

UPSON COUNTY BOARD OF COMMISSIONERS
6:00 P.M. – Regular Commission Meeting
City/County Meeting Room – July 11, 2017

AGENDA

Attendance: Chairman Allen, Commissioner Spraggins, Commissioner R. Ellington, Commissioner J. Ellington, Commissioner Wilder, County Manager Jim Wheelless, Attorney Heath English and County Clerk Jessica Jones

- I. CALL TO ORDER
Chairman Norman Allen
- II. INVOCATION
Commissioner Wilder
- III. PLEDGE
- IV. ADOPTION OF MINUTES
June 27, 2017 Regular Meeting Minutes

Motion: Commissioner Spraggins **Second:** Commissioner J. Ellington

Commissioner R. Ellington – Yes Commissioner Wilder – Yes
Commissioner Spraggins – Yes Commissioner J. Ellington – Yes

- V. PUBLIC COMMENTS
Julie McLendan, 196 Berry Road, Barnesville read the following letter.

7/11/17

To: Upson County Board of Commissioners

From: Taxpaying Residents of the Rest Haven Road, Jackson Drive Area

Ref: Appeal of Planning and Zoning Decision

Parcel 094 001 Special Exception to Build and Operate Large Scale Concentrated Animal Feeding Operation Specifically 6 44' x 600' Chicken Houses

We have filed an appeal in reference to Special Exception SPX2017-02 which was approved for Bill H. Thompson after 3 meetings of the planning and zoning board. The above described parcel is owned by Donald C. Bohannon and is part of a conservation agreement with Upson County for a reduction in valuation and property taxes.

Many residents and taxpayers of the area within a 3-mile radius have appeared and spoken out against the placement of the chicken growing operation on the basis of health, safety, nuisance and standing law. We presented evidence of residents' allergies including asthma brought on by chicken dander, litter, feed and other particulate matter associated with chickens. This is exacerbated by the close proximity of the operation to neighboring residents.

We are concerned for our health, the contamination of our ground water and lakes, ponds and streams. We presented evidence of the leaching of contaminants such as hormones into the ground water where we get our drinking water. All of this was lost on all but two of the board members who voted against the exception and actually cited the caselaw from the Georgia Supreme Court concerning the chicken houses being a nuisance by nature which we researched and provided.

A member who voted for the exception spoke in a condescending tone to us and told us that it didn't matter how many people showed up against the exception they would go by their rules. That's fine, but their rules regarding special exceptions were not followed. The health, safety and nuisance factor of the neighboring taxpayers was never addressed. A 70-year old widow who has lived in her residence for nearly 50 years should not be forced to be a prisoner in her own home with the stench and contamination of more than 700,000 chickens no more than 500 feet from her front door. Her grandchildren and the children of other residents should not have to live in fear of having an asthma attack if they try to enjoy the outdoors. Mrs. Carlene Truitt pays taxes on 170 acres of land and has for nearly 50 years. Yet she, a widow, is going to be punished by greed setting up shop on a 30-acre tract which gets nearly a 50% tax abatement. Something is wrong with this.

In agreeing to pass the application, there were numerous stipulations agreed to on the record in the planning and zoning hearing. These concerned the emptying of the stack house every 4 weeks and burning of the dead chickens. These dead chickens cannot be burned in the open and have to be burned in a special incinerator built for that purpose per the EPA.

The largest blunder was the applicant agreeing to a 200' property line setback with certain distances maintained and presented on a map which you have a copy of. The distance to the Weatherford home across Rest Haven Road is shown at 500' to the furthestmost point to the nearest chicken house. Upon

checking the official maps in the tax office today, that distance was determined to be only 361 feet. This was confirmed by a local, well known surveyor. Now, this exception was voted on based upon this incorrect information as a contingency. There are more incorrect conditions which were considered prior to this vote which makes it quite shady in nature.

Property devaluations are a reality and will be inflicted upon innocent tax paying citizens. Certainly the tax office will see an influx of residents demanding their property tax valuations reflect the decrease in value due to this chicken house operation. There will be contamination of surface and ground water. The constant stench of chicken house odors and flies will be always present so people will not be able to enjoy their ponds, lakes, pools and property in general effectively violating their constitutional rights.

The Ga Supreme Court case of May v. Brueshaber, 285 GA 889 alone should have been enough to deny this special exception. It is called a "special exception" for a reason and should not have been taken lightly. This is far more than putting up a couple of barns and raising a few chickens. With our appeal filed we look forward to seeing it through. It is just a shame these honest, hard-working people have been put in a position to defend their property rights against someone who has no respect for the residents who have made this area their home for years.

VI. NEW BUSINESS

- a. Discussion and approval of resolution for schoolhouse on Andrews Chapel Road
Mr. Heath English stated that the initial plan was to meet the Mr. Gary Self to put the resolution together. He added that Mr. Self cancelled the meeting and has not rescheduled.

Mr. Self added that he cancelled because some of the Commissioners advised him that they wanted to be involved. He stated that he would be glad to be at the next planning session to discuss the agreement. He added that he does not mind waiting because the board has already agreed to take over the property.

Chairman Allen asked Mr. Self, Mr. Wheelless and Mr. English to meet with him after the meeting to discuss a plan.

- b. Discussion and approval of purchase for Road Department in 2016 SPLOST
The board discussed the bids to purchase a tractor to replace a 2007 Challenger. Mr. James Melton stated that they have been testing a 2016 Massey Ferguson Demo Unit and that is the one he would like to purchase. He added that the warranty would start when they take ownership.

A motion was made to approve the bid from Atlantic & Southern for the 2016 Massey Ferguson 5612- Tractor demo-unit for \$117,902.84.

Motion: Commissioner J. Ellington **Second:** Commissioner R. Ellington

Commissioner R. Ellington – Yes Commissioner Wilder – Yes
Commissioner Spraggins – Yes Commissioner J. Ellington – Yes

County Manager, Commissioners and County Attorney Comments

County Manager Jim stated that they are wrapping up interviews for the salary study and they should have a preliminary report mid to late August.

The Attorneys are working on Po-Biddy Road.

He added that he is working on the community parks/center, but Mrs. Daniel has been busy with the baseball series. The baseball team is accepting donations for their travels to Mississippi for the World Series.

He is working with the CFO to have numbers for the board to set the mileage rate.

He is looking at different options for employee retirement.

Commissioner Spraggins had no comments.

Commissioner J. Ellington stated that he will be having a town hall meeting on Aug. 1 at the Thurston Community Center.

Commissioner R. Ellington had no comments.

Commissioner Wilder stated that he supports the baseball teams.

County Attorney Heath English advised the board that there are notification requirements for the appealing process of the chicken houses.

Chairman Allen asked everyone to please support the youth while doing there fundraisers for their travels.

The board has a lot on their plate to work on; the next work session will be Aug. 2.

They just received the tax digest and the evaluations showed a little increase.

He attended the planning commission's meeting and he understands it is an emotional issue. He asked for everyone's patients as they go through the process.

ADJOURMENT

Comm. Wilder made a motion to adjourn, with a second by Comm. Spraggins to adjourn the meeting at 6:31.

Chairman Norman Allen

Commissioner James Ellington

Commissioner Frank Spraggins

Commissioner Lorenzo Wilder

Commissioner Ralph Ellington

Jim Wheelless, County Manager