



**Gordon County Board of Commissioners**  
**Work Session Minutes**  
**Tuesday, April 18, 2023**  
**Judicial Building Assembly Room - 5:00 PM**

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**PRESENT:** Commissioners: M.L. "Bud" Owens, Chair, Kevin Cunningham, Vice-Chair, Chad Steward, Bruce Potts, Kurt Sutherland, County Administrator and Attorney Jim Ledbetter, County Clerk Hollis Barton; Judge Lorie Moss, Ursula Richardson, Doug Ralston; Grant Waldrop, Joe Schulman, Sgt. Shawn Elmore, Paige Nipper, Brandi Owczarz, Gordon Gazette

**I. Discussion of Regular Session Agenda Items**

Mr. Ledbetter gave an overview of the regular agenda items.

**II. For Board Consideration**

**A. Departmental Report by Juvenile Court Judge Lorie Moss**

Judge Moss thanked the Commission for giving her the opportunity for the update. Stated their building is now at full capacity on Christmas day, the building flooded from the ceiling which caused a lot of damage, building opened last week and are now fully operational. Stated they like the Newtown Road location as it meets their needs. Judge Moss then went over their day to day operations throughout the week and court schedules. For statistics, stated they had 102 children currently in Foster Care, with an additional five (5) entering care today on an emergency basis; seventy-four (74) youth on probation, and one (1) Probation Officer at the Juvenile Court; twelve (12) family preservation at the department with Judicial oversight. Judge Moss then went over the Hearing process and procedures.

Chair Owens stated he had recently met with local law enforcement and they were highly complementary to the Juvenile Court and asked Judge Moss if there was anything the Commission could do. Judge Moss stated if she had a wish list the only thing on it would be full-time security. Stated they currently have security provided by the Sheriff's Office, but only when they are holding court.

**B. Discussion with DNR**

Sgt. Shawn Elmore with the Department of Natural Resources addressed the Commission regarding concerns of commercial fishing at Salacoa Park and the harmful effects on the habitat and resource depletion.

**C. Comcast Update**

Paige Nipper with Comcast provided an update on broadband expansion in Gordon County. Stated they have signed an agreement with the State and are currently in the RFP process. Stated drawings and plans are completed, and awaiting the RFP to move forward. Stated a safe estimate on moving forward would be June of this year, but cannot confirm that as the official start date. Ms. Nipper then gave an overview of community partners and opportunities for citizens.

**D. GDOT Projects Update**

Grant Waldrop and Joe Schulman with GDOT provided updates on Region 6 current projects Bridge Rehabilitation: SR 136 over Conasauga River, Old SR 53 Resurfacing from SR 53 Spur to I-75, and I-75 Resurfacing from US 411 in Bartow County to Dews Pond Road in Gordon County; and upcoming projects Bridge Replacement SR 136 over Coosawattee River, Intersection Improvement US 41 at SR 156, SR 156 Replacement over Salacoa Creek, US 411 Bridge Replacement over CSX, Intersection Improvement SR 225 at Newtown Church Road, Intersection Improvement SR 53 at Brownlee Mountain Road / Plainville Road, and SR 136 Railroad Crossing Improvement.

**III. Reminders and Information**

- A. Next Commission Meeting: May 2, 2023
- B. Board Appointments
- C. Cash and Investments Report
- D. Departmental Written Reports
- E. ACCG Annual Training Calendar

**IV. Executive Session to discuss litigation, property acquisition, and personnel**



**Gordon County Board of Commissioners**  
**Regular Session Minutes**  
**Tuesday, April 18, 2023**  
**Judicial Building Assembly Room - 6:00 PM**

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**PRESENT:** Commissioners: M.L. “Bud” Owens, Chair, Kevin Cunningham, Vice-Chair, Chad Steward, Bruce Potts, Kurt Sutherland, County Administrator and Attorney Jim Ledbetter, County Clerk Hollis Barton; Ursula Richardson, Doug Ralston; Brandi Owczarz, Gordon Gazette

**I. Call To Order**

Chair Owens called the meeting to order.

**II. Invocation and Pledge of Allegiance - Commissioner Sutherland**

**III. Approval of Minutes -** Commissioner Potts made a motion to approve the minutes, seconded by Commissioner Sutherland. The motion carried 5-0.

**A. Adopt minutes of Work, Executive, and Regular Session of April 4, 2023**

**IV. Approval of the Agenda**

Commissioner Sutherland made a motion to approve the agenda, seconded by Commissioner Potts. The motion carried 5-0.

**V. Special Recognition**

**A. Fire and Rescue Graduates**

Chief Ralston recognized the most recent class of recruits Trevor Henderson, Andrew Bigniel, James Dalton, and Atticus Peppers.

**VI. Administrator’s Report**

Mr. Ledbetter presented his report to the Commission.

**VII. Commissioner’s Report**

**A. Vice-Chair Cunningham**

Stated he attended the E-911 Banquet as well as the Legislative Update. Met with citizens regarding different concerns. Stated he received some construction updates and the Wood Yard as well as the City of Ranger.

**B. Commissioner Steward**

Stated he also attended the E-911 Banquet and it was a really good event.

**C. Chair Owens**

Stated on the 10th he had a meeting with Sheriff Ralston and Chief Paris at the Gordon County Sheriff's Office; attended the Open House on the 11th at Gordon County E-911 as well as holding a Joint Meeting with the City of Calhoun, Resaca, and Plainville, with Fairmount being unable to attend, to discuss SPLOST projects and the importance of it and reviewed calendars. Stated State Representative Matt Barton was also in attendance to provide an update on legislative issues and results from the recent Legislative Session; on the 13th attended the E-911 Banquet and on the 14th facilitated the Economic Development Leadership Session along with a panel of experts.

**D. Commissioner Potts**

Stated on April 11th attended the E-911 Open House and the SPLOST and Legislative Update; on April 13th attended the Gordon County Department of Health Board meeting; on April 18th attended the Work Based Learning Board meeting; Commissioner Potts then gave an update on behalf of Parks and Recreation and the Senior Center.

**E. Commissioner Sutherland**

Stated he met with a citizen to hear their concerns. Stated he spoke with Public Works Director Steve Parris and Fleet Manager Mike Satterfield.

**VIII. Second Reading**

**A. Proposed ULDC Amendment** - Mr. Ledbetter presented the item to the Commission. Commissioner Potts made a motion to approve, seconded by Commissioner Sutherland. The motion carried 5-0.

**B. Proposed Ordinance Amendment to Article IV Sec. 2-101, 103-104 titled "Rules of Procedure"**. - Mr. Ledbetter presented the item to the Commission. Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Potts. The motion carried 5-0.

**IX. Public Hearing**

**Chair Owens discussed the rules of the Public Hearing to those in attendance. Commissioner Potts made a motion to enter into Public Hearing, seconded by Commissioner Steward. The motion carried 5-0.**

- A. Application Z23-05 requesting rezoning from Agricultural (A-1) to Conditional Use located at 2717 Chatsworth Hwy 225 NE, Calhoun, Georgia 30701; Gordon County Tax Parcel 063-067. The Planning Commission voted 4-0 to approve. - Mr. Ledbetter presented the item to the Commission. Commissioner Potts made a motion to approve, seconded by Commissioner Sutherland. The motion carried 5-0.**
- B. Application Z23-08 requesting rezoning from Agricultural (A-1) to Conditional Use located at 470 Guess Road NE, Ranger, Georgia 30734; Gordon County Tax Parcel 094-061. The Planning Commission voted 3-1 to approve. - Mr. Ledbetter presented the item to the Commission. Mr. Ledbetter stated there were several people who signed up to speak.**

**SPEAKING IN FAVOR:**

**Mr. Devin Oesterle, 312 Hightower Loop, Ranger:** Stated as the applicant, he intended for the land to remain in his family and pass it along to them one day. Mr. Ledbetter asked if he had an existing operation out there at this time. Mr. Oesterle responded that he did. Mr. Ledbetter then asked if he had been visited by Code Enforcement for any concerns regarding his operation. Mr. Oesterle responded that he had not.

Vice-Chair Cunningham asked if these houses are approved, the existing houses if the trucks would use the same road or different access. Mr. Oesterle stated there were two entrances and two exits on Hightower Loop, and with the new farm there were two entrances and two exits for Guess Road. Commissioner Sutherland asked Mr. Oesterle if he and his wife managed the chicken houses, Mr. Oesterle responded that was correct. Chair Owens then asked where in conjunction to the existing houses was Mr. Oesterle planning to build. Mr. Oesterle then showed the Commission where he was planning to build, where his existing property was located. Mr. Ledbetter stated Mr. Oesterle would have an opportunity for rebuttal.

**SPEAKING IN OPPOSITION:**

**Meg Reidy, 6056 Red Bud Road, Ranger:** Expressed concern to the Commission in regards to the application and air pollution. Stated they did not live on this chicken farm and that was a problem. In reference to the

question regarding a visit from Code Enforcement, stated the existing houses have only been operational since the beginning of the month, leaving little opportunity for that happening. Stated the Oesterles had their eight houses and did not live on this farmland and asked the Commission to limit them to that amount.

**Rucker McDonald, 1363 Owens Gin Road, Calhoun:** Stated the application was for the owner Springbank, LLC and was a foreign limited liability company registered in Georgia in April 2023. Stated most of the chicken houses in Morgan County were owned by LLCs, and Gordon County had more chicken houses than any county in the state. Last year, saw many chicken houses from a helicopter and more land clear for chicken houses and could not find applications for these chicken houses. Stated he knew where several Gordon County chicken farmers houses were located, but did not know where the LLC chicken houses were. Stated Mr. Oesterle has been buying and selling chicken houses for the last few years and does not believe he is a chicken farmer. Stated he believes we need to do a better job in understanding and planning before we grant anymore chicken houses in Gordon County.

**Carol Caywood, 1581 Taylor Town Rd, Ranger:** Stated she was newer to the area and spent a lot of time finding their dream home, and the thought of eight chicken mega houses was unsettling. Stated she was unsure of the monitoring process to ensure pollutants and upkeep. Asked the Commission to put themselves in their shoes if that was their primary residence. Mr. Ledbetter asked how far their residence was from the proposed chicken houses. Ms. Caywood stated she was unsure. Mr. Caywood clarified to the Commission they were on the southside of the property. Ms. Caywood stated while she appreciated the fact that Mr. Oesterle stated he wanted to do this for his family, she asked at what cost to others.

**David Penley, 760 Guess Rd, Ranger:** Stated he had lived in the area since 1966 or 67, that his house was just to the east of the Caywoods. Stated he believed Mr. Oesterle was building right in the middle of their community and that he would not hold on to the property long. Mr. Penley addressed the Commission regarding pollution and traffic concerns for the area.

**Chad Guess, 649 Guess Rd, Ranger:** Stated he had been in the area his whole life and that this parcel was in the heart of the Taylor Town community and is concerned for it. Stated safety should be the number one issue as well as their children's future. Mr. Guess then stated his concerns with commercial trucks driving through.

**Jason Cronan, 1317 Taylor Town Rd, Ranger:** Stated he came here today is he and his family bought property and there are forty-two chicken houses and it has to stop somewhere. Stated he does not hold it against the applicant but when it affects him personally he felt he had to speak. Stated this will be affecting their kids and grandchildren.

Mr. Ledbetter asked if Mr. Cronan on the specifics of his property. Mr. Cronan showed Mr. Ledbetter and the Commission the properties on the maps. Mr. Ledbetter asked if he had directly experienced anything from those chicken houses with the property that made him decide not to build on his property. Mr. Cronan responded yes, that a kill house and the wildlife. Mr. Ledbetter asked how many feet he estimated he was from the chicken houses of the sixteen. Mr. Cronan stated 1,000 feet. Mr. Ledbetter asked how many feet he would be from the proposed chicken houses. Mr. Cronan estimated 300 feet.

Chair Owens asked what Mr. Cronan's plan was for the property adjacent to this. Mr. Cronan stated his son was planning to build a house.

**Tad Guess, 654 Guess Rd, Ranger:** Stated he was born and raised there. Stated he was concerned about people stealing equipment from the properties and it was just a matter of time. Mr. Guess then brought forth concerns on safety in the area if this request was approved.

**Crystal Alday, 3454 Wax Rd, Aragon:** Stated most of the neighbors had covered the key points. Stated she was concerned over the safety of Guess Road and road fatalities. Stated she read online that she believes it is not up to code on what a rural road should be. Ms. Alday then stated she had also read online regarding future projects and concerns with it.

**REBUTTAL:**

**Mr. Oesterle:** Stated he recognized the concern with the amount of trucks and was unsure on where everyone was getting their information from. Stated he did want to add that it has on the plans the amount of disturbed land, and estimated it to be no more than twenty acres, with 60% being undisturbed. Mr. Oesterle then gave an overview of transportation regarding the property.

Chair Owens asked Mr. Oesterle to point to the closest piece of property on the plans. Mr. Ledbetter asked if the surrounding owners were there to speak tonight. Mr. Oesterle stated one of them was, but not the other two. Chair Owens then asked Mr. Oesterle to clarify the relationship with Springbank,

LLC. MR. Oesterle stated they are a company that is selling several properties. Commissioner Sutherland asked if the contract and review was in good standing, Mr. Oesterle responded that it was. Mr. Ledbetter asked Mr. Oesterle if he had any plans in the reasonable future to flip this property, Mr. Oesterle stated he did not. Mr. Ledbetter asked Mr. Oesterle how he planned to store the litter. Mr. Oesterle stated he had arrangements for a company to take out the litter, Mr. Ledbetter asked if it would be left out to get wet, Mr. Oesterle stated it would not.

Chair Owens asked for a motion. Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Steward. The motion carried 3-2, with Chair Owens and Commissioner Steward being the nay votes.

**C. Application Z23-09 requesting rezoning from Agricultural (A-1) to General Commercial (C-G) located at 198 Peters Street Calhoun, Georgia 30701; Gordon County Tax Parcel 041-257. The Planning Commission voted 4-0 to approve.** - Mr. Ledbetter presented the item to the Commission. Commissioner Steward made a motion to approve, seconded by Commissioner Potts. The motion carried 5-0.

**D. Application Z23-10 requesting rezoning from Agricultural (A-1) to Manufactured Housing (R-6) located at 305 Windy Hill Lane, Fairmount, Georgia 30139; Gordon County Tax Parcel 089A-034. The Planning Commission voted 4-0 to approve.** - Mr. Ledbetter presented the item to the Commission. Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Potts. The motion carried 5-0.

**E. Application Z23-12 requesting rezoning from Agricultural (A-1) to Low Density Residential (R-1) located at 1083 Miller Ferry Road, Adairsville, Georgia 30103; Gordon County Tax Parcel 048-031A. The Planning Commission voted 4-0 to approve.** - Mr. Ledbetter presented the item to the Commission.

**SPEAKING IN FAVOR:**

**David Stuart, 1266 Powder Springs Rd, Marietta:** Stated he was there on behalf of the applicant and that he would reserve his time to answer any questions anyone may have.

**SPEAKING IN OPPOSITION:**



**Gene Nagle, 1084 Miller Ferry Rd, Adairsville:** Stated he was in favor of a residential subdivision, however he would like some conditions applied to the existing plans. Mr. Nagle then presented the Commission with a proposal he had drawn up and the concerns he had with runoffs. Stated while it is not a big issue at this point in time, it would be with this development. Mr. Nagle then addressed the Commission with safety and vegetation concerns, as well as concerns regarding the proposed entrance. Chair Owens asked if Mr. Nagle had given his proposal to Mr. Stuart; Mr. Stuart stated he had not seen it, but would be happy to look at it and take it into consideration.

**Amber Nagle, 1084 Miller Ferry Rd, Adairsville:** Stated she is not in agreement with her husband, that she is completely opposed to a residential subdivision in the area. Stated the main problem she had with it was traffic concerns. Stated with the location the subdivision is, it is difficult to see.

Mr. Ledbetter asked Mr. Stuart if he had the ability to connect to sewer or if it would be septic, Mr. Stuart stated it would be septic.

Chair Owens asked for a motion. Commissioner Steward made a motion to approve, seconded by Vice-Chair Cunningham. The motion carried 5-0.

**Chair Owens asked for a motion to close the Public Hearing.  
Commissioner Potts made a motion to adjourn the Public Hearing,  
seconded by Commissioner Sutherland. The motion carried 5-0.**

#### **X. Consideration of Unfinished Business**

#### **XI. Consideration of New Business**

- A. Request from Human Resources to approve on-boarding & recruitment module from ADP with an annual subscription cost of \$13,380. This was originally budgeted in next year's budget and will require a budget amendment.** - Mr. Ledbetter presented the item to the Commission. Commissioner Potts made a motion to approve, seconded by Commissioner Steward. The motion carried 5-0.
- B. Resolution to approve Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC., Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreens Co.** - Mr. Ledbetter presented the item to the Commission. Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Sutherland. The motion carried 5-0.
- C. Request from Administration to approve furniture quotes from Ernie Morris in the amount \$109,683 for the Gordon County Courthouse. This**

**will be budgeted using 2018 SPLOST funds.** - Mr. Ledbetter presented the item to the Commission. Commissioner Sutherland made a motion to approve, seconded by Vice-Chair Cunningham. The motion carried 5-0.

## **XII. Adjourn**

Vice-Chair Cunningham made a motion to adjourn, seconded by Commissioner Sutherland. The motion carried 5-0.