



GORDON COUNTY BOARD OF COMMISSIONERS

May 16, 2023

Judicial Building Assembly Room

Work Session - 5:00 PM

Regular Session - 6:00 PM

PRESENT: Commissioners: Chair M.L. "Bud" Owens, Vice-Chair Kevin Cunningham, Chad Steward, Bruce Potts, Kurt Sutherland; County Administrator and Attorney Jim Ledbetter, County Clerk Hollis Barton, Executive Assistant Keith King, Ursula Richardson, Courtney Taylor, Don Holley, Tim Cochran, Angie Gillman, Byron Sutton, Heath Derryberry, Ken Padgett, Blake Silvers, Brandi Owczarz

WORK SESSION

Discussion of Agenda Items

Mr. Ledbetter gave an overview of the agenda.

Departmental Report by Human Resources

Human Resources Director Don Holley gave an overview of current operations and the upcoming integration of the ADP software to streamline the hiring and onboarding processes.

Executive Session to discuss litigation, property acquisition, and personnel

Commissioner Potts made a motion to enter into Executive Session, seconded by Commissioner Sutherland. The motion carried 5-0.

Upon exiting the Executive Session, Commissioner Sutherland made a motion to adjourn the Executive Session, seconded by Vice-Chair Cunningham. The motion carried 5-0. No action was taken.

REGULAR SESSION

- I. **Call To Order** - Chair Owens called the meeting to order.
- II. **Invocation and Pledge of Allegiance** - Commissioner Sutherland and Vice-Chair Cunningham
- III. **Approval of Minutes**
 - A. **Adopt minutes of Executive and Budget Work Session of May 2, 2023 and Work, Executive, and Regular Session of May 2, 2023** - Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Potts. The motion carried 5-0.

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

VI. Administrator's Report

Mr. Ledbetter presented his report to the Commission during the Work Session.

VII. Commissioner's Report

A. Vice Chair Cunningham

Stated outside of daily operations with Mr. Ledbetter, he received a progress update on the Administration building construction and met with Mr. King.

B. Commissioner Steward

Stated he attended the Open House and Ribbon Cutting for the Senior Center as well as the Resaca City Council meeting.

C. Chair Owens

Stated on May 4, 2023 he attended the National Day of Prayer even in Rome and led the invocation for Public Safety; on May 5, attended the Senior Center Open House and Ribbon cutting; on May 9, held the EMS QRC meeting and received a good report from AdventHealth Gordon EMS Director Mike Bramblett, followed by Public Safety Committee; May 10, Lunch and Learn hosted by the Gordon County Chamber with Brad Raffensberger; was notified today he was appointed to the ACCG Health and Human Services Policy Committee.

D. Commissioner Potts

Stated on May 3, attended Special Olympics for Gordon County; on May 5, attended Ribbon Cutting for Senior Center as well as the Ribbon Cutting for OCA Roofing; May 8, attended meeting with Gordon County Sheriff's Office; May 9, attended meeting with EMA Director Courtney Taylor and Wendy Saylor; May 16, attended Chamber of Commerce Lunch and Learn; May 13, volunteered for the City Park Spring Planning; May 16, attended Airport Authority Meeting; gave updates from Parks and Recreation.

E. Commissioner Sutherland

Stated on May 5, attended the Open House and Ribbon Cutting for the Senior Center; met with Public Works Director Steve Parris and Lindsey Thomas with the State regarding issues that will soon be addressed.

VIII. Second Reading

(First Reading held May 2, 2023)

- A. **Adopt a resolution of Gordon County, Georgia, to approve the adoption of Ordinance § 9-7 titled "Commercial Fishing Prohibited in County Parks".** - Commissioner Potts made a motion to approve, seconded by Commissioner Sutherland. The motion carried 5-0.

IX. Public Hearing

Chair Owens asked for a motion to enter into Public Hearing. Vice-Chair Cunningham made a motion to enter into Public Hearing, seconded by Commissioner Steward. The motion carried 5-0. Mr. Ledbetter gave an overview of the rules and procedures.

- A. **Application Z23-13 requesting rezoning from Agricultural (A-1) to Manufactured Housing (R-6) located at 1372 Old Rome Dalton Rd NW, Calhoun, Georgia 30701; Gordon County Tax Parcel 022-014. 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.
- B. **Application Z23-14 requesting rezoning from Agricultural (A-1) to Low Density Residential (R-1) located at 1362 Old Rome Dalton Rd NW, Calhoun, Georgia 30701; Gordon County Tax Parcel 022-014. 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 Sutherland. The motion carried 5-0.
- C. **Application Z23-15 requesting rezoning from Agricultural (A-1) to Manufactured Housing (R-6) located at Newtown Creek Loop Rd NE (Split), Calhoun, Georgia 30701; Gordon County Tax Parcel 055A-109. 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 Vice-Chair Cunningham. The motion carried 5-0.
- D. **Application Z23-16 requesting rezoning from Agricultural (A-1) to Conditional Use located at first drive past Pleasant Hill Ext. on Redbud Rd, Calhoun, Georgia 30701; Gordon County Tax Parcel 095-059. The Planning Commission voted 4-0 to approve.** - Mr. Ledbetter presented the item to the Commission.

Roger Thomas, Applicant: addressed the Commission and stated his intentions behind the application. Stated he would respect the Commission's ruling.

Mr. Ledbetter asked Mr. Thomas if he had filed how he intended to locate the chicken houses on the property. Mr. Thomas stated that he had, and that he would need to move some dirt for the placement of one of the houses.

SPEAKING IN OPPOSITION:

Meg Reidy, 6056 Red Bud Road, Ranger: Addressed concerns regarding the application not disclosing information regarding financial interest and concerns regarding Springbank LLC and how they maintain buffers. Ms. Reidy then referenced other counties and lawsuits to prohibit chicken houses from being developed and what they had to do to stop CAFO development in Gordon County.

Mr. Ledbetter asked Mr. Thomas to clarify if he had any financial interest in any dealings with the Board of Commissioners or Planning Commission, had made any campaign contributions, or any current business dealings with Gordon County. Mr. Thomas confirmed he did not.

Shane Moss, 188 Woodland Circle NW, Calhoun: Addressed the Commission regarding the floodplain zone; stated in researching he saw the measurements of the houses and had concerns on the proximity and smell.

Judy Walraven, 287 Davis Road, Resaca: Addressed the Commission regarding concerns over safety on the roads and the existing smell becoming worse.

Ryan Parker, 6817 Red Bud Road, Ranger: Addressed the Commission regarding statements from the applicant. Mr. Parker then gave statements regarding community and how the applicant did not understand what a community meant to him and his personal definition.

Mr. Ledbetter asked Mr. Parker to stick to objections regarding the application rather than the applicant.

Mr. Parker continued with his concerns regarding the buffer and safety concerns.

Sandy Silvers, 6943 Red Bud Road, Ranger: Addressed the Commission over concerns regarding the proximity of the application to her home, pollution, health concerns, odor, and traffic.

Justus McGhee, 6934 Red Bud Road, Ranger: Addressed the Commission regarding concerns of the rock and if any blasting would need to be done in the future as well as concerns with CAFOs and water pollution.

Garson Cornwell, 698 Lovebridge Road, Calhoun: Addressed the Commission regarding concerns over growing industrial areas and if this site was appropriate for this application. Brought forth concerns regarding the landfill and the dissolution of the Town of Ranger, and the future of development in Gordon County.

Kimberly McGhee, 6934 Red Bud Road, Ranger: Addressed the commission regarding her concerns over the water and pollution.

Brenda Cornwell, 6832 Red Bud Road, Ranger: Addressed the Commission regarding odors from the landfill and does not wish for additional smell in the area.

Jennifer Nicholson, 6791 Red Bud Road, Ranger: Addressed the Commission stating this would have the most impact on her as she lives to the right of the property. Stated she had concerns on the impact it would have on the property and health concerns for her children.

Michelle Thomas, 735 Lick Creek Road, Ranger: Addressed the Commission regarding the applicant not building on another piece of property. Asked the Commission to consider the residents that would be unable to tolerate the effects of the chicken houses.

Randy Jackson, 7079 Red Bud Road, Ranger: Addressed the Commission regarding traffic concerns, smell, and pollution from the chicken houses.

Carol Jackson, 7079 Red Bud Road, Ranger: Addressed the Commission regarding a report she had read and the dust and contamination.

Tim West, 528 Lick Creek Road, Ranger: Addressed the Commission regarding the location of the chicken houses and alternative solutions.

SPEAKING IN FAVOR:

Jacob Williams, 2270 Rome Road, Calhoun: Addressed the Commission in support of the applicant. Stated he felt it was an appropriate location and met all the requirements. Stated he has eight (8) 66x600 houses behind his house and feels it does not adversely affect his neighbors quality of life. Stated he felt confident the applicant would run a first class operation and stressed the importance of farmers.

REBUTTAL:

Mr. Thomas: Stated he felt he had done his due process and the research to meet all the requirements set forth. Stated he understands everyone's concerns and fears, however, he feels if this land is not suitable for farming, then he does not know what is.

Commissioner Steward asked if he planned on keeping as much vegetation as possible, Mr. Thomas stated he did. Mr. Thomas stated he would have to put other structures on the property for storage, etc. but did not plan for anything major that would require any further action. Commissioner Steward asked if he had any intentions to sell the property, Mr. Thomas stated he did not at this time.

Commissioner Potts asked Mr. Thomas if he was aware that Springbank LLC was a Delaware Limited Liability company according to the warranty deed. Mr. Thomas stated that he was. Commissioner Potts asked Mr. Thomas if Springbank LLC retained any rights to his property anywhere, including the property below the parcel on the application. Mr. Thomas stated they would not have any rights to his property, however they did still own the property on the lower right of the map in the application, that it had not been updated in the system that he was not the owner.

Commissioner Potts what he plans to do with the manure. Mr. Thomas stated he had presented his plans to the National Conservation Resource Services. Commissioner Potts how far the driveway was from Red Bud Road. Mr. Thomas stated it was estimated to be 1100 on the map. Commissioner Potts then asked Mr. Thomas to clarify where his fifty (50) acres were and who his integrator was. Mr. Thomas stated that it had not yet been decided. Commissioner Potts then clarified the procedure for a moratorium.

Chair Owens asked Mr. Thomas to show the actual residents bordering the property. Mr. Ledbetter stated the survey had indicated those properties as well. Chair Owens then asked Mr. Thomas to show the Commission any waterways that run across the property and if he currently had a well on the property. Mr. Thomas stated he did not at this time but planned to put one on the property.

Chair Owens asked Mr. Thomas to clarify what type of order he was committing to leave all the way around the houses and what else he planned on placing on this property. Mr. Thomas's response was inaudible as he had stepped away from the microphone to show Chair Owens on the map his plans for the property. Chair Owens then asked about the vegetation and asked if Mr. Thomas had plans for the other acres. Mr. Thomas stated that he did and would have to do a separate form, but he did plan to put an office. Chair Owens asked if he planned to bring that back before the Board, Mr. Thomas stated he did not believe it required him to at this time.

Vice-Chair Cunningham made a motion to approve the application. With no second, the motion died.

Commissioner Potts made a motion to defer the application. With no second, the motion died.

Chair Owens asked for a motion. With no motion, he asked for a motion to have a ten minute recess. Commissioner Potts made a motion for a ten minute recess, seconded by Vice-Chair Cunningham. The motion carried 5-0.

Chair Owens resumed the meeting and thanked everyone for their patience. He then asked Mr. Ledbetter to provide legal context on our current status of the hearing.

Mr. Ledbetter stated after reviewing the ordinance, we are currently at a non-decision. Commissioner Steward stated he would like to add the hearings and proceedings regarding chicken houses were not in place when he first came onto the Commission and was put in place with the growing mega houses. Mr. Ledbetter stated he believed the current process was in place in either 2016 or 2017. Mr. Ledbetter also agreed with Commissioner Potts that we do have one of the strictest ordinances regarding mega houses. Chair Owens seconded everyone's comments and stated Gordon County is an agricultural community and is based on agriculture and has a lot of it, which does include poultry and the difficulty behind these decisions due to that.

Chair Owens then asked for a motion. Commissioner Potts made a motion to defer the application until the June 6, 2023 meeting to obtain further information, seconded by Commissioner Steward. Mr. Ledbetter stated this information would be regarding the integrator meeting ULDC requirements. The motion to defer carried 5-0.

- E. Application Z23-17 requesting rezoning from Agricultural (A-1) to Low Density Residential (R-1) located at 5426 Roland Hayes Pkwy, Calhoun, Georgia 30701; Gordon County Tax Parcel 010-017. 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.

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

X. Consideration of Unfinished Business

XI. Consideration of New Business

- A. Presentation of Proposed 2023-2024 Budget** - Chair Owens presented the item. No action was taken.
- B. Request from County Clerk to approve New Ownership application for Beer and Wine - Consume Off-Premises License to Rehmat Khan / Zond**

Brother LLC dba BP Food Mart located at 110 Shope Lake Rd SE, Calhoun, GA 30701. All fees and requirements have been met by the applicant. - Chair Owens presented the item to the Commission. Commissioner Steward made a motion to approve, seconded by Commissioner Potts. The motion carried 4-1, with Vice-Chair Cunningham being the nay vote.

- C. **Request from County Clerk to approve New Ownership application for Beer - Consume Off-Premises License to Arpit Patel / Neelkanth 0712 LLC dba Neel's Market located at 602 Hwy 53 SW, Calhoun, GA 30701. All fees and requirements have been met by the applicant.** - Chair Owens presented the item to the Commission. Commissioner Potts made a motion to approve, seconded by Commissioner Steward. The motion carried 4-1, with Vice-Chair Cunningham being the nay vote.
- D. **Request from IT to approve an agreement with CivicPlus for development of the Gordon County website in the amount of \$25,613.00. This will be budgeted using overages from FY23 revenues.** - Chair Owens presented the item to the Commission. Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Sutherland. The motion carried 5-0.
- E. **Request from the District Attorney's Office to approve the State Paid, County Reimbursed Personnel Contract Extension with the Prosecuting Attorneys' Council of Georgia for FY2024.** - Chair Owens presented the item to the Commission. Commissioner Potts made a motion to approve, seconded by Commissioner Steward. The motion carried 5-0.
- F. **Appointment or reappointment to Historic Preservation Commission. This will be a three year term beginning on June 1, 2023 and expiring on June 1, 2026.** - Chair Owens presented the item to the Commission. Commissioner Steward made a motion to reappoint Ken Padgett, seconded by Commissioner Sutherland. The motion carried 5-0.
- G. **Appointment or reappointment to the Historic Preservation Commission. This will be a three year term beginning on June 1, 2023 and expiring on June 1, 2026.** - Chair Owens presented the item to the Commission. Commissioner Potts made a motion to appoint Ad Layson, seconded by Commissioner Sutehrland. The motion carried 5-0.
- H. **Request from Fire and Rescue to deem certain equipment as surplus.** - Chair Owens presented the item to the Commission. Vice-Chair Cunningham made a motion to approve, seconded by Commissioner Steward. The motion carried 5-0.
- I. **Request to allow the use of the Resaca Battlefield Historic Site by the Friends of Resaca Battlefield and the 28th Georgia Civil War Reenactors**

Group on Saturday, May 27, 2023. This comes with a recommendation of approval from the Historic Preservation Commission. - Chair Owens presented the item to the Commission. Commissioner Potts made a motion to approve, seconded by Vice-Chair Cunningham. The motion carried 5-0.

XII. Adjourn

Commissioner Steward made a motion to adjourn, seconded by Commissioner Potts. The motion carried 5-0.