the Open Meetings Act he respectfully asked that the recommendation from the Planning Board be disregarded and the Commission Board do their duty based on the ordinance and the fact that they meet the minimum requirements.

*Chairman Bridges* asked if anyone would like to speak against this request. *Mike Barrett* came forward to speak. Mr. Barrett said that he lives in the city limits of Carnesville and he is also on the City Council. He said that there was not a special meeting, it was a work session. Mr. Barrett said that the recommendation to deny by the Planning Board is because of the Recreation Department and the school. He also said that the sewer pond is in the process of being closed. Mr. Barrett said that at some point brakes have to be put on; the permits are being handed out like they are candy. He asked the Commission Board why they have a Planning and Zoning Board if they don't plan on listening to them.

*Phillip Ingram* came forward to speak in favor of the moratorium. Mr. Ingram said that the health and welfare of the kids is great but the health and welfare of the rest of the County matter as well. He shared his concern of the water usage amount for chicken houses. Mr. Ingram stated that he is a geologist by trade and that there are times that it is hard to get water out of the ground. He said that the health and welfare of the citizens need to be considered before additional chicken houses are allowed.

*Stanley Whitsitt* said that the Planning and Zoning Board based their findings on the health and welfare of the community. He said that citizens do not have trust in the federal government; state government; and sometimes even the local government. Mr. Whitsitt said that the Planning and Zoning Board did an outstanding job, that they did not make up the rules and regulations but they went by what they had. The Planning and Zoning Board studied and voted. He told the Commission Board if they did not take the recommendation from the Planning and Zoning Board they were giving them a slap in the face. He said that one bright point in Franklin County is that Elizabeth Thomas is an excellent county manager. Mr. Whitsitt said that she is the best county manager that Franklin County has had. Commissioner Jacques said that was good timing as she is



being evaluated tonight in executive session. Mr. Whitsitt said that the Planning and Zoning Board operated in the best interest of the health and welfare of the kids in Franklin County and that it is not easy for them to say no.

*Eric Segars* spoke on behalf of Daphne Farmer. He said that he has broiler houses and his farm is about 10 years old. Mr. Segars said that all the paperwork had to be in place before it was presented to the County to issue a permit. He said that Mrs. Farmer goes by the rules.

*Chairman Bridges* said that the regular session will start at 6. He said that public comments will also be allowed prior to the vote on the conditional use items. Chairman Bridges adjourned the public hearing at 5:58 p.m.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 2017

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*Chairman J. Thomas Bridges*

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*Robert L. Franklin, District 1 Commissioner*

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*Jason Macomson, District 2 Commissioner*

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*Jeff Jacques, District 3 Commissioner*

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*Eddie Wester, District 4 Commissioner*

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*Elaine H. Evans, County Clerk*