

Hart County Board of Commissioners

May 19, 2015

5:30 p.m.

Called Meeting

Poultry House Permits

The Hart County Board of Commissioners held a called meeting May 19, 2015 at 5:30 p.m. at the Hart County Administrative & Emergency Services Center.

Chairman Jimmy Carey presided with Commissioners Frankie Teasley, R C Oglesby, Ricky Carter, and Joey Dorsey in attendance.

County Administrator Jon Caime explained that at the suggestion of Commissioner Dorsey, the BOC took action to start development of an ordinance to regulate the construction of poultry houses on 4 14 2015. At that time the BOC also enacted a moratorium on the issuance of building permits for the construction of new poultry houses recognizing that some existing projects may have already been started thus allowing individuals to appeal to the BOC for a variance from the moratorium on a case by case basis. As a result of this moratorium and variances, several issues have surfaced.

The first issue is that our building permit ordinance Sec. 18-32. states that, “*A building permit may be obtained by the property owner at the county administrative office.”* Several of the moratorium variances that have been granted were not to the property owner therefore a clarification of the BOC intent on these variances was needed.

County Attorney Walter Gordon stated that his research indicates that the permit applies to the owner or to one who has a contractual relationship with the owner.

Commissioner Oglesby stated that he has concerns with the variance requested for the poultry house on highway 172 (Singleton granted 4 28 15) with the proximity to the industrial park, YMCA, church and neighborhood. He stated that we need protections for the unincorporated areas near the City.

Commissioner Dorsey commented that the BOC has already granted the variance requested for the 172 property. He stated that his intention was to have a simple ordinance in place to regulate poultry house construction. In his opinion the building permit should apply to the land.

Commissioner Oglesby made a motion that the building permit shall be clarified to be a person that is the owner of the property or one who has a contractual agreement with a property owner and is site specific. Commissioner Dorsey provided a second to the motion and the motion passed 5-0.

Chairman Carey then made a motion to rescind the action taken by the BOC on 4 28 15 to grant a permit to for Chad Singleton’s request for a variance for a property owner to construct poultry houses on property located on Highway 172 adjacent to the industrial park. Commissioner Teasley provided a second to the motion.

Commissioner Dorsey commented that changing votes and rescinding actions questions the BOC’s credibility and opens up the taxpayers to lawsuits. He further questioned how this will be perceived about the BOCs actions to draw in new industries to Hart County.

Commissioner Dorsey questioned the County Attorney if he could defend the BOC’s actions. County Attorney Gordon responded it will be an “uphill battle”.

Commissioner Oglesby replied that this action is to protect industries near this site as well as families, the YMCA, and the nearby church.

Commissioner Carter voiced his concern about potential legal actions against the county by reversing this decision and also questioned the requirements of the BOC to rescind an action as regulated by Roberts Rules of Order.

Commissioner Dorsey stated that this 172 project will exceed the requirement of our current draft ordinance. He stated that this reversal of this decision moves forward it is reckless abandonment of taxpayer money.

Commissioner Oglesby commented that when this action was originally taken on 4 28 15, the BOC did not have input from the community and did not know the potential impacts to the community or nearby industries.

Commissioner Carter commented that the BOC has not seen the proposed layout of the structures in order to gauge the true impact to the community and surrounding land uses.

Commissioner Dorsey commented that the opponents of this project need to understand the poultry industry. He invited the public to visit his house to witness the non-impacts to his residence from a nearby poultry operation.

County Attorney Walter Gordon explained that this 172 project can still move forward once the poultry house ordinance is in place as long as the proposed facility meets the requirements of the new ordinance.

Paul Patel, owner of the property, spoke in opposition to the reversal.

Chairman Carey noted that Hart County has no zoning laws and that tonight’s meeting may be the first step towards zoning. He stated that the County will have to address zoning at some point.

Scott Hardigree, “Boots”, James Faulkner, Chuck Wadstock, Sharon Hill, all spoke against the project.

Ken York and “Mary” spoke in favor of the project.

Chairman Carey then called for the vote which was 3-2 (Commissioners Dorsey and Carter opposed to the motion to rescind the BOC action on 4 28 15).

Commissioner Dorsey then questioned the County Attorney if Roberts Rules of Order require a two thirds majority vote to rescind an action. The County Attorney stated that he will research the rules and report back to the BOC at the next BOC meeting.

County Administrator Jon Caime explained that if a two thirds majority is required and if a two thirds majority is 4 members of the BOC then the BOC will not need to take any further action on this issue and the permit variance granted on 4 28 15 will still be valid. He stated the math for two thirds is 67% and 3 of 5 BOC members is 60%.

Nancy Hardigree then commented that setbacks for poultry houses do not protect the City.

Maureen DeLoach spoke in opposition to the 172 project.

County Administrator Jon Caime then stated that the current building permit ordinance is not sufficient for larger projects such as poultry house construction where our current ordinance requires that the permittee must start the building foundation construction within 90 days.

Commissioner Dorsey then made a motion that “commencement” as defined in 18.31(f) for commercial, industrial, or agricultural construction projects shall include the physical moving of dirt. Chairman Carey provided a second to the motion and the motion passed 5-0.

Commissioner Oglesby made a motion to adjourn, seconded by Commissioner Dorsey and passed 5-0.

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Jimmy Carey, Chairman Lawana Kahn, County Clerk