



**MINUTES
FEBRUARY 14, 2017
8:30 A.M.**

**STEPHENS COUNTY BOARD OF COMMISSIONERS
HISTORICAL COURTHOUSE COURTROOM**

PRESENT FOR MEETING: Commissioners Debbie Whitlock, Dean Scarborough, Stanley London, Dennis Bell and Michelle Ivester; County Clerk Beth Rider; County Administrator Phyllis Ayers; County Attorney Brian Ranck

**PUBLIC HEARING FOR THE FOLLOWING:
2nd READING OF AMENDED ALCOHOL ORDINANCE
SECTION 6-63. Applications**

Attorney Brian Ranck opened the public hearing. Mr. Ranck stated we have some amended changes to the alcohol ordinance where the commissioners are proposing to add language that would require that all taxes be paid at the premises where the license will be carried out. This is the second reading of that ordinance change so it will be voted on for adoption here at the regular meeting. Mr. Ranck opened the floor for anyone wishing to speak in favor of the amended alcohol ordinance. No one spoke in favor of the ordinance; Mr. Ranck opened the floor for anyone wishing to speak in opposition of the ordinance, no one spoke in opposition. Mr. Ranck closed the public hearing.

**2nd READING OF NEW ALCOHOL LICENSE FOR
CALICO COUNTRY STORE**

Attorney Brian Ranck opened the public hearing for anyone wishing to speak in favor of the new alcohol license. No one speak in favor. Mr. Ranck opened the floor for anyone in opposition, no one spoke in opposition. Mr. Ranck closed the public hearing.

PUBLIC HEARING PLANNING AND ZONING

Ms. Ayers opened the public hearing stating we will take item number one, two, and three together as they are the same properties. The planning commission met on Tuesday night, and has made their recommendation. In your agenda packet there under items one, two, and three you have all the detail from what the planning commission took a look at. You have the recommendation and analysis in your agenda.

- (1) REZONING REQUEST FROM WILLIAM HUTTO, 140 FREEMAN CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 033 092. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURAL GENERAL/RESIDENTIAL DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO REZONE AS AGRICULTURE INTENSIVE TO HAVE A POULTRY FARM OPERATION

Your analysis in your agenda states that the surrounding land use is agriculture and residential. The current zoning surrounding it is AI, AR, and RS. The property is 107.84 acres and was a functional property for intensive agriculture in the past. The properties around this property is in a mixed use area

of intensive agricultural, residential agriculture, and residential. At the time of the origination of the zoning map, had this property been in conservation use it would have been zoned agriculture intensive. The land use proposal is in conformity with the policy intent of other adopted plans. The recommendation from the planning commission is to approve the rezoning.

- (2) CONDITIONAL USE REQUEST FROM WILLIAM HUTTO, 140 FREEMAN CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 033 092. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURAL GENERAL/RESIDENTIAL DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO GRANT A CONDITIONAL USE PERMIT FOR POULTRY OPERATION

Ms. Ayers stated this conditional use request is to have a poultry operation and under agriculture intensive, which this has been a big question, even if it was zoned agriculture intensive to start a new operation under the ordinance that was adopted and written by the land use committee, you still come before the planning commission for a conditional use permit. It is item number six on page 17, and due to the same reasons as the analysis in the zoning, this item is recommended for approval.

- (3) VARIANCE REQUEST FROM WILLIAM HUTTO, 140 FREEMAN CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 033 092. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURAL GENERAL/RESIDENTIAL DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO GRANT A 130' VARIANCE FROM FIRST CHICKEN HOUSE CLOSEST TO PARCEL NUMBER 033 078 AND A 58' VARIANCE FROM SECOND CHICKEN HOUSE CLOSEST TO PARCEL NUMBER 033 078

Ms. Ayers stated this one has changed about three times however, the first original request you have several photos; you have an original photo configuration, you have a revised configuration that was brought Tuesday night, and this morning Ms. Ayers stated she had actually given the board another screen shot look at a piece of property that was to the left that we discussed Tuesday night that does have a house, it is circled in red in the top corner which would change the variance request on the two chicken houses closest to parcel number 033 078. Without an inhabitable dwelling you can put that chicken house 200 feet from the property line, but with inhabitable dwelling it needs to be 300 feet.

So, now the variance request for the one closest to that parcel would be approximately 130 feet. The variance request for the one right beside that one would be approximately 58 feet. Ms. Ayers stated she had drawn a little red line that would either cut that chicken house off or see if it can be shifted in the other direction. The fans on the other end of the new houses plus those two does meet the 600 foot setback. Ms. Ayers stated the planning commission denied the setbacks because once you get into agriculture intensive and you get a conditional use permit granted, you do need to meet the setbacks of the district requirements.

Ms. Ayers stated we will open up the floor for those in favor of these three requests, and after that we will hear from those that are in opposition. Like we did Tuesday night if you're going to say the same thing and you want to pick a few to represent you, you can do that but please don't feel like we do not want to hear your voice. Ms. Ayers stated we don't want anyone walking away feeling like they cannot be heard. We're just trying, in sake of time, move the meeting forward. We will start with those that want to speak in favor of this request.

William Heath Hutto – Good morning. Mr. Hutto stated he is the property owner of 140 Freeman Creek Road, which is Twin Creeks Farm. Mr. Hutto stated he was just going to give you the history of the farm and of his family and their plans for this farm. The house and the four original broiler houses were built in 1987, two more houses, broiler houses were added in 2004 which made it a six house farm. The property was foreclosed in January of 2014. Mr. Hutto stated he began the process to try to purchase this farm in January of 2015. It took us almost 20 months to finally close in August of 2016.

We consider it a blessing to be able to own this property, or this poultry farm, to work it and to raise our children in this community. Mr. Hutto stated he previously lived on and managed an eight house broiler farm for seven years in South Georgia. Mr. Hutto stated his plans were originally, to take down the four old broiler houses and build new ones in its place a little bigger; and then they planned to keep the two newer ones that were built in 2004 and add to make it an eight house broiler farm. In an effort to satisfy some concerns from the community and my neighbors we decided to move the new six towards the middle of the property to try to meet all the required variances on the six new ones.

This property has been a poultry farm for over 30 years. We are looking forward to having a well-managed eight house broiler farm. We are excited to be a part of this community and to raise our family here. Thank you.

Ken Martin - 1664 Ridgemore Drive, Toccoa, Georgia and he is the Broiler Manager for Fieldale Farms. Mr. Martin stated he would give a little history on the farm before William got into it was it was built in the late 80's, with one owner, Lee Keener bought it in 1990 ran it until 2001. At which point Fieldale was there at that time but we stopped production on the farm. It went back to the bank. William Kesler bought it and he passed away in 2012. The last chickens that were grown on that farm were September 2012. So it's been less than four and a half years since it was an active poultry farm.

William introduced himself and the fact that he's grown up on a farm, he understands farming. Mr. Martin stated one thing he wants to make sure everybody knows, this is not a Wilbros, it is not a rendering plant; it is a family farm. He is doing what your Chamber of Commerce is looking for, willing to invest two million dollars into your county and relocate to live here. The original plan, was like he said, because of grading cost and everything else, we were going to tear down the old houses and go back with the new houses on those four sites; keep the two newest houses, which are only a little over ten years old and then add two more houses. After talking with Tom Herron and some of the other neighbors, they asked us if we could shift the fans the other direction. So once we had to move 300 feet, or 200 feet off the line, it didn't matter; we could turn the houses. Mr. Martin stated we came up with a whole new plan which is the second page, which would put the tunnel fans at about 1100 feet away from that property line instead of 150 feet away from that property line. It met all of the criteria, it turned the houses around. We're not going to tear down the old ones until Mr. Hutto decides that's what he wants to do. We got into the zoning issue, and as we've talked about before, there's been even internally in the county some issues because of this part 4021 that says, Agricultural uses include field crops, fruits, vegetables, and other forestry product, commercial greenhouses, plant nurseries, livestock, product raising feed lots, turkey ranges, and livestock and poultry operations, provided they meet all of the district minimum requirements in these regulations. In that zoning it's one acre, it says the exact same thing on AG intensive or AG industrial; it has the same wordage. Mr. Martin stated he didn't think it was ever put in there for somebody if they are looking at a one acre tract if somebody wanted to have chickens. If you follow those setbacks by the county, if you have a house on the adjoining property, you have to have the minimum size for you to have a chicken and AG residential is a tract that is 600 feet by 600 feet which means 8.3 acres. Mr. Martin stated so everybody in Stephens County that is sitting in AG residential that doesn't have a piece of property at least 600 feet wide and 600 feet long and owns a chicken is in violation of the county ordinance. Mr. Martin stated he didn't think they would go out and enforce that and there is a lot of people with an acre there is no way they can have the current setbacks. It's not different that the zoning wouldn't be different but on three sides of this property it is already AG intensive, and it's not setting a precedence; that was brought up the other night.

There's a tract and that's one of the next pictures, the next one is Yow Mill Road. It is two owners, when you are talking about numbers of houses per acre, there's a seven house farm on 29.9 acres, immediately adjoining it, this is the big page, and immediately adjoining it there's a six house farm on 29.98 acres. The two families are related and if you look at the map there's even a road between the two farms. So in that case you've got 13 houses on less than six acres, or less 60 acres of land. We're talking about eight houses on 107 acres of land. So it's not a precedence in any way. Mr. Martin stated the other one that

you have a map on is McEver's on Oak Valley; it used to be the Benfield Farm. It is seven houses on 68.94 acres and it is surrounded by residential, look at the amount of houses and lots around that farm. It is AG Industrial because it was under the conservation reserve; it was made AG Industrial, which Mr. Martin stated he didn't understand.

Mr. Martin stated the other thing when you got to the zoning, the county is still taxing this property as an operating poultry farm; the taxes haven't changed much. In 2011, it was \$8,700; in 2012 it was \$7,700; in 14 in April it was \$9,800 because they were late; in October they paid \$9,200; in February of 2016 because it was late they paid almost \$12,000. In October of 2016 when the thing was sold the county brought the taxes up and it was at \$9,800. Nowhere in there does it ever show that the property was devalued and the houses couldn't be in production, they kept the taxes just like it was an operating farm. Mr. Martin stated his concern is, if you're taxing it like it's an operating farm, it still should be an operating farm. Another thing that came up in the other meeting the other night was, about the grading and Freeman Creek right there. Any site over an acre of grading anywhere in the State of Georgia has to have an EPA storm water runoff plan. Which if everything is approved we will have. They also have to be inspected by an approved inspector on a weekly and a monthly basis and after every rainfall of over half an inch that stream will have to be checked to make sure there's no runoff into the stream. So, we will take every precaution and approve by the EPA the plans will be, to make sure we don't get anything in there. The other thing that came up the other night was a letter was sent to Mr. Hutto asking for a meeting. He asked me what to do, Mr. Martin stated, from past experience he told Mr. Hutto he would not step into a hornet's nest. Mr. Martin advised him not to have the meeting because it's one against everybody. That's normally not a fair fight and Mr. Martin stated he has never seen it come out good. Mr. Martin stated he advised him not to have the meeting with the neighbors and stated it was his fault if that would have made a difference. Mr. Martin stated the other thing that came up is somebody said Franklin County has stopped chicken houses. Franklin County has not stopped chicken houses. Franklin County put a moratorium to review the regulations on chicken houses. They had in one month, applications for five, six house farms; one of them was an immediate adjoining the new county ballfields. They don't have a regulations nor does Stephens County on distances from a church, public building, ballfield or anything else; that may be something you want to revisit. Hart County did that, Mr. Martin stated he worked with Hart County over a year ago they have changed all of theirs. Madison County is going to change theirs. Franklin County just simply put a stop on everything for 90 days until they can get that done. There are 900 chicken houses in Franklin County; it is worth \$60 million dollars a year to that county. Stephens County has 160 so you're looking at about a fifth of the same as Franklin County. Mr. Martin stated to me this is what your county, your Chamber of Commerce wants to do. They want to start a new production facility in this county; they want people to relocate here. He is looking to spend multi-million dollars to do this and that's what we're asking everybody to do. The one thing the other night the variance, we thought it was at 200 feet, it wasn't as big of a deal; we had to take one house and cut 30 feet off the front end. Because there is a house on the adjoining tract and the adjoining tract is zoned AG Intensive and that house is way off but we would have to take 170 feet off of the house now, which makes the house basically worthless. Everything Mr. Hutto has done is based on his loans from the banks for several million dollars and it's all based on eight houses in production and this would take two of those houses out of production. Mr. Martin stated he didn't know if it's financially feasible if we have to do that. Thank you.

Kevin Fleming stated he has lived on this road for 37 years. Mr. Fleming stated he has known everybody that's owned every poultry farm there, Mr. Loudermilk, Mr. Keener, and Mr. Kesler. Those houses have never had an adverse effect on my family; Mr. Fleming stated he has been there as long as anybody on Freeman Creek and not saying anywhere else in any other surrounding part of the area. Mr. Fleming stated you know this is a rural farm in Stephens County, if you can show me another tract in Stephens County that you could put eight chicken houses on and have not as many houses around Mr. Fleming stated you'd be hard pressed to find in Stephens County. This property just fell through the

cracks, this guy he wants to build chicken houses. As a whole everything around here is AG Intensive, it fell through the cracks and was a working farm. This man is just trying to build a farm, he is a farmer. It has never affected anybody and Mr. London, you lived on this road and don't think it affected your family at any time; you lived there for several years right above me. So with that being said, you know everything is AG Intensive; why are we trying to fight this? It's not really, it's not the issue of being a poultry farmer, it's a zoning issue to me because we've had a poultry farm there. We've had people that's worked, and lived there. He has invested two million dollars in our community. If we had a business coming in, you would all be welcoming them. Everybody here would be, oh this is employing a hand full of people; yet he is going to invest two million dollars and, he's going to be an American farmer that feeds our families and you are giving him strong opposition. If this zoning is not passed it will come up again when the next property owner comes through the county. Are we going to just cut all our farmer's out? Mr. Fleming stated he has talked to Mr. Hutto and he is willing to meet all the requirements and the zoning of the commission that you have said, and he's willing to meet all this. Mr. Fleming stated he didn't see how that you can really deny it of building this poultry farm. He is a good man; if people would just go talk to this gentleman you would see that he is not out here trying to hoodoo nobody. He's just trying to make a living as an American farmer. With that being said, Mr. Fleming stated he ought to get this zoning passed. Thank you.

Vernon Wilkinson – Mr. Wilkinson stated he would like to welcome this man and his family to Stephens County. Mr. Wilkinson stated he was a chicken farmer, stating he is also the next guy. Mr. Wilkinson stated Saturday morning he had the privilege of speaking with Commissioner London, you know I'm getting ready to build a stack house. My question was with the new process here the zoning and setbacks and first one thing and then another, what the variance would be? Mr. London researched that, got back with Mr. Wilkinson on Saturday afternoon and explained to him what he would have to do. Now, the question he would ask, and in support of this man basically petitioning you to let him do this to build these chicken houses. Do you want every time somebody builds something, do you ultimately want this to land in the lap and have conversations like this or do you want to let the board that you've picked do their job, let the people do their research and decide what needs to be done. Mr. Wilkinson stated maybe he was not putting that quite eloquently but what he is trying to say is; every time somebody builds an agriculture building in Stephens County, we don't need to have this type of hearing particularly with the rules that have been laid out and set forth. If you adhere to the rules then your process should go forward. Thank you.

Chad Bartmas stated he lives at 156 Freeman Creek Road which is directly in front of 140 Freeman Creek Road known to me and my family as Twin Creeks Farm. Mr. Bartmas stated he and his wife have resided there since 2005 at which time there was a poultry farm in operation. We had no concerns in reference to the health and safety of ourselves or our children, just as we did not have any concerns now with any operation of a new poultry farm. My wife's family has owned and operated a farm of various sizes over many years. This farm is still in operation today by the work of my own hands. Therefore, we are aware of the need of agriculture in our community. We think it's very important and valuable, and we extend our full support to the Hutto family. Thank you.

Brittany Ivey stated she lives at 3966 Hwy 184 North in Toccoa, Georgia. Ms. Ivey stated she is speaking to you today on behalf of the Farm Bureau here in Stephens County and also as a neighbor of Vernon Wilkinson who spoke. Ms. Ivey stated she lives within a mile of his broiler houses and she can honestly tell you today neighbors that are concerned about the smell; she has never smelled anything adversely coming from his chicken houses that are less than a mile from her home. They've been there her whole life. Ms. Ivey stated she has lived on the same road for 33 years except for the 10 years that she lived in Athens and right down the road in Banks County. Ms. Ivey stated, she was coming to you commissioner's this morning on behalf of the Farm Bureau. When we started talking about zoning five

years ago we were promised this was not to come after agriculture. This was not going to affect the agriculture interest of farmer's here in Stephens County. And here we have a chance to make good on our word and protect our farmer's and to ensure that we can continue to grow our agriculture community here in Stephens County. Ms. Ivey stated she wanted to talk to you a little bit about the numbers, because the numbers don't lie. There has been a lot of false information spread, she felt like, through this process; a lot of facts that you're welcome to check. We've got our Extension Agent here today, Forrest Connelly, he can help you get the facts right; but let's just talk numbers just a little bit.

The average chicken house in Georgia is taxed anywhere from \$4,000 to \$6,000. We all know that it wouldn't hurt to have Stephens Counties tax base brought up it would benefit everybody in the county. Right now, just poultry in Stephens County pumps \$90 million dollars when you add-in the economic impact of 1.7 percent, which is really a low figure economic impact. It pumps \$90 million dollars back into our community. If you want to look at Georgia's numbers there are over 4000 houses in Georgia. Over \$5 billion dollars annually is put back into Georgia because of poultry houses and poultry farmers. The direct sales in Georgia are \$11.7 billion dollars when you add in the economic impact. And when you look at indirect sales you're talking about \$18.4 billion dollars. Fifty thousand people in Georgia are employed because of the poultry industry. Another 50,000 so that makes it 100,000 when you do the indirect impact of jobs in Georgia, is affected by the poultry industry. Ms. Ivey stated what scares her today as she looks at this family, she stated they are probably about the age of her and her husband who also have three children; we don't have anywhere close to 107 acres, but if 107 acres isn't enough for eight chicken houses, what is? Where in Georgia are you going to find that kind of land or a couple in their 30's and 40's that can afford to buy if they do find the land? Ms. Ivey stated we want to be really careful here not to set a precedent and Vernon touched on the importance of the planning commission. But if we're not going to listen to them and we're not going to take their word, then what's the point in them spending time away from their families to make these decisions and to give y'all a recommendation if it's not going to be what we move forward with; Ms. Ivey stated she was not saying that you're not going to take the recommendation. The last thing that she wanted to talk about that hasn't been touched on is just your utilities and your power, your water, you're not thinking about that. Talk to some of these poultry farmer's out here. Ask them what their utility bills are? Ask them what they pay in water. Ask them what they pay in power. You need to take all that into account when you think about this and the impact this could potentially have on our community. Ms. Ivey stated she don't see how it could be anything but positive. Thank you very much for your time.

Forrest Connelly, County Agent, Stephens County. Mr. Connelly stated for those of you that don't understand what a county agent does; Mr. Connelly stated he works with the University of Georgia and we have a county agent office in 158 counties and a couple of them we have two offices. We work with agriculture and other aspects of the community. Mr. Connelly stated one thing he does, he is a Nutrient Management Planner. What happens whenever we have a poultry house put in, a plan has to be written up and done so this person can be in compliance and a lot of times this comes with their loans that they need to do. Mr. Connelly stated what he did want to talk about is some of these publications and certainly some things Brittany had is all documented and facts with the University of Georgia, is some of the environmental concerns. Right here on the first two lines of all this, upon a poultry farm and often content environmental pollution is a major problem associated with poultry farming. This is not only distortion of the truth; it's a misrepresentation of the facts. A properly well managed farm will not pollute or cause environmental problems for neighbors. In fact, for the organic people with the litter and things like that we can use for fertilizers on the ground. On poultry farms, the manure is mixed with the pine shavings. That's what is called litter and that's what is put on, it is not straight litter.

One of the things we've been doing in 60 years for having nutrient management planners and doing these things, never has there been any evidence of significant water pollution because of a poultry farm. Some of the other things you look at are depleted soils in North Georgia, we are attributing to the re-

establishment of our soils up here that were becoming more fertile because we're allowed to put some of this poultry litter on there. We all need to eat; we all need to have a good affordable food.

Another thing on the air emissions, we were talking about that people worried about it blowing in; somebody mentioned something about swimming pools and things like that. Here is some university testing, they demonstrated they are talking about ammonia and particle matter discharged from houses. At 100, 200, 300, and 500 feet from the fan, they dispersed in the atmosphere very quickly after emission; the particles could not be measured at any significant level. In the studies ammonia concentrations were less than one part per million at 50 percent, 75 percent, 85 percent, and 90 percent of the time respectively. After 500 feet the levels there was no difference observed than normal air samples. Mr. Connelly stated he believes if the houses are 500 feet and they are so many feet off of the property line, then there's no way to detect difference. Mr. Connelly stated this is University data and he was just trying to bring the facts if there are any questions he could answer for anybody. Thank you.

Denman McFarlin stated he lives at 30 Bruce Road and has broiler houses on 226 Bruce Road down next to Hartwell Lake. Mr. McFarlin stated he has been in poultry business for almost 39 years with Fieldale. He has never had a complaint with no neighbor or nobody, if there was a complaint they went to somebody else, nobody ever said anything. Let me tell you just a little bit, odor; there is going to be a little odor with anything that's an animal. Beef, poultry, hog parlors, anything, but he has never had a complaint. If it was a complaint, and Fieldale knew it they would come to me, and if he didn't correct it he wouldn't have chickens. The regulations that they have for us poultry growers, we have to abide by. They also walk those chickens every week in those houses, they check everything. They check the ammonia to see what level it is, and he has never had a complaint about that. We need agriculture, poultry houses, layer houses, or whatever, cattle in Stephens County. Mr. McFarlin stated he was thankful to know that people are interested in agriculture, interested in farming. Anything that is to feed us, you know, that's what's wrong now. One day if we're not careful you'll be buying all your stuff from China or somewhere where they don't care, they don't care what they put out; they don't care what they fertilize the fields with or anything. What will happen, America will cut their arm off that feeds their mouth. Mr. McFarlin stated all these years with Fieldale, he gets papers and letters all the time and he reads them, they tell him what he has to do. We have to keep our farm clean, we have to have our grass cut no higher than three inches; and we can't have anything around our poultry houses. We have rat boxes put out for rodents; we have to keep them fixed and baited at least once a month. We have to take the old bait out and put new in. Mr. McFarlin stated when he cleans out he don't see any mice in his chicken houses because they furnish the rat poison. We have to have those rat boxes 100 foot starting at the front and you go 100 foot for each rat box, rodent box, whatever you want to call it. All these things we have to do in order to grow chickens for Fieldale; Mr. McFarlin stated he didn't know about the other companies. Mr. McFarlin stated he wanted the public to know that with Fieldale Corporation we are checked and if the field rep doesn't do his job somebody else will come do it for him. Mr. McFarlin stated he appreciated them listening and he is thankful to know that we have a county that is interested in agriculture. We do know that where there's an animal there's going to be a little odor. May God bless you and he is not complaining about the people that don't want it; he wants the public to know if you come to his farm, ride by his road by his farm and see what you smell. When we clean out chicken houses and spread the litter, you get a little odor for about three days. It'll go away. It's time for me to clean out and can't because of the restrictions of the disease. It's been over a year since I cleaned out. Thank y'all.

Chairman Whitlock asked when you spread the litter, what does that mean. Mr. McFarlin stated the litter trucks, a spreader truck, they come in and haul it out of the chicken houses, and then it's spread on the pasture, the hay fields, and whatever. Chairman Whitlock asked is that on your property there where the chicken houses are or do you sell it and they take it somewhere else. Mr. McFarlin stated he put some on his and then put it on some of these other people that's in hay business and stuff that need chicken litter. They put it on their farm. Chairman Whitlock asked Mr. McFarlin, you have a farm where you grow

vegetables? Mr. McFarlin stated he grows vegetables and whatever we eat. Chairman Whitlock asked is that where you spread it there? Mr. McFarlin stated No, he spread it on his pastures and what he don't use the other good people in Stephens County that are in agriculture, they take it and spread it on their hay fields where they cut hay or their pastures. Chairman Whitlock asked why he spread the litter on your pastures where you're cows are. Mr. McFarlin stated so he can have the grass to grow for them to eat. Chairman Whitlock stated Okay, thank you.

Forrest Connelly stated he would like to make a comment about the spreading of litter and what the Nutrient Management Plan does. A poultry farmer cannot go and load up and spread all the litter at one time. They have to take annual soil samples and the Nutrient Management Plan says how much litter can be put per acre on that property. Brittney Ivey stated it is safer than fertilizer. Chairman Whitlock asked Mr. Hutto what he planned to do with his litter. Mr. Hutto stated he has a stack house on the property that is a covered shed to put the litter in; we have pasture but have not made any further plans. Mr. Hutto stated he will have to have a litter control plan. Mr. Hutto stated he would like to be able to give it or sell it to the other farmers in the community but he would still have 40 acres. Chairman Whitlock stated you are planning to do something with the rest of your field. Mr. Hutto stated it is pasture field, it would make sense we have to pay taxes on it; we need to generate something on it a hay field or cows. Chairman Whitlock stated so it is very possible you will be spreading litter at some point. Mr. Hutto stated at some point, yes.

Ms. Ayers asked if anyone else wished to speak in favor of this request, hearing none we'll take anyone who wants to speak in opposition of this request.

Tom Herron stated he lived at 179 Outback Drive and our property borders the Twin Creek Farm property. Back years ago when Howard Bell was county commissioner he had a concern about the school buses traveling across the little pond between Stonecypher's Lake and Buena Vista Drive. This little pond is located on the opposite side of Stonecypher's Lake; there were no guardrails on either side to prevent the buses from possibly going off the road and into the lake. At that time, there had been several cars that had run off the road and into the lake and was worried for the safety of his children and other children riding those buses. Mr. Herron stated he decided to contact Howard Bell on a Friday afternoon and share this concern and then on the following Monday morning he had a crew out there installing guardrails and he was amazed at the sense of urgency that he took upon himself to ensure that this concern was legitimately taken care of quickly. Mr. Herron thanked the commissioners for listening and taking such quick action at that time. Mr. Herron stated now he has another concern of equal importance. Twin Creek Farms has proposed to put seven to eight chicken houses on a Freeman Creek Road property and he is deeply disturbed about the narrow and winding roads that multiple trucks will have to travel each day to this property to haul feed, waste, and chickens and the fact that many of these trucks will be going in and out of the property at night and in the early morning hours when our children will be waiting on the side of the road for the school buses to pick them up. To give you some facts regarding the size of the roads and vehicles, a school bus is eight foot wide; the chicken trucks average eight and a half feet wide. Freeman Creek Road is only eight and a half inches wide per lane and Buena Vista Drive is only eight feet, seven inches wide per lane. This leaves little to no room for a situation for a school bus might meet one of these trucks and when that does happen one of those vehicles will have to veer off the side of the road to be able to pass each other. If the drivers of these vehicles are not vigilant and aware of their surroundings a tragedy could occur. The amount of early morning traffic through the number of trucks going in and out of this property and through Buena Vista Drive would put our children at risk of being injured or killed; this is far too great a risk for us not to consider the commissioner's decision today to consider rezoning this property. We also have to take in to account that it would be very difficult for any of these large trucks to turn on to Freeman Creek Road. In the past there was not a property owner at the corner of Freeman Creek Road and Buena Vista, now there's a mobile home there with a drop off of about 10 feet; there are no guardrails there. In the past this gave the

trucks that came in some leeway for turning on to the dirt to get down the road. Now this is not the case. Those trucks will be required to move in to the opposing lane of traffic to get down that road possibly hitting other vehicles, the stop sign, or even falling off the side of the road and on to the opposing property causing damage or serious injury to someone. It is difficult enough for the school buses to turn on and off Freeman Creek on to Buena Vista. Mr. Herron stated he had seen this himself traveling down this area in the early morning. It's also been proposed that the trucks enter from Highway 145 onto Silver Shoals Road, but that road is just as narrow and winding as Freeman Creek and Buena Vista. Another situation that we would have to consider is the earth and dam on Stonecypher's Lake. If trucks are allowed to cross that dam, could it withstand the additional weight of the daily traffic that's going to come in and out with the heavy trucks? There are also known infrastructure issues on the road that crosses Buena Vista by the small pond. That road is caved in many times, and the county has been out there having to patch it and try to shore it up. It has had multiple repairs over the years. What impact will the increased traffic and load bearing trucks have on our roads? These are serious things we need to ask ourselves prior to making any decision regarding a zoning change on this property. Mr. Herron stated he would hope the commissioners would take all of this information seriously and consider the ramifications of allowing this potential rezoning and consider the safety of our children when making their decision today. Mr. Herron stated he appreciates the efforts to make Stephens County a safe place for our children. Your actions today will let us know where your priorities are for voters of Stephens County. Thank you for your time.

Chairman Whitlock asked Mr. Martin from Fieldale if they had looked into the road issue at Freeman Creek and Buena Vista roads. Mr. Martin stated Fieldale and another company serviced that farm for 32 years coming and going on the same roads, nothing has changed about that. We are bound by DOT to follow the State highway to the closest county road to the farm. If there is a safer way in or a different way in our safety group will meet with them if DOT has us come in a different direction even if it is a longer road on a county road. Mr. Martin stated he did not know how many trucks they run, last year they drove over seven million miles; one charged accident that was for an unsecured load. We drive on all kinds of roads, we are still in Rabun County on dirt roads; we are running these trucks in and out on single lane roads in Rabun County and we have not run anyone over, haven't run over any buses; haven't run any trucks off the roads we are very safety oriented. Chairman Whitlock stated you haven't looked at the roads but you are going off of basically that you've traveled those roads and Fieldale serviced those poultry houses for years. Mr. Martin stated yes, we were in there for a number of years and so was MarJac, same size trucks, same roads, no problem. Chairman Whitlock stated, thank you.

Yvonne Bollinger stated she lives at 265 Outback Drive, Toccoa. The Stephens County Planning Commission approved the Freeman Creek Farm operation to agricultural intensive and passed the final decision on to you for the Freeman Creek poultry operation; you, our elected commissioners. Ms. Bollinger stated she had stated her opinion in previous meetings. We have put articles on the radio and in the newspaper. Ms. Bollinger has lived on her property since 1978 and also through all of the previous poultry operations starting in 1987. Ms. Bollinger stated she is well aware of the impact on the community and the noxious odors that were omitted for her and her family. As previously stated, she is opposed to another poultry operation on this site. The Freeman Creek property was bought as AG residential and should not change to AG Intensive. Ms. Bollinger stated she is putting her future in the hands of you, the elected Stephens County Commissioners that she does not have to live through this again since the Stephens County Land Use regulation ordinance was approved in 2014. Also, the decision you make today will set a precedence for Stephens County and how you make decisions of this nature in the future. We've made our voices heard and elected commissioners pray you have listened. Thank you.

Von Westmoreland stated he resides at 831 Old Mize Road. Mr. Westmoreland stated he was going to narrow it down to pretty much what all this is about. He stated he had heard different things, from the

other side. We're not against poultry. We are for farming, we are for FFA, we are for all, we are just for proper zoning. What this comes down to, he feels just comes down from corporate greed versus the community. Person after person, he didn't get names but everybody that spoke up here are talking about the billions of dollars that would be brought into the community. The taxes or the State and what all FFA's done. We're for that, we are 100 percent for that; we are just for proper zoning and to live peacefully within our neighborhoods. There are 18 homes in a subdivision right across the road from this. There are 145 parcels within 2500 feet of this farm proposal; 376 parcels within 5280 looking at a mile there. There are a lot of parcels here and this all comes down to the commissioner's. Mr. Westmoreland stated he respects your decision. It comes down to corporate greed versus community. The Stephens County, Toccoa the beautiful or what are we trying to do here. 1 Timothy 6:10 says, "It's not money but the love of money that is the root of all evil". In other scripture it says, "Love thy Neighbor". So the decision is yours. Mr. Westmoreland stated he did not prepare an elegant speech. He just wanted to share his heart. The only self-interest he has is his property borders this property. My property borders theirs. My son dreams of building a home here. My daughter's 25, she dreams of building a home. We have nothing against the poultry, and think that's the way this conversation's went today. We are for it 100 percent; we are just for proper zoning. The board is there to make decision and that's what we ask. Thank you.

Mike Herron stated he lives at 9 Outback Drive. The Stephens County Planning Commission is recommending the approval to the Freeman Creek Road poultry operation from AG Residential to AG Intensive. Now they've passed on the final vote to you our elected officials. Many people have already voiced their opinions on this situation. Mr. Herron stated he thinks more needs to be said and facts brought to light. The proposed zoning change for this farm would go beyond the traditional agricultural character of Stephens County. More important an industrial chicken farm of this size will omit the unbearable stench of death, destroy property values, and pose health risk to our elderly and children who live in close proximity to this location. Despite what the planning commission stated in the previous meeting, this is not a rural area. It's a vast residential neighborhood with several subdivisions and hundreds of property owners within a two mile radius. According to the US Environmental Protection agency a poultry farming operation of this size would produce many pollutants. Manure and waste water will omit Nitrogen and Phosphorous, organic matter, sediments, pathogens, heavy metals, hormones, antibiotics, and ammonia into local streams, rivers, and air, and our water table for those of us who still use wells for drinking water. Mr. Herron stated he is a hard-working tax payer and have the right to live on my land as he wishes without being subjected to industrial style chicken farm operation next door. He would hope that all property owners in this area would feel the same way and many are here today. While they may not speak up like he is doing, hundreds have signed petitions and many support an effort to keep this property zoned AG Residential, just the way it should remain. He has lived on this property all his life and remembers the horrible smells that came from the previous poultry operations when they opened in 1987. Mr. Herron stated he is well aware of the impact on the community it had been and the horrible odors that he had to smell when he was a child. However, there were no zoning laws in place back in those days. And now that we have such laws, what about the citizens right to a decent quality of life. As county commissioner's you are duly sworn to represent us the decent hard-working tax payers of Stephens County and not the special interest of Fieldale. With all this being said, we should not be made to feel as if we are the villain's just because we are speaking out on this proposed chicken farm. Some folks seem to assume that oppose any type of agriculture however, nothing could be further from the truth. We are just for common sense zoning and holding our elected officials accountable for making right decisions for the entire community not just a select few. There are plenty of other suitable locations in Stephens County that would be hospitable for poultry farm of this magnitude and that would not destroy quality of life for so many. I appreciate your time. I hope you make the right decision today because many lives are depending on you. Thank you.

Don Stack, stated he is an attorney, based out of Atlanta and Savannah. Mr. Stack stated many of you know me because he along with your county attorney, Brian Ranck, represented the county in this lengthy battle to deal with the negative impacts imposed by or caused by improper land use and development which took place at the Wilbros facility. Mr. Stack stated he heard earlier that this is not another Wilbros and for that he is sure everyone here hopes that is not the case.

As a result of Wilbros however, and you all know this, that you as a county and act as a zoning ordinance who's goal has been and always must be, as is required by law, to protect the health, safety, and welfare of the general population; and that is the underlying theme and the underlying requirement for any zoning ordinance, to protect the health, safety, and welfare of the entire community. Not just a special interest group who is not even located here in Stephens County but instead has operations in Habersham County. The folks here made it abundantly clear that they are not opposed to agriculture.

The package Mr. Stack has for you today is to talk about actual facts to support the contentions that will have direct impact. Unlike the rosy picture painted by the Fieldale representative and even to a lesser degree the county extension agent. There is a long history of environmental and health and safety quality of life impacts from poultry farms of this nature. It's really important, Mr. Westmoreland pointed out that the folks here are not to be villainized because they are seeking to protect their homes, their residence, and their families. You have talked, and think it interesting that you are even as recently as this morning, getting new information from the applicant as to how he intends to operate this facility; or where he intends to put things and they haven't even thought it through. They're very fundamental question was, what about your Nutrient Management Plan. That is critical because as we recognized there is a great deal of waste being produced and yet he says, he hasn't addressed that. Then he says, well there's a stack house that he intends to use, what he didn't tell you is that the stack house is 15 feet from Mr. Westmoreland's property. The zoning ordinance requires 200 feet, so right off the bat they are telling you we have figured this out but we're going to somehow magically make this work.

Mr. Stack stated he thinks is important for you all to know that the representation has been made that this has been a successful poultry operation, and actually is, in fact, if you look at the zoning application it says this is a zoning, a poultry operation. Well, you've heard today that that's been at least four years, closer to five years since there have been any activities on the site. There have been three prior operators at that site. None of whom have been able to make this work successfully without impacting the local community. Mr. Loudermilk, Keener, and Kesler all ultimately failed and you've heard from some folks how ready the impacts from those operations. You've heard that it went into foreclosure. In fact, Mr. Hutto even bought the property in foreclosure. So there's clearly tells you that their trying to fit a square peg into a round hole at this location. Mr. Stack stated the other thing that you need to understand is that contrary to the representations made today, Mr. Hutto has no ties to the community. He's telling you, well, he intends to do this, his family intends to come here. He lives 380 miles away on the Gulf Coast of Florida; he is not a local resident. In fact, he was very careful to say his family has operated poultry farms in the past, he never said he has. So, we all know from the Wilbros experience what happens when you try to get on-the-job training and the complex operation such as a poultry farm.

The other thing that you had referenced earlier was, Franklin County and they have a 90 day moratorium and there's a reason for that, they are recognizing after the fact all the impacts that have occurred because of industrial size poultry operations. This is not a family farm folks, let's be real clear about that. This is an industry; this is a very heavily industrialized proposal that is being put forth for you. The question is why wouldn't you go to Habersham County then if you are Fieldale operation, that is where they operate out of; let them do it in Habersham County. The reason they are not doing it there is because Habersham County has had its fill. Hart County, Hart County is saying, okay we've got to stop and figure out what to do about all of these facilities. How about Hall County? It calls itself the Poultry Capital of the World; let them operate in Hall County. They don't need to be here in Stephens County.

The other thing that is critical for you to recognize is that the farms that were here on location in the 1980's and the 1990's are vastly different from what's being proposed here today. Mr. Stack stated what he wanted them to realize is we are not against the agricultural farmer. Mr. Stack stated what is

interesting is that some of the growers themselves are sitting there trying to tell you that all is well and good when it's very clear that in numerable studies by the industry itself have shown that the farmer's themselves only average \$20 to \$40 thousand dollars per year after everything that they've done. After all the hard work they've put into it, their net income tends to be less than \$40,000 a year. The other thing, the operation historically the houses that sit on the property now are what are called half-curtain design poultry houses. Those allow a passive type of ventilation. Basically, the walls of the houses could be open to allow natural air flow and then you would use misters and you would use internal fans to control air temperature. Those farms typically would have two to four houses with 15,000 birds. So, think about that. Right there you're talking about a maximum of 60,000 birds. What is being proposed here today? What's being proposed is eight houses that purposely, intentionally utilize a 48 inch fans to purposely discharge their airborne diseases, ammonia, arsenic, nitrogen, phosphorus, feathers, innumerable microscopic pest, particulate matters, and dust, and of course, let's not forget odors. Those fans typically pull 20,000 CFM, so they are actually sucking the air out and discharging it into the local community. The other thing you need to realize when we're talking about what was here and what's being proposed is that the grow out period now is different than was what occurred in the 1980's and 1990's. Historically, a grow out period would be four to five grow out periods a year. In other words, how many flocks of birds would you have? So, if you took 15,000 birds per house and the operations could push out 75,000 birds per house for a total number birds in the course of a year right at 300,000 birds in the course of a year. Even if all six houses were operational, you'd be looking at 450,000 birds. Remember those numbers 450,000 birds. What is being proposed here is a facility that can house 25 to 30 thousand birds. The applicant himself says these will contain 28,000 birds per house. In addition, the grow out period now is six to seven periods a year. So when you take those you have 196,000 birds per house with seven grow out periods you are now talking about 1,568,000 birds annually. That's more than four to five times as much as what operated here previously. The other thing you need to consider is the size of those birds that are being produced. In the 1920's it took 16 weeks to reach a market weight of 2.2 pounds; so four months to reach 2.2 pounds. Today, because of the antibiotics, the hormone, everything else, these birds, the 1.5 million birds being proposed will reach a weight of 5 pounds in less than seven weeks. So they'll literally be double the size of what was grown historically in half the time. So, now that representation has been made that there are no environmental impacts, that is flat out false. Let's not sit there and give alternative facts that are false. You all know what can happen with improperly run operation, but even with assume a properly run operation. The industries own research and that of independent studies over the last 20 years demonstrates that each chicken grown produces about 2.5 pounds of waste during its short lifetime, so each chicken is 2.5 pounds during its period. You don't have a sewage treatment plant here; you're not running it through the cities or any kind of municipal waste water treatment facility. With seven grow out periods; this poultry farm will generate 3,920,000 pounds of crap every year. Unfortunately, that's not the end of it. In addition to that actual fecal material, you have got to factor in the mortality that occurs during each grow out period. According to the National Chicken Council itself, this is the industry itself; the mortality rate for poultry operations in the United States is 4.8 percent in 2015. That means that 75,000 birds can be expected to die each year at this operation. Those carcasses must be disposed of in addition to the already accumulating liquid and solid waste by the birds themselves. The final market weight during a grow out period is now 6.24 pounds, which is up more than 42 percent from the market weight in 1990. So today's poultry operations are capable of pushing birds to market rate at a rate of 7.7 days per pound. So every week they're basically increasing that much each week. The mortality from this farm itself can be upwards of 469,000 pounds of dead birds; even if you say, they are not all going to be full market weight they are all going to be less than that. If you cut that in half, you are still looking at an additional 225,000 pounds of dead birds every year that have to be disposed of. So that means that you are dealing with over 4,000,000 pounds of waste every year. The last page, or one of the last pages of the presentation, shows this waste in relations to the weight of a Boeing 747 jet. You can see that this

literally is about seven to eight times as much waste as a Boeing 747 jet, how much they weigh. The chart also on page 11 shows comparison of total birds produced over a year is seven grow out periods. That in red on page 11 shows you what was historical and look at the blue section and see how much greater that is. So then the question is well they said, we don't produce any odors. The industries own studies have shown that these are what are called ground source emissions; what does that mean? It is different than a smoke stack. So ground source emissions means that it actually follows the contours of the property itself. This facility is going to sit on the top of a hill, given topographically where it is. That means the emissions, the air emissions, will literally follow the low points and fall into the valleys which is exactly what happened at the Wilbros facility and that is why you could smell odors miles away; that will occur here also. It's also when you look at the actual data from the industry itself it shows that you will find ammonia, arsenic, and numerous other constituents many of which have never even been studied yet. In fact, they can't even tell you exactly what all is in the waste material. Studies over the last two decades, again by the industry itself, reveal that each chicken in a poultry house releases one to two grams of ammonia per day with obviously the mature chickens producing more. So at 28,000 birds in a single modern day house ammonia production is 56,000 grams a day. With eight houses that's 488,000 grams of ammonia. What does that mean? That's 987 pounds of ammonia a day; ammonia is both an eye and respiratory irritant and according to World Health Organization and the American Industrial Hygiene Association the average person detects the odor of ammonia at one to two parts per million. According to the studies themselves the average person experiences irritation from ammonia at one to four parts per million. So they're producing 100 pounds a day. The studies themselves show that ammonia from poultry facilities is detected as far as five to six miles away, although, typically it's most commonly within a three mile radius. So contrary to what they were telling you earlier that these people will in fact sustain or be subjected to ammonia releases that will cause eye and respiratory irritation. Fieldale rep talking about they were going to do everything the EPA requires. The EPA the Comprehensive Environmental Response Compensation Liability CERCLA and the Emergency Planning Committee writes no act both set threshold limits for ammonia emissions at 45 kilograms per day, that's 99 pounds a day. What was the figure I gave you before? Nine hundred and eighty-seven pounds a day. So the threshold is exceeded here by almost tenfold. The studies themselves show that poultry houses surpass ammonia thresholds when there are only four poultry houses on a single site and yet here we're looking for eight. There was representation also made that there was no impact to water bodies. That's absolutely false also. The State of Georgia maintains a list of impaired and threatened water bodies known as the 303D list. They have to submit this list to the United States Environmental Protection Agency every two years. There is a direct correlation between water bodies and the 303D list and poultry houses. These poultry houses lead to elevated levels of nitrates, phosphates, and fecal material in nearby water bodies. Freeman Creek flows directly through the property, we have as demonstrated on page six of my presentation that Eastanollee Creek in this area are going to be on or are on the impaired water list already. There is clearly evidence in the studies again by the poultry itself. That attracts vermin.

Let me talk most importantly about the economic impact. There are 374 parcels located within one mile of the property at issue, 374. The current total assessed value from Stephens County Tax Assessor within one mile stands at \$37,949,367, almost \$40,000,000. Studies have shown that you can expect a devaluation of 30 to 40 percent from these facilities, even if you assumed only a 20 percent devaluation you are talking about devaluation to the tax base for Stephens County of \$7,500,000. That's direct. There are 144 parcels within 25 feet of the property at issue. The current total assessed value for these parcels is \$14,959,000. If you assume 20 percent devaluation you are left with \$11,000,000, so there is nearly a \$3,000,000 loss in value to the properties that are already assessed. You heard the Farm Bureau lady talk about the significant impact of the poultry industry as a whole. Absolutely true, but not here in Stephens County. You heard no representations made by any additional employment that's going to occur. And in fact, I'm surprised that some of these farmers are up here to talk about that because there is a class action law suit by poultry farmers against the industry itself in five states because the companies themselves

are fixing prices for what they pay to the farmers. So they are making \$12,000 to \$40,000 a year and yet they want you to believe that this the greatest way to make money as you can. The last thing or one of additional concerns, of course, it will raise safety concern and that's already been hit in terms of the road capacity. In summary commissioners my folks, folks in this community are not opposed to good development. They are looking to protect their life, their health, their safety, their quality of life and you as elected representatives have the obligation to help them do that. Mr. Stack thanked the board for their time.

Mr. Hutto stated as of November 2016 he was a resident of Stephens County. Chairman Whitlock asked Mr. Hutto if his wife and children live here. Mr. Hutto stated, "yes, mam", we do not live on the property because there is nowhere to live. We are in an RV park right down the road. Chairman Whitlock asked if Mr. Hutto owns a house in Florida. Mr. Hutto stated "No, mam, I sold it." Chairman Whitlock stated so you are living in an RV here and that's all you have. Mr. Hutto stated "Yes, mam, that's all I have". Chairman Whitlock thanked Mr. Hutto.

Chairman Whitlock asked Mr. Connelly if he could explain what the process is for streams, creeks, rivers, and lakes beside poultry houses. Mr. Connelly stated with the nutrient management plan that is always addressed in a nutrient management plan, all the waste is addressed in a nutrient management plan. That is done with the University of Georgia, The Georgia Department of Agriculture, and The Environmental Protection Division. Mr. Connelly stated he keeps hearing this EPA stuff, it's EPA in Georgia. Ken Martin can address how often that they have to test the creeks, annually that are anywhere near the proximity of the houses. As far as the nutrient management is concerned all the soils have to be sampled, all the birds, mortality and everything else has to be accounted for and otherwise if that cannot be used on that site or stored properly it has to go offsite. It just can't sit there stinking uncovered in the rain or anything else.

This is not just a gloom and doom with everything, what we hear when we're talking about these poultry houses. That is the biggest industry in Georgia is poultry. Altogether agriculture in Stephens County is \$156,000,000 and we keep talking about corporate greed. Mr. Connelly stated he didn't understand where that comes from because these are all individuals out here working. All these farmers probably the lowest percent of any type of occupation in the United States and they're feeding the world, and we're acting like they are just killing everything and they're not. The houses do not stink like everybody's trying to make them out to be. All day long, 24 hours a day, all week long. That's not true. It's absolutely not true. Mr. Connelly stated this data that he is giving to you is from the University of Georgia. This isn't just dreamed up and put in some facebook, Mr. Connelly stated he doesn't do facebook; but heard you can get a lot of good data on that lately.

It is regulated, Fieldale will check with the streams or anything like that. Mr. Connelly asked Mr. Martin if that was correct and stated that has to be monitored? Mr. Martin stated anytime there is a construction phase streams and land has to be monitored and it is not Fieldale; it has to be a licensed professional to come out and do it. All records are submitted to EPA on a weekly basis. Commissioner Scarborough asked if that was during construction. Mr. Martin stated during construction, after construction, you have a setback from the creek of how far the litter has to be from the creek; Mr. Martin stated he could not remember and thought it was 50 feet. Mr. Connelly stated it would have to be at least that, and then you would have to have grass, waterways, and everything else so it cannot wash in. Mr. Martin stated that's correct.

Mr. Connelly stated typically, and Mr. Hutto, let me ask you, are you planning on spreading any litter right there at the front where we talked about where the creek is even? Mr. Hutto stated "no". Mr. Connelly stated you wouldn't even do that.

(someone in audience stated you don't know what he is going to do with it) Mr. Connelly stated "Yes, he does." He just said. What do you mean he doesn't know? (someone in audience stated Mr. Hutto

stood there and said he was going to put it on his land). Mr. Connelly stated he was talking about in pastures and whether he is going to sell off site or on the pastures, not in that area. It doesn't leach coming out of the houses and going down to these creeks, it doesn't do that. (someone in audience stated if it comes a big rain it will do it). Mr. Connelly stated it's not going to wash out through the house.

Mr. Martin stated the houses are a dry litter system. Mary York stated if they can control those odors over there on that end, why can't they control odors down there at the hatchery; she stated it stinks all the way to her house. Mr. Connelly stated, "He didn't know about the hatchery, but thank you though for asking". Mr. Connelly stated that is a nutrient conversion plant; that is not the same thing that we're talking about here. These are two different things. (someone in the audience stated you have never lived next to the houses we lived next to). Mr. Connelly stated those were mismanaged. It has been admitted those houses were mismanaged. Mr. Connelly stated Mr. Kesler who had the houses when he got here, a farm accident contributed to his death and he believed his son tried to take over after that and was not successful at it. Mr. Connelly stated he didn't know if that was poor management on Mr. Kesler's part.

Chairman Whitlock stated she had one more question. She had concerns about the pest they talked about; beetles, bed bugs, flies, et cetera, coyotes, are these issues with now this is a broiler house? Chairman Whitlock stated she had read his report. One if you could answer that after you answer, what is a broiler house specifically? Mr. Connelly stated a broiler house is for birds and one thing he did want to know, is can you get seven flocks a year, Ken? Mr. Martin stated no, when they get birds they stay for five weeks. Chairman Whitlock asked what is a broiler house. Mr. Connelly stated the broiler houses are for the chickens that you buy in the house that you are eating for the meat. That's the broiler house, and you can have them five to six pounds, is that correct? (inaudible). Mr. Connelly stated it's not the egg; it's not the wet litter from the layers or anything else. Chairman Whitlock stated, Okay. Secondly, could we talk about pest control; buzzards, flies, et cetera, bed bugs, coyotes. Mr. Connelly stated, well any pest control certainly can be done on the outside of the houses and thing like that. As far as addressing the coyotes, Mr. Connelly stated he hasn't had the issues with that that we heard at the zoning commission about them dragging birds around into yards, dead birds.

Commissioner Scarborough stated he didn't live near a chicken house but he has plenty of coyotes near him and he stated he thinks they are kind of everywhere. Mr. Martin stated he would try to make this brief, he knows Mr. Stack wants to get back to the safety of Atlanta. Mr. Stack mentioned seven flocks, there are not seven flocks; there are five and a half flocks. We basically run six flocks over a two year period there will be six flocks one year, five the next, 11 flocks. There's not near as many birds as he said going through there. Mr. Martin stated he also mentioned arsenic. Arsenic by the trade name was Roxarsone; it has been taken off the market over seven years ago. It's not used in any poultry anywhere in the United States. That goes back to problems in Oklahoma with some water sheds there. Fieldale hasn't fed any Roxarsone in at least 15 years, we stopped the practice. It was arsenic that was in the gut of the bird that stops cocci control. Mr. Martin stated he didn't want to get in to science of birds but that is what it was for. We haven't used it, no one in the United States uses it; the manufacturer withdrew its use. So it's not possible that anybody is adding any arsenic to the chickens.

We're not adding hormones or steroids; all you got to do is read a pack of chicken. It tells you it is illegal, it doesn't work, it doesn't happen. The growth rate in chickens is from genetics and nutrition. Mr. Martin stated the genetics of these birds have been selected to grow at rapid rates. Obviously, if you're running a business and you have something that you can do faster just as well, that's what you want to do. So that's how these birds have been selected over time. Mr. Martin stated that Mr. Stack kept referencing 1960. What model vehicle do you drive, Mr. Stack? A1960? Mr. Martin stated he was referencing weights back to the 1960's; the weight of the birds. Mr. Stack stated, weight, weights. Mr. Martin stated that's what I'm saying, weights. Things change; it's 50 years later, 50 something years later. You changed your vehicle somewhere in the last 50 years so things do change. Mr. Martin stated other things Mr. Stack keeps saying, Fieldale; why don't they go back to Habersham County. This isn't a Fieldale farm, Fieldale could walk away from this today. This is Mr. Hutto's farm. Mr. Martin stated

Fieldale has facilities in this county, we have facilities in Habersham County, we have them in Hall County; but this isn't Fieldale. It's Mr. Hutto. We will supply the chickens; we will supply the feed and the technology of how to grow these chickens properly. That's what Fieldale does. We have to have a waste management plan where this litter can go. He may not know this minute; it may be loaded on trucks going to South Georgia which is where most of it goes. It's a fertilizer. Ms. Whitlock it is a fertilizer; that is what they are talking about. Mr. Martin stated it has a value of 3-3-3. You go to Lowe's, you buy a bag of fertilizer it's 10-10-10, and we are roughly 3-3-3. It's great for soil because it has the organic matter in it, it builds up the soil. People want it on their gardens; they want it on the row crops in South Georgia. They're paying big money to get it down there. So a lot of it is hauled down that direction. Mr. Martin stated he hasn't built a chicken house in Habersham County in, he guessed, 20 years. The land values are so high. You can't afford to farm land that is \$15,000 to \$20,000 an acre. You can barely afford to farm land that's \$3,000 to \$4,000 an acre. The move for chickens went to Hart County, Madison County; it's been in Franklin County for years. Because they have natural gas everywhere and it makes it less expensive for the farmer to grow. It's not propane.

Mr. Martin stated he would guarantee you if you want to go look at houses of our chicken farmers and tell me they can afford them on \$15,000 to \$20,000 a year, he will be a monkey's uncle, because it doesn't happen. We pay \$60,000,000 a year to our growers to grow. Now granted it is a great wealth redistribution system, big money in, big money out. Their paying big money to the local banks, the shaving company, the insurance company, the tractor companies, it all stays local. This money is not running back to Atlanta. Mr. Martin stated he sits there and can dream stuff up, looks at the internet for resources. Mr. Martin stated he promises you, on the internet he is 6' 2" and 180 pounds.

Ms. Ayers stated if we could, we were in the opposition part of this hearing. We still have the floor open for opposition, and our procedures, which we do normally hand out, but we have been given leniencies; it is ten minutes per speaker, if there is still anyone in opposition.

Bob Adams stated he owns the property at 875 Buena Vista about 3/8th of a mile as the crow flies from the property under discussion. Mr. Adams stated he listened carefully to everything that's been said today and a number of his concerns have already been addressed, and stated he would try to approach from a different angle and advise you as legally constituted public body of concerns you might want to consider as you make your decisions. One of the things he observed at last week's planning commission meeting is that it appeared that one or some of the commissioners were not thoroughly familiar with their own ordinance. Mr. Adams stated he secured a copy of the ordinance and has spent some time reading it and studying it and hopes what he has to say will not reflect the kind of ignorance that he saw last week. Let me first of all give you some indication of where he is coming from. Mr. Adams stated he doesn't oppose agriculture; he is a product of agriculture. Mr. Adams stated he grew up in South Georgia and South Florida on farms. He spent the summer in South Georgia picking tobacco and the winters in South Florida on truck farms. In South Georgia in addition to tobacco, which was our cash crop, we also raised some cattle and some hogs. He stated he can tell you about smelly operations because he had been around hog operations. He was on a 400 acre farm; however, that's a considerable difference. Mr. Adams has been in Stephens County about three and a half years. When he came here he bought an abandoned, dilapidated property. In that three and a half years he stated he has improved to an occupied distress property. Now that may not seem like progress but it is progress. It's not a \$500,000; 5000 square foot home but it's better than it was when he got it. Why does he mention that? Well, because that's what the zoning ordinance is all about. The zoning ordinance the whole concept of zoning is about gradual improvement. It's not about major changes. Mr. Adams stated he spent a lot of his life virtually all of his life working in some kind of public service. As a public employee; he is a retired school teacher. He has worked for municipal governments in the public works department digging out holes. He also served as the mayor of a small town. He stated he had worked with the economic development and planning and zoning. Mr. Adams stated it was his understanding of planning and zoning processes and regulations that there are two reasons to grant changes or variances. One is when it

becomes patently clear that the original land use plan was defective in some way or another. Stephens County has a new zoning procedure with a new land use plan. We should expect occasionally to have to come to the point to say the original decision about this property probably doesn't reflect the right decision. And so we need to alter that. The other reason is when conditions change, typically the reason you grant changes to zoning when conditions change is when zones naturally and organically grow or shrink. You see that for example along Big A Road. You see all the houses now for sale where it is says potential commercial. No one would argue that those parcels previously zoned residential ought now to be rezoned commercial. The zone has changed. The neighborhood has changed. How does that apply to this situation? Mr. Adams stated at the planning and zoning meeting last week there were three petitioners. Mr. Hutto, who by the way he met and talked with and finds to be a sparkling individual. Mr. Adams enjoyed spending time with Mr. Hutto, but Mr. Hutto is not the issue here. It is the land use which is the issue. Mr. Hutto, incidentally grew up right down the road from where Mr. Adams grew up in Brooks County. He did part of his growing up in Colquitt County. If any of you here know enough about South Georgia to know what any of that means. The other one that was of interest was Ms. Lee's request. Mr. Adams stated he would encourage you to look at those two requests as essentially being identical. The two request, her request to make a private home care facility in a residential neighborhood. To change from single family residential to whatever is required for that, is essentially not different from Mr. Hutto's request to go from general agriculture, low intensity to very intense agriculture. Interestingly, the same arguments were made for and against both request; and yet the planning commission approved Mr. Hutto's request and denied Ms. Lee's. That's an inconsistency that posed a real problem for this board, because it opens up the door for either one of those people to bring legal challenge against the entire process as being inconsistent. The other thing, Mr. Adams stated he would warn you about is that because this ordinance is new and we are new in the process of executing it, what you do today sets precedent and down the road that precedent will come back to bite you in the henny because it can be used in legal proceedings as grounds against you for future decisions. If you do not follow your own ordinance strictly you are opening the door to challenges against the ordinance and against you as an individual. Now, what does the ordinance say? Well, it says several things. It says first of all that any request for a change in zoning it is the duty of the petitioner to establish that zoning change is in the best interest of the county. It's not those people who live on the surrounding properties or in surrounding neighborhoods to demonstrate that it is against the best interest of the county. It is the duty of the petitioner to demonstrate that it is in the best interest of the county. Now, what constitutes that best interest? Well, the ordinance provides you guidance for that, and specifically if you, do you all have copies of the ordinance? Look at page 43. Ms. Ayers stated we have one minute left in this ten minute session. Mr. Adams stated, Thank you; the bottom of the page section 16-15 Standards of Review. In ruling on any matter herein in which the exercise of discretion, that's what you're called to do today, is required or in ruling upon any application for zoning map amendment, the planning director, planning commission, or board of commissioners shall act in the best interest of the health, safety, morals, and general welfare of the county; in doing so they will consider one or more of the following factors. Mr. Adams stated there are 14 specific factors listed and as he read those 14 factors, ten of them support the position of the opponents of this zoning change. That is five out of seven and as a former teacher, he would consider that a stellar score. Ms. Ayers stated that's ten minutes. Mr. Adams stated thank you, earlier in the ordinance it says that shall is a mandatory. It means that you must consider those factors. Thank you.

Ms. Ayers asked if anyone else would like to speak in opposition.

Chairman Whitlock stated she would like to say that she does have the ordinances and the sections that are relevant to our decisions as you can tell. Chairman Whitlock stated she went by them one by one and addressed every issue, she stated she does understand them and right here and in her notes it says, follow standards. Chairman Whitlock stated she has got it.

Ms. Ayers asked if anyone else wanted to speak in opposition.

Terry Free stated he resides at 224 Hancock Drive Toccoa, Georgia. Not a lot of you are aware that there is a subdivision directly across from Freeman Creek. We do not have an entrance that designates it as New Salem, but it is New Salem subdivision. We have 35 building lots, we have 18 homes. We're within a quarter mile of these proposed chicken houses. The northwest wind comes over that area and Hancock Drive sits higher than those houses. Mr. Free stated he can walk out in his yard and feel all the air coming right over the chicken houses. So it's going to create a big problem for our subdivision. Mr. Free stated our subdivision was erected in the early 70's by Joyce Eddy, the Habersham Plantation, and her sons Matthew and Greg. They went to a lot of effort to make it a nice neighborhood with underground utilities; we have paved streets and all of the conveniences. Mr. Free stated today he represents the 18 houses in the New Salem subdivision and we are straight across from 140 Freeman Creek Road. We are at a higher elevation and want to know what the impact of this poultry farm is going to have on our homes. Mr. Free stated King Solomon was the wisest man that ever lived and pray that county commissioners listen wisely to the residents of Stephens County that are opposed to the new poultry farm operation. Mr. Free stated earlier the gentleman that had chicken houses down near the lake, he made the comment that all animals have a smell. So, we are going to have a smell regardless whether it's going to be like something that you can tolerate or what. There's going to be a smell. And we're just concerned citizens and we're looking out for our homes, and our lives, and our families. Mr. Free stated he is praying that y'all would just consider what we're living in. Toccoa is the beautiful and that's the reason he moved here.

Ms. Ayers stated anyone else in opposition?

Chad Andrews stated he lives at 1262 Buena Vista Drive and he would like for Mr. Stack to finish his comments in his spot.

Ms. Ayers stated our procedures say each person, but this one time we'll give you one person; we will give you one ten minute.

Mr. Stack thanked the commissioners stating he would like to take this time to actually respond more directly to the observations made by Mr. Martin. Leaving aside the personal attacks on him, he can tell you that he doesn't run back to Atlanta or the safety of Atlanta. Mr. Stack stated he thinks everybody on this board knows that he probably has spent more time, more energy, more money, and more of his life blood in this county and trying to help this county protect its quality of life and probably anybody in this room. And so, for him to sit there and personally attack me is absolutely inappropriate. The other part of that which is that he says, well you can pull anything off of the internet. No, what he is pulling off of the internet is not off the internet. It is studies conducted by the industries themselves that have been forced upon them because they want local communities to believe the roses and the rosy picture that's painted by the representatives. Ask yourselves as commissioners, who really has the vested interest here in making sure this goes forward? Is it Mr. Martin on behalf of Fieldale? Or is it the folks here who are trying to maintain their quality of life? They are the ones who actually don't have the economic wherewithal that Fieldale has. If you want to turn this into an economic opinion or economic decision then he would turn you back to my presentation and starting at page seven where again Mr. Stack focuses on the economics of this proposal. Consistent with what the gentleman said about ensuring that you actually look at the standards and the shells, the mandatory duties. The economics of this proposal are such that for this county, for this community to directly there is no question that it is inappropriate to rezone this property. The economics are such there are 374 parcels within one mile. Those will be affected; the value of those properties is nearly \$40,000,000 under the current assessment. In addition, what are you looking at then, longer term in terms of the loss of perspective business that you're going to have in that area because of that. You heard the last gentleman talk about their subdivision and the plans and the infrastructure and the money that has gone in to that. How many other facilities? How many other developments are going to not be built, if in fact you approve this rezoning? There has been no

argument made whatsoever that this rezoning is necessary. It is certainly something they want but the purpose of zoning is not to maximize the economic profit for an applicant. The purpose of zoning as has been said numerous times already is to protect the health, safety, and general welfare of the community as a whole. Mr. Stack stated as a lawyer he could stand up here for hours. He stated he is not going to do that. He would ask you to actually look at the actual facts. Look at what the community has presented to you and then actually look at what the applicant has presented to you in terms of concrete proposals. Nothing, it has changed every single week that you've had to consider this. So, what's going to change next? Trust us. That's their response. Trust us. We're going to have a nutrient management plan. Trust us that it will be a well-run, well-maintained operation. Trust us, that there will be no water contamination. Trust us that the trucks will not run people off the road. Trust us. No. These people are entitled to more than trust. Their entitled to facts and evidence. Thank you.

Ms. Ayer asked anyone else in opposition? Seeing none our process does allow us to go back to the petitioner or the representative and is provided up to three minutes for a response of a rebuttal.

Vernon Wilkinson state he sees everybody's got good points. Strong points in their beliefs, and Ms. Whitlock, as you said, we're Stephens Countians and when this process is done we've all got to live with each other and live in this county. Mr. Wilkinson stated he understand this man wants to be a farmer. Mr. Wilkinson stated he didn't know that he ever wanted to be a farmer; he was just born to be one. Mr. Wilkinson stated he got his finger cut off when he was two years old following his daddy around in a chicken house. He stated his momma never got over that to this day. Mr. Wilkinson stated all he ever wanted to do was farm. He was in the high school band here and was lucky enough to receive a scholarship to Georgia to be in UGA Redcoat Band but all he ever wanted to do was farm. When the time came, he built chicken houses. The history of that farm on Freeman Creek has been slightly exaggerated. First of all, Mr. Loudermilk had it, Mr. Loudermilk sold it. Mr. Wilkinson stated he knew all about that farm. The first two houses were built there; the second two houses were built after two houses were built for him. His farm and that farm started at the same time. Mr. Keener lost a son and the farm moved on. Mr. Wilkinson stated Willard Kesler was a good friend of his and he died. That contract terminated and that moved that farm into the state that it was in when this man bought it. Land values, if you want to see land values fall turn this down. Put that land back up for sale again and let it sell like other land has done in this county for \$1,200 to \$1,500 an acre. Factor that in your tax digest when you get ready to do it again. Mr. Wilkinson stated you understand what I'm saying here if I'm not making my point clear it's going to drive property values down. Now, construction type of houses, it was mentioned a while ago about open houses. Well let me tell you, the days of the open house weren't all that good. If they were you would go home, raise your window, and turn your fan on when it's 100 degrees instead of your air conditioner. The houses that we raise in now are environmental houses. Everything that is done, is done to make sure that chicken is kept at its most comfortable state throughout the grow out. Mr. Wilkinson stated the health issues he has been around chicken farmers his whole life. He has never known of an onset of chicken farmers dying from being around chicken houses. Most chicken farmers live to be quite old. Most of the ones he knows have made it into their 80's. Let me address one other thing as far as litter goes. The fact of the matter is as far as litter and that farm goes, even if this request fails the next person that buys it or does whatever with it would probably make a cattle operation with it. At that point in time he would then, like most cattle farmers buy litter to put on that farm to raise his grass. Mr. Wilkinson stated it is the cheapest, and he stated to a degree you might think of it as a nuisance but it's actually a commodity. It's a commodity that is needed, it is cheap fertilizer. Then one other thing, you know Fieldale has been beaten up here pretty good today, there's not a better neighbor. Mr. Wilkinson stated his friend Michael Gailey was passing away with cancer seven or eight years ago. Mr. Wilkinson called the CFO of Fieldale, a Stephens County resident and told him what was going on. Fieldale donated chicken, we had a chicken-queue; we raised money to help that family as this man was

dying with cancer. Now, what Fieldale does continuously to help the community, Mr. Wilkinson stated he was not really the person to speak to it, in large part, because he is not part of the Fieldale organization. He does not raise chickens for Fieldale, but this community could not stand to be without Fieldale. Thank you.

Ms. Ayers stated at this point, we will not take any more in favor and opposition, but will open the floor if the Board of Commissioners have any questions before we move on to number four.

Chairman Whitlock stated there is one thing; we would like to get a count. We would like you to raise your hands all that are in favor. Beth Rider stated 26. Chairman Whitlock stated now all opposed. County Clerk stated 21.

Mr. Herron asked if the commissioners all got copies of the petitions.

Chairman Whitlock stated, yes and what troubled me about that it has first names with an initial. She don't know who they are, some of them are not from Georgia. Some of them are not even from this country. That's many of them. Chairman Whitlock stated what meant more to her and was more creditable were the signed ones with the addresses and the names so she actually knew who these people are and where they live. It gave her and the board an idea of how they're impacted and how they are affected by this.

Mr. Kevin Fleming asked Chairman Whitlock if he could say something. Chairman Whitlock replied yes, you may. Mr. Fleming stated he signed this petition. We were very misinformed with this petition. So, with that being said he would like his name removed from the petition he stated he lived there in the community. Chairman Whitlock thanked Mr. Fleming.

Commissioner Bell stated he had a couple of questions. How many has lived there while the houses were in operation? So y'all lived there while the operation was going on? Out of that, how many of y'all had issues with that place?

Mr. Herron stated he actually had to call the EPD several times. Chairman Whitlock asked why did you call EPD. Mr. Herron stated we called them for the noxious odors.

Commissioner Bell asked how many of moved there knowing there was a poultry operation there.

(Several spoke at the same time) (One lady said none of us)

Commissioner Whitlock stated so y'all didn't move there, y'all were already there when the poultry operation came? **(Someone stated they had been there for 40 years) (many talking away from microphone at the same time).**

Commissioner Bell stated the last thing, how many of y'all knew that land was for sale?

Mr. Herron stated it had a for sale sign on it. Commissioner Bell stated that's what I'm asking, thank y'all. That's all I have.

Chairman Whitlock addressed another speaker. Mary York stated she actually wanted to point out something, she has heard drainage issues, but this little stream that comes down from that chicken house drains into Broad River right on my property. **(the rest was inaudible.)**

Chairman Whitlock stated she did look at that and asked Forrest, is that an EPD issue with the water?

Mr. Connelly stated yes, they will address it annually when they check the houses. Chairman Whitlock stated they go out and test the soil and the water, her family has a junk yard and she is familiar with that.

Tonya Burgess stated she lives at 1007 Freeman Creek Road; he is proposing to put eight houses on that farm; if the rezoning takes place and it is approved will he have the right to add more houses in the future. Can this farm continue to grow to more than eight houses? Ms. Ayers stated if it becomes AG Intensive, you still have to come before the Planning Commission and the Stephens County Board of

Commissioners for a conditional use permit for poultry operations and meet the district requirements or request a variance. Chairman Whitlock stated she would like to know that to. Mr. Hutto, you have asked for eight houses are you forward thinking to more houses? Mr. Hutto stated a farmer can tell you, eight houses is a lot for one man to run; Mr. Hutto stated he did not want any more he will be running this farm himself, and a helper. As has been stated with the variances, and the creeks; the land could not really hold anymore houses.

Commissioner Scarborough stated he has a comment to address something very early in our discussion, why we have to go through what we are going through today; even though the planning commission met last Tuesday night to consider this same issue. The land use ordinance requires that we go through what we are going through today. Commissioner Scarborough stated it is good exercise that we get to hear both sides of the story it is an equal thing. Commissioner Scarborough asked staff if version three was taken up with the planning commission. Ms. Ayers stated yes.

Chairman Whitlock thanked everyone for coming out and stated she respected everyone's opinions. Chairman Whitlock stated this is tough, we are citizens and know each other and care about each other. Commissioner Whitlock stated she is a friend to the farmer and she is pro agriculture, we have to eat. This is rural America, what we eat is produced in rural America and would contend that is country out there; even though it is mixed use there are residents there. Chairman Whitlock stated she wanted to thank everyone for coming out, showing and interest and supporting your beliefs and letting us know how you feel so that we can make an informed decision. Chairman Whitlock stated more importantly as a commissioner, she views her job to protect this community and the one thing she doesn't want to happen is a lawsuit, Wilbros cost us \$500,000 and we do not need that again. That is why it is important whatever the decision is this ordinance is what we have to go by; this land use plan. Chairman Whitlock stated she is addressing it from a legal standpoint and based on our ordinance as to whether we can or we can't or we will or we won't.

(a lady stated that just because the numbers were down at the meeting on their side didn't mean there were not more concerned people they were at work growing the economy for them)

Chairman Whitlock stated she understood there are people that are not here today, we understand it is a morning meeting and that is an issue. Ms. Ayers stated it fell on a morning meeting because of the laws we have to meet with advertising of the days and the procedures.

- (4) **CONDITIONAL USE REQUEST FROM CODY SIMPSON 483 TURNER ROAD, EASTANOLLEE, GA 30538. PARCEL 045B 072. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT. PROPOSED USE IS A HOME BASED FEDERAL FIREARMS LICENSE BUSINESS, ALONG WITH FIRE ARM ACCESSORIES AND OTHER SPORTING GOODS EQUIPMENT SUCH AS FIREARM DECALS, OPTICS, FIREARM MAGAZINES AND AMMUNITION**

Ms. Ayers stated he has 1.98 acres; everything around him is residential single. The analysis is to have a home based business; he meets all the criteria in section 8021 in conditional home occupations. The recommendation is to approve this permit. Ms. Ayers opened the floor for anyone in favor of the request.

Chad Bridges stated he lives at 435 Hayes Wilbanks Road, Toccoa. He is the representative for Cody Simpson; we are proposing to start a Federal Firearms license business out of his home. It will be more on the lines of ordering for people, we will not keep a lot of stock, there will be no noise, no shooting on the premises, there will not be anything visible on the property. Mr. Bridges stated he had spoken with the neighbors and there was no opposition.

Ms. Ayers opened the floor for anyone wishing to speak in opposition, no one spoke in opposition.

- (5) REZONING REQUEST FROM SUSAN LEE, 230 N. PINECREST ROAD, TOCCOA, GEORGIA 30577. PARCEL 040 072 & 040 073. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO REZONE AS COMMERCIAL COMMUNITY BUSINESS DISTRICT FOR A MULTI-FAMILY RESIDENCE/PERSONAL CARE FACILITY

Ms. Ayers stated each of the lots together is 1.11 acres; the surrounding zoning is all residential single family. The proposed land use of a personal care facility is a permitted use under commercial community; it is not in conformity with the purpose and intent with the single family district. The recommendation was to deny this rezoning, there are some subdivision covenants. Mr. Ayers opened the floor for anyone wishing to speak in favor of the request. No one spoke in favor.

Ms. Ayers opened the floor for anyone wishing to speak in opposition of the request.

Ms. Edie Tubbs stated she lives at 169 N. Pinecrest Road. Ms. Tubbs stated she is opposing the request; she has copies of covenants that this was zoned for over 25 year's single family. One family per house and these covenants go way back. They read land use and building type no lot shall be used except for residential purpose, no building shall be erected, altered, placed or permitted to remain on any other lot. Ms. Tubbs stated she has about 5.76 acres, when she and her husband bought the property they wanted to be in a place that was safe for their children. Her children are grown but she has a three year old granddaughter who stays with her quiet often. Roads in that area that would be affected are Lake Louise, Pinecrest, Crescent, and Channing; there are about five to six other roads that would be additional traffic. Ms. Tubbs stated Pinecrest is in horrible condition, we have asked them to be fixed you know where the cracks are. When water gets in the cracks it freezes and expands and the cracks get bigger. Ms. Tubbs stated she did not feel like they need more traffic on that road, the workers, visitors that would come. If a resident went into cardiac arrest there, we could have sirens in the middle of the night. Ms. Tubbs stated she was going on when we signed our deed and the ordinance and the covenants we agreed to them. We have lived all over and when we got the chance to come back to Toccoa we took it. We loved this area and wanted to be in a safe area for our children and grandchildren. Chairman Whitlock asked what kind of personal care home this is? Who is she going to care for? Ms. Tubbs stated she is going to have six elderly ladies an assisted living not a nursing home. Now there are five bedrooms and she wants to add two more. Depending on how many people she puts in a bedroom that could be up to 14 additional people and you have to have so many workers to care for that many and the visitor as well. Commissioner Bell asked this is not family members she is trying to take care of. Ms. Tubbs stated no, this is elderly people; she stated she has no problem with that type of facility but just not in her neighborhood.

Mr. William Tucker stated he lives at 2303 Lake Louise Road on the corner of Lake Louise, Crescent and Pinehurst. Mr. Tucker stated his point of contention with the rezoning request is that it is commercial. It is stated in the covenants and the set up of the whole subdivision it was set up as a residential area. Mr. Tucker stated he mentioned to the Planning Commission one side of the road is Lake Louise property and is about 100 acres of wooded property and the convention center. The other side of the property on Crescent Drive has been farm land as far as forestry and no property has been sold for residence or commercial property. We are a country setting and would like to remain that way rather than have commerce interest dotted throughout that whole area from Lake Louise Road all the way back through Riverdale Road and Prather Bridge Road. Thank you.

Ms. Carol Williams stated she lives at 138 N. Pinecrest and next door to this home. She and her husband bought the property 12 years ago to retire. They want it to stay nice like it is now, a place where they can retire.

Mr. Bob Adams stated he opposed this request. In this case the planning commission made exactly the right decision to recommend denial. What this constitutes is spot zoning; if you do spot zoning you might as well just repeal your zoning act. When you develop a land use plan and you don't stick to it there is no reason to have it. Thank you.

Commissioner London asked if Ms. Lee lived at the property prior to or purchase the property just for this? Ms. Tubbs stated she just bought the property, she doesn't live there.

REGULAR MEETING

Chairman Debbie Whitlock called the regular meeting to order at .m. and welcomed those present. Mr. Teasley gave the invocation and led the Pledge of Allegiance.

I. APPROVE AGENDA

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to approve agenda as presented. **Motion carried unanimously.**

II. APPROVE MINUTES

1. **JANUARY 24, 2017 – REGULAR MEETING & PUBLIC HEARING**
2. **JANUARY 31, 2017 – CALLED MEETING**

A motion was made by Commissioner Ivester, seconded by Commissioner Bell to approve minutes as presented. **Motion carried unanimously.**

III. OLD BUSINESS

1. **BOARD TO CONSIDER MOTION TO GRANT A VARIANCE TO MR. ROBERT ROBBINS FOR PROPERTY LOCATED ON RED ROCK ROAD**

Ms. Ayers stated Mr. Robbins came before you at a prior meeting requesting to live in a motor home; you have a letter from Environmental Health Department in your agenda packet. Tom Bennett and Shad Slocum from the health department went out in December to make a visit to Mr. Robbins. In the letter from the health department it states his permit is good for one year. Chairman Whitlock stated this letter is just a status update it does not give us direction. Mr. Bennett stated he has a septic system on his property but he cannot locate it because he has a storage building sitting on top of it. Mr. Bennett stated he does not have the money to move the building. Attorney Brian Ranck asked if the intention was for him to connect permanent utilities to this motor home. Mr. Bennett stated he already has utilities connected from what was there previously. Mr. Ranck stated he is asking for a variance to allow for connection of permanent utilities for a maximum duration. Chairman Whitlock stated at this point we need to extend permission for him to stay there. Mr. Ranck stated that he would suggest either make a decision today or postpone, Mr. Ranck stated he would not get into the conditional or preliminary approval process. Chairman Whitlock stated then we could postpone. Mr. Ranck stated you can postpone your comment earlier was this is a status update; he still hasn't met the health departments requirements. The board wants to see a septic system and that the health department wasn't just giving him a permit, and that the Health Department had actually blessed the septic system. Mr. Bennett stated the system he has is holding right now but if it opens up it could run into the creek. Chairman Whitlock asked Mr. Bennett what kind of container it was. Mr. Bennett stated he had no idea Mr. Robbins said it was a big tank. Commissioner Ivester stated if he cannot afford the \$100 to move the building how will

he be able to afford to hook the system up when he finds it. Mr. Bennett stated he was planning on doing it himself and he told him he could not do that it has to be done by a professional licensed installer. Mr. Bennett stated that is pretty much the holdup right now the only other choice is shutting his water off to the property. Mr. Bennett stated if you give him a continuance he would have to keep a check on the property. Commissioner Bell asked Mr. Bennett to find out what kind of container he has and how big it is; Commissioner Bell stated he is not going to sit here and cut water off to a man's property that is trying to live his life, he is in hard times. Chairman Whitlock stated she was not going to do that either. Mr. Bennett stated if the system he has now starts seeping out he does have to protect the environment. Chairman Whitlock asked Mr. Bennett to find out what the container he has is made of and when he got it. Commissioner Bell asked Mr. Bennett to find out if it is concrete, plastic or metal. Commissioner Scarborough stated if he has a receipt for the tank and when he put it underground that would be helpful. Mr. Bennett stated he would ask him for a completion date. Commissioner Scarborough stated what we didn't do is have him to give us dates for a plan, we are willing to give him plenty of time; we can work with him he just needs to comply for safety standards. Chairman Whitlock stated if money is an issue he needs to be honest and think about what he will be able to do and when. Mr. Bennett stated he would go out today and talk to him and bring back to you information at the next meeting. Mr. Ranck stated if you grant a variance you are setting precedence, you need to make sure there are extraordinary grounds for it and that there is a basis that separates it and make it makes it unique. You have the health department's blessings they are the ones in charge of protecting the waterways, this board does not oversee the septic permit process you need to make sure you have grounds for future reference.

A motion was made by Commissioner Bell, seconded by Commissioner London to postpone until further information is obtained from Mr. Robbins. **Motion carried unanimously.**

IV. NEW BUSINESS

1. BOARD TO PRESENT DISTRICT ATTORNEY GEORGE CHRISTIAN A PROCLAMATION RECOGNIZING FEBRUARY 28, 2017 AS PROSECUTION-BASED VICTIM ADVOCACY DAY IN GEORGIA

Chairman Whitlock read and presented proclamation to District Attorney George Christian. **No motion needed.**

2. NANCY PEEPLES FROM DISABILITY RESOURCE CENTER TO ADDRESS BOARD

Ms. Nancy Peeples from Disability Resource Center addressed the board stating they were a nonprofit resource and served the 13 counties and provides help to those in need. **No motion needed.**

3. BOARD TO CONSIDER MOTION FOR THE ABANDONMENT OF EAST GLORE ROAD ON THE BASIS THAT IT HAS CEASED TO BE USED BY THE PUBLIC TO THE EXTENT THAT NO SUBSTANTIAL PUBLIC PURPOSE IS SERVED BY IT AND THAT IT'S REMOVAL FROM THE COUNTY ROAD SYSTEM IS OTHERWISE IN THE BEST PUBLIC INTEREST

Ms. Ayers stated during the summer the road department brought to her attention that East Glore Road was completely impassable. 1.84 miles is listed on the county road system after that it goes into Habersham County and is listed as a private road. Ms. Ayers stated they had been working over the past three years to clean up the road maintenance list and a very, very long time ago they did maintenance on this road.

Mr. Ranck stated one thing he would add, we have proof of receipts of serving notice on the adjoining land owners. Ms. Rider has a copy for the minutes. Curt Laird stated he was the Forrest Land Surveyor from the Chattahoochee National Forest, asked if there are any state statutes that address any changes to the adjoining property owners, their self included as far is interest in that road and as far as access. When the county abandons the road does that sever everyone's legal interest in accessing that road? Mr. Ranck stated to answer that question, no. Whatever private rights you may already have established whether they be prescriptive easement rights or whatever that may be beyond the scope of the county they remain. All this says is that Stephens County will no longer consider this road part of the road system for maintenance purposes and it doesn't block the road. The county cannot close the road it will just not be maintained by the county going forward. That doesn't affect any right the landowners have at this point, the road has been there so long they are clearly prescriptive rights to that access. Mr. Laird stated we are for the abandoning we found it is the old Unicoi Turnpike it's culturally a significant road. Something we want to preserve and we are a public road agency. We have had some loose discussion where the county could transfer their easement to the United States of America so we can continue to protect that road. Mr. Ranck stated assuming the commissioners vote to abandon the road there will be subsequent quitclaim deeds that the county will deed the county's interest to the adjoining land owners there won't be specific legal descriptions it will be basically to the centerline or whatever rights the county had will go back to the adjoining owners. Based on what we started today that would be a different discussion and process if we are looking at conveying an easement or a county road to the Federal Government; assuming they go through the abandonment there will be quitclaim deeds to all the owners and you will take ownership to what the county right of way was.

A motion was made by Commissioner London, seconded by Commissioner Ivester to abandon East Glore Road. **Motion carried unanimously.**

4. REZONING REQUEST FROM WILLIAM HUTTO, 140 FREEMAN CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 033 092. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURAL GENERAL/RESIDENTIAL DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO REZONE AS AGRICULTURE INTENSIVE TO HAVE A POULTRY FARM OPERATION

A motion was made by Commissioner Bell, seconded by Commissioner London to postpone. Commissioner Bell stated that Mr. Stack has brought some information to light and so has some other people and he does not feel comfortable making a vote at this time he would like to make sure when he does vote that he does what is best for the citizens. In the motion Commissioner Bell stated he would like to get three people from each side to meet three from the farming community, and three from the neighbors, Commissioner Bell and Commissioner London was sit on this committee and look at this and see what kind of facts we can bring to the table. Commissioner Ivester stated due to a conflict of interest and because of the business relationships with interested parties and through the advice of counsel she will recues herself from any vote regarding the poultry farm. **The motion carried 3-1; Commissioner Scarborough opposed, Commissioner Ivester abstained.**

5. CONDITIONAL USE REQUEST FROM WILLIAM HUTTO, 140 FREEMAN CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 033 092. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURAL GENERAL/RESIDENTIAL DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO GRANT A CONDITIONAL USE PERMIT FOR POULTRY OPERATION

A motion was made by Commissioner London seconded by Commissioner Bell to postpone. **Motion carried 3-1. Commissioner Scarborough opposed stating the reasoning he was voting opposed is because we have looked at it long enough and both sides are ready for an answer. Commissioner Ivester abstained.**

Chairman Whitlock stated she was concerned about postponing; Mr. Hutto needs to get some income for his family. They are living in an RV and hope we can get some quick answers.

6. VARIANCE REQUEST FROM WILLIAM HUTTO, 140 FREEMAN CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 033 092. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURAL GENERAL/RESIDENTIAL DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO KEEP THE NEW POULTRY HOUSES AT APPROXIMATELY 130 FT FROM PROPERTY LINE; AND A 58 FOOT VARIANCE

Ms. Ayers stated the variance will need to be 130 foot variance for the chicken house closest to parcel 033 078 and 58 foot variance closest to parcel 033 078 this is for the request for the poultry houses only and does not include the stackhouse. Chairman Whitlock stated the stackhouse would need to be addressed for the setbacks and require another variance request. Ms. Ayers stated yes, the stackhouse was not a request on the original application, if there is an issue with the Stackhouse that will have to be addressed at another meeting. Ms. Ayers stated the chicken house nearest the property line would be approximately 130 foot variance and cuts almost half of the house off and the one next to it is a 58 foot variance and it cuts approximately ¼ of it off. Ms. Ayers stated she has to say approximately when you use the measuring tool on the QPublic website as you move up and down the property line the footage changes so this is just an average. Attorney Brian Ranck stated they would be verified by the building inspector, he would measure these. This is just the language for your motion.

A motion was made by Commissioner Scarborough, seconded by Commissioner London to postpone. Motion carried 4-1; Commissioner Ivester abstained.

7. CONDITIONAL USE REQUEST FROM CODY SIMPSON 483 TURNER ROAD, EASTANOLLEE, GA 30538. PARCEL 045B 072. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT. PROPOSED USE IS A HOME BASED FEDERAL FIREARMS LICENSE BUSINESS, ALONG WITH FIRE ARM ACCESSORIES AND OTHER SPORTING GOODS EQUIPMENT SUCH AS FIREARM DECALS, OPTICS, FIREARM MAGAZINES AND AMMUNITION

A motion was made by Commissioner London, seconded by Commissioner Ivester to approve conditional use request from Cody Simpson. **Motion carried unanimously.**

8. REZONING REQUEST FROM SUSAN LEE, 230 N. PINECREST ROAD, TOCCOA, GEORGIA 30577. PARCEL 040 072 & 040 073. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT. PROPOSED ACTION TO BE TAKEN IS TO REZONE AS COMMERCIAL COMMUNITY BUSINESS DISTRICT FOR A MULTI-FAMILY RESIDENCE/PERSONAL CARE FACILITY.

A motion was made by Commissioner Scarborough, seconded by Commissioner Bell to deny the rezoning request from Susan Lee. **Motion carried unanimously.**

9. BOARD TO CONSIDER MOTION TO RESCIND BID AWARDED ON SEPTEMBER 13, 2016 TO PEACH STATE AMBULANCE, INC

A motion was made by Commissioner London, seconded by Commissioner Bell to rescind bid awarded on September 13, 2016 to Peach State Ambulance. **Motion carried unanimously.**

10. BOARD TO CONSIDER MOTION TO AWARD AMBULANCE BID TO FIRST PRIORITY GLOBAL SOUTH FOR EMS IN THE AMOUNT OF \$126,999.00 FOR A 2017 CHEVROLET K3500 4X4 DUALY REMOUNT AMBULANCE OUT OF SPLOST VI FUNDS

Aaron Wilkinson addressed the board stating the first company we awarded the original bid proposal to filed Chapter 11 protection in late November and they agreed to dissolve the contract PO. Mr. Wilkinson stated we are no longer bound to Peach State Ambulance and our new proposal is for First Priority Global South.

A motion was made by Commissioner Bell, seconded by Commissioner Scarborough to award ambulance bid to First Priority Global South for a remount ambulance in the amount of \$126,999.00 to be paid out of SPLOST VI funds. **Motion carried unanimously.**

11. BOARD TO CONSIDER MOTION TO AWARD ANSLEY COMMUNICATIONS PHONE SYSTEM BID FOR THE HEALTH DEPARTMENT IN THE AMOUNT OF \$17,271.38 TO BE TAKEN OUT OF CONTINGENCIES

Ms. Ayers stated this was requested to be placed in the budget request for next year. Randall Cleveland came to her stating the health department needed to replace their phone system they were dropping calls. Ms. Ayers requested for them to get three quotes, you have a letter from Debbie Thomas from the Health Department making a suggestion for the quote they would like to go with. This would have to come out of contingencies; two of the quotes were actual purchases. Tru Vista is a lease, and it is not for the entire system. They have chosen to go with Ansley Communications. Commissioner London stated they are in dire need of a new system they continuously drop calls. Commissioner London stated he had called three times and every time his call had been dropped. The setting was changed somehow on the Environmental Health's phone and he cannot answer calls at all.

A motion was made by Commissioner London, seconded by Commissioner Bell to award bid to Ansley Communications the phone system at the Health Department in the amount of \$17,271.38 to be taken out of contingencies. **Motion carried unanimously.**

12. BOARD TO CONSIDER MOTION TO ADDRESS "FENCE" AS A STRUCTURE IN THE STEPHENS COUNTY LAND USE REGULATION ORDINANCE TO EITHER EXEMPT OR APPLY RESTRICTIONS (SETBACKS AND HEIGHT) AND SET BUILDING PERMIT FEES

Attorney Brian Ranck stated staff needs to consider the definition of a structure; this would be the same issue as on Friday with the sign ordinance, whether it is the intent of the planning committee or the desire of this board to treat fences differently. The question is do you want to apply the setback restriction to a fence or exempt it; you could go above a certain height and apply restrictions or exempt below a certain height.

A motion was made by Commissioner London, seconded by Commissioner Ivester to postpone. **Motion carried unanimously.**

13. BOARD TO CONSIDER MOTION TO ADDRESS CHAPTER 46 IN THE COUNTY ORDINANCE MANUFACTURED HOMES AND TRAILERS SECTION 46-73 (C) "PREVIOUSLY OWNED MANUFACTURED HOME INSPECTION PROCESS" TO SET FEES FOR COMPLIANCE INSPECTION PERMITS

Ms. Beth Rider stated when someone comes in for previously owned manufactured mobile home she sends Phil Gruber to the site that the mobile home will be placed on and to inspect the previously owned mobile home. Mr. Gruber sends a report to Ms. Rider indicating if the mobile home is okay to be moved and if the lot is suitable for the mobile home. Commissioner Scarborough asked if he goes out of town, Ms. Rider stated he does but it is not very often. Commissioner asked if Mr. Gruber was charging us. Ms. Rider replied yes, he charges us \$45 for an inspection fee. Commissioner London stated he would recommend charging what Phil charges us.

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to set a fee of \$45 for a previously owned manufactured home inspection permit. **Motion carried unanimously.**

14. BOARD TO CONSIDER MOTION FOR APPOINTMENTS FOR A COMMITTEE TO SELECT A STATE COURT DEFENDER

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to appoint John Dickerson, Drew Crumpton, and Rusty Smith to select a state court defender conditioned upon the acceptance from each. **Motion carried unanimously.**

15. BOARD TO DISCUSS APPOINTMENT TO THE STEPHENS COUNTY PLANNING COMMISSION FOR THE REPLACEMENT OF MARK SMITH

A motion was made by Commissioner Ivester, seconded by Commissioner London to appoint Peter Traudt to the Planning Commission to replace Mark Smith. **Motion carried unanimously.**

16. BOARD TO CONSIDER MOTION TO ACCEPT SUNSHINE RIDGE DRIVE INTO THE COUNTY ROAD MAINTENANCE SYSTEM

Mr. Bob Troup addressed the board stating he had an investor interested in 39 acres at the far end of Sunshine Ridge Drive. This road is over a mile long. It was built to County specifications, supervised by County personnel. This is very advantageous to all the residents there. If the road was a County Road everyone in there would have a better opportunity to develop their property, if developed it would result in more tax dollars. Mr. Troup stated part is waterfront and if developed this would mean a good bit of tax money. Mr. Troup stated he would encourage the board to take this on as part of the road program.

Commissioner London asked Ms. Ayers if they had come up with a price for the repairs. Ms. Ayers stated no, we did not but we can. Ms. Ayers stated she noted each of the pictures that are available with the issues, there is a 36 inch galvanized pipe collapsing that would need to be replaced. Commissioner Scarborough stated that road is in really, really bad shape; it has been left unattended for a long time. It will cost the county a lot of money and it will be hard without some money put into it from the developer before he feels like the county should take it. That is burdening the county with a large expense. Commissioner London asked Mr. Troup if he thought there would be any consideration from some of the landowners to put some money into the road with the county and if so, if he could come up with a good price. Mr. Troup stated he supposed that is possible. Commissioner Scarborough stated you said you are working with a developer. Mr. Troup stated yes, a developer for 39 acres and if this happens, it would be very attentive; if not, Mr. Troup stated he would suspect he will walk. Commissioner Scarborough stated typically, they make it up to the standard and then we accept it.

Commissioner London made a motion to postpone the request until both parties could get together with a possible conclusion.

Mr. Troup stated if we have a buyer willing to do some of the work, then would you consider it favorable to bring it into the system. Commissioner London asked how much work are we talking. Mr. Troup stated that is a vague question isn't it.

Commissioner Scarborough asked Commissioner London if he would accept the idea of denying this at this time and bringing a proposal later with whatever they propose on their end. **Commissioner London stated yes, and rescinded his motion; Chairman Whitlock stated motion dies for lack of second.**

Commissioner Scarborough made a motion, seconded by Commissioner Bell to deny the request at the present time until a new plan can be brought forth showing how the road can be brought back to accepting standards for acceptance by the county. **Motion carried unanimously.**

17. BOARD TO CONSIDER MOTION TO APPROVE FY 2017 BUDGET AMENDMENT FOR SHERIFF AND PUBLIC WORKS AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

A motion was made by Commissioner London, seconded by Commissioner Bell to approve budget amendments and authorize chairman to sign resolution. **Motion carried unanimously.**

18. BOARD TO CONSIDER MOTION TO AWARD ROOFING FOR PUBLIC WORKS SHOP TO COOL ROOFING IN THE AMOUNT OF \$20,924.20 TO BE PAID OUT OF CAPITAL PROJECTS FUND

Ms. Ayers stated this was a budget item, it is hard to get people to bid on HVAC; two are out of town, one is local. Commissioner London asked if this is over the 3%. Ms. Ayers stated yes, it is almost a \$7000 difference. Chairman Whitlock stated that she hated this is not going to a local vendor all commissioners agreed.

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to approve and award roofing for public works to cool roofing in the amount of \$20,924.20 to be paid out of capital projects fund. **Motion carried unanimously.**

19. BOARD TO CONSIDER MOTION TO APPROVE OR DENY ALCOHOL LICENSE FOR CALICO COUNTRY STORE

A motion was made by Commissioner London, seconded by Commissioner Bell to approve alcohol license for Calico Country Store. **Motion carried unanimously.**

20. BOARD TO CONSIDER MOTION TO APPROVE AMENDED ALCOHOL ORDINANCE SECTION 6-63 AND AUTHORIZE COUNTY CLERK TO CODIFY WITH MUNICODE

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve amended alcohol ordinance section 6-63 and authorize County Clerk to codify with Municode. **Motion carried unanimously.**

V. INVOICES OVER \$5,000

1. ACREE OIL - \$5,918.24
2. ACREE OIL - \$9,154.42
3. SOUTHERN AUTOMATIC MACHINERY - \$ 17,736.00
4. FIRELINE - \$15,120.00

Ms. Ayers stated item number three and four are just to issue the purchase order.

A motion was made by Commissioner London, seconded by Commissioner Ivester to pay the invoices.

Motion carried unanimously.

VI. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR/FINANCE REPORT
2. DEPARTMENT REPORT
3. COMMISSIONERS REPORT

VII. MATTERS FROM CITIZENS – TIME LIMIT OF THREE (3) MINUTES

Mr. Herron stated Mr. Bell mentioned forming a committee 3-4 on the citizen side and 3-4 on Mr. Hutto's side; Mr. Herron stated he would suggest that Mr. Martin be excluded from that since he is a Fieldale executive. Commissioner Bell stated the only thing he would ask from Mr. Martin is some factual information that he can bring to the table. Mr. Martin asked if he could have Dr. Brian Fairchild from UGA Poultry Science for Mr. Hutto's side. Commissioner Bell stated yes, that is fine. Commissioner Bell stated he wants Mr. Hutto to pick two other people and the gentleman from UGA. Commissioner Bell stated to Mr. Herron there will be four of ya'll. Chairman Whitlock stated there will be four on each side. Ms. Martin stated we are residents of Stephens County, why couldn't Mr. Martin be on this side. Commissioner Bell stated there is an issue that has come up with Fieldale and we want to make sure that everything is up and above and transparent with everything and Commissioner Bell stated he wasn't saying that he wouldn't. Chairman Whitlock stated in Fieldale's defense if we want them to be transparent and they have been caught in an issue, Chairman Whitlock stated if they are going to be selling the chickens to them they need to be there to answer questions. Commissioner Bell stated he would be asking on him to be there at the meeting but not part of the committee. Mr. Ranck stated he thinks it is important that you have some parameters and it needs to be a constructive meeting and a representative from each group makes sense. Chairman Whitlock asked is it proper, legal or appropriate for Mr. Hutto to agree to some conditions; if the concerned citizens are concerned about the number of poultry houses and Mr. Hutto agrees to only having eight houses and not anymore that would be an agreement. Most of the things are discussed in the setbacks. Mr. Ranck stated assuming you get to the conditional use phase, we have to get past that; Mr. Ranck stated he was not pre-judging anything, the ordinance allows for the board to place conditions on your conditional use approval. That is where that would come into play, if you grant a conditional use permit and there were conditions the board wanted to set or however they get to it, you can place conditions on your permit. Chairman Whitlock stated that is for everybody to hear each other and get good feedback and use this time to try to get something worked out. We are all in this together. Commissioner Bell stated if you plan on coming to this meeting arguing and getting loud and boisterous, you will be asked to leave. Commissioner Bell asked for Mr. Ranck to be there. Chairman Whitlock asked if Mr. Ranck will be there she supposed Mr. Stack will be there.

VIII. EXECUTIVE SESSION –

IX. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Ivester to adjourn regular meeting at 12:28 p.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2017

Debbie Whitlock, Chairman

Attest:

Beth Rider, County Clerk