

**GORDON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
DECEMBER 20, 2016**

The Gordon County Board of Commissioners held their Regular Meeting on Tuesday, December 20, 2016, at 6:00 p.m. in the Conference Room of the Administration Building.

**MEMBERS PRESENT**

**BECKY HOOD, CHAIRMAN  
CHAD STEWARD, VICE CHAIRMAN  
KEVIN CUNNINGHAM, COMMISSIONER  
NORRIS SEXTON, COMMISSIONER  
JEFF GAZAWAY, COMMISSIONER**

**OTHERS PRESENT**

**JOHN KING, COUNTY ADMINISTRATOR  
JIM LEDBETTER, COUNTY ATTORNEY  
ANNETTE BERRY, COUNTY CLERK  
MEDIA  
12 GUESTS**

Chairman Hood called the meeting to order.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation was led by Rev. John Allen. The pledge of allegiance was led by Chairman Hood.

**APPROVAL OF MINUTES**

Chairman Hood asked if there are any additions, omissions, or deletions to the Minutes for the Work Session December 6, 2016 and Regular Meeting December 6, 2016. Commissioner Cunningham made a motion to approve the minutes. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Sexton, Gazaway and Steward voted aye. Motion approved.

**ADMINISTRATOR'S REPORT**

County Administrator King read the report into the record (copy attached).

**COMMISSIONERS' REPORT**

Commissioners Cunningham and Steward reported that they attended the Finance Committee meeting.

**UNFINISHED BUSINESS**

**AMENDMENT TO THE SHOOTING RANGES ORDINANCE, AMENDMENT TO THE CHICKENS AND POULTRY ORDINANCE, AMENDMENT TO THE SOIL EROSION SEDIMENTATION AND POLLUTION CONTROL ORDINANCE**

County Attorney Ledbetter advised that this is for the Board's consideration of the amendments to the Shooting Ranges ordinance, the Chickens and Poultry ordinance, and the Soil Erosion Sedimentation and Pollution Control ordinance. This is the second reading of those ordinances. The Board began discussing those ordinances a long time ago; copies of the amendments were handed out to the Board on June 21, 2016; July 5, 2016 we had a public discussion of those ordinances in open session; July 13, 2016 we ran a notice in the paper for a public hearing where we received public comments on August 2, 2016. On November 28, 2016, we re-advertised for a public hearing, due to the length of time from the last one, and we held the public hearing

tonight at 5:00 pm before the Regular Meeting. The Board needs to make a motion to approve or disapprove, either one or all of these ordinances. With regards to the shooting range ordinance, I am requesting that we add language that would state "with regard to the noise limit, prior to the issuance of a permit allowing operation of the facility, the owner or operator of the proposed indoor shooting range shall provide the County Building Inspector with a report from a qualified expert in sound engineering, that the indoor shooting range meets sound limits of this paragraph for the largest caliber firearm allowed to be fired in the facility, and no firearm that exceeds that caliber used in testing may be subsequently fired or discharged in or at an indoor shooting range".

Commissioner Cunningham made a motion to approve the amendment to the Shooting Ranges Ordinance with additional noise limit as read by the County Attorney, amendment to the Chickens and Poultry Ordinance, and amendment to the Soil Erosion Sedimentation and Pollution Control Ordinance. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Gazaway, Sexton, and Steward voted aye. Motion passed.

#### CONSIDERATION OF NEW BUSINESS

#### REAPPOINTMENT OF NANCY NICHOLS TO THE GORDON COUNTY HOSPITAL AUTHORITY BOARD FOR A THREE-YEAR TERM ENDING DECEMBER 31, 2019

County Administrator King had advised earlier that the Board received a request from the Gordon County Hospital Authority Board to re-appoint Nancy Nichols to a three-year term ending December 31, 2019.

Commissioner Cunningham made a motion to approve the reappointment of Nancy Nichols to the Hospital Authority Board. Commissioner Gazaway seconded the motion and Commissioners Steward, Gazaway, Cunningham, and Sexton voted aye. Motion passed.

#### APPOINTMENTS TO THE GORDON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION BOARD FOR TERMS ENDING DECEMBER 31, 2020 FOR SHEA HICKS, CHAIRPERSON, DAMON WALKER AND CODY OGLESBY, REPUBLICAN PARTY, AND CAROLYN FULLER AND MINA LUSK, DEMOCRATIC PARTY

Chairman Hood advised that this is a request to approve the list submitted by the Board of Elections and Voter Registration appointing Shea Hicks, Damon Walker, Cody Oglesby, Carolyn Fuller and Mina Lusk to the Gordon County Board of Elections and Voter Registration for terms ending December 31, 2020.

Commissioner Steward made a motion to approve the list of appointees submitted by the Elections and Voter Registration Board. Commissioner Cunningham seconded the motion and Commissioners Steward, Cunningham, Sexton, and Gazaway voted aye. Motion passed.

#### REQUEST FROM LIMESTONE VALLEY RCD FOR OFFICE SPACE

County Administrator King had advised earlier in the work session that Limestone Valley RCD has made a request for office space. The local Director of Natural Resource Conservation Service, Doug Cabe, working with the Limestone Valley RCD received a State grant for

\$400,000 for water quality improvements in Gordon County. This includes working with some of the row crop farmers for nutrient management plans to manage some of the runoff into the rivers and it also includes financial assistance for the replacement of septic systems for homeowners that live near major waterways that empty into the Oostanaula River watershed. They will be setting up an office at the Environmental Health Department to help people that need that type of assistance. In order for them to do this, they need some office space. There has been a space made available there for their use temporarily for the next year or so, or until this grant has been consumed or expires. In order that they get credit on the grant for that, it is necessary for the Board to approve their use of that office space. It will be considered as an in-kind value of \$500 per month.

Commissioner Gazaway made a motion to approve an in-kind office space for the Limestone Valley RCD and Natural Resource Conservation Service grant. Commissioner Cunningham seconded the motion and Commissioners Steward, Gazaway, Cunningham, and Sexton voted aye. Motion passed.

#### RESOLUTION FOR INTENT TO ACQUIRE PROPERTY FOR HEALTH DEPARTMENT PROJECT

Attorney Ledbetter advised in the Work Session that this is a resolution for intent to acquire property for the Health Department. This is a formal resolution of offer to the State of Georgia. In 1961 Gordon County transferred one tract to the State of Georgia for \$1, and in 1968 the other tract to the State of Georgia Game and Fish Commission for \$1. We are now hoping to acquire that property back for \$10. The conveyance would be conditioned upon requiring that the property must remain for use by the general public. The deed would have a revisionary clause that the property goes back to the State if Gordon County ceases to use it for the general public. There is a requirement that the County will demolish the two office buildings on the property within a reasonable time. The County has until the time of closing to perform all due diligence and all tests. The transaction is easy unless the County finds something bad on the property that would end up costing a lot of money to dispose of. The County pays for its own tests, but if there is a determination that acceptance of the property is a bad decision because of any conditions found on the property, the County reserves the right to withhold its offer and not acquire the property.

Commissioner Cunningham made a motion to approve the resolution for intent to acquire the property. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Gazaway, Steward, and Sexton voted aye. Motion passed.

#### BUDGET AMENDMENT TO REPLACE SHERIFF'S DEPARTMENT VEHICLE

Attorney Ledbetter advised that a Sheriff's Department vehicle wrecked on I-75 and that the insurance will pay for some or maybe all of the damage. However, the Sheriff's Department, in the meantime, needs the vehicle replaced, so is asking for a budget amendment. The County will be pursuing the other party's insurance for reimbursement.

Commissioner Steward made a motion to approve the budget amendment. Commissioner Cunningham seconded the motion and Commissioners Gazaway, Cunningham, Sexton, and Steward voted aye. Motion passed.

**MALT BEVERAGE WINE AND LIQUOR LICENSE APPLICATION FOR HIGHWAY EXPRESS FOR 2017**

County Clerk Berry advised the Board that this location has a license currently, this is merely a change of ownership for this location and all paperwork is in order.

Commissioner Gazaway made a motion to approve the malt beverage wine and liquor license application for Highway Express. Commissioner Steward seconded the motion and Commissioners Gazaway, Steward, and Hood voted aye. Commissioners Sexton and Cunningham opposed the motion. Motion passed.

**RENEWAL MALT BEVERAGE WINE AND LIQUOR LICENSE APPLICATIONS FOR 2017**

Chairman Hood advised that this is a list of applicants for renewal of malt beverage wine and liquor license for 2017.

Commissioner Steward made a motion to approve the list of renewal applications for malt beverage wine and liquor license for 2017. Commissioner Gazaway seconded the motion and Commissioners Gazaway, Steward, and Hood voted aye. Commissioners Sexton and Cunningham opposed the motion. Motion passed.

**ADJOURNMENT**

Commissioner Cunningham made a motion to adjourn the meeting. Commissioner Gazaway seconded the motion and all voted aye. There being no further business, the meeting was adjourned at 6:15 p.m.

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Becky Hood, Chairman

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Annette Berry, County Clerk

**GORDON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES  
DECEMBER 20, 2016**

The Gordon County Board of Commissioners held a Work Session Tuesday, December 20, 2016 at 5:00 p.m. in the conference room of the Administration Building

**MEMBERS PRESENT**

**BECKY HOOD, CHAIRMAN  
CHAD STEWARD, VICE CHAIRMAN  
NORRIS SEXTON, COMMISSIONER  
KEVIN CUNNINGHAM, COMMISSIONER  
JEFF GAZAWAY, COMMISSIONER**

**OTHERS PRESENT**

**JOHN KING, COUNTY ADMINISTRATOR  
JIM LEDBETTER, COUNTY ATTORNEY  
ANNETTE BERRY, COUNTY CLERK  
MEDIA  
12 GUESTS**

Chairman Hood called the meeting to order.

**PUBLIC HEARING FOR AMENDMENT TO ORDINANCES**

Commissioner Cunningham made a motion to open the public hearing for Amendments to Ordinances for the Shooting Ranges Ordinance, the Chickens and Poultry Ordinance, and the Soil Erosion Sedimentation and Pollution Control Ordinance. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Gazaway, Sexton, and Steward voted aye.

County Attorney Ledbetter advised that a notice of the public hearing was run in the newspaper and it has been announced at previous meetings that the public hearing is today, December 20, 2016 at 5:00 p.m. Two persons have signed up to speak at the public hearing.

Mr. James Chitwood spoke to the Board about his concerns for elderly people that raise chickens for eggs and that don't have two acres of property, he suggested having some type of allowance or proration, maybe 6 chickens on ½ acre. Mr. Chitwood requested that the Board change the ordinance to accommodate people wanting to have a few chickens on less land than two acres.

Ms. Robin Curtis spoke to the Board and her concerns were also for allowing a few chickens on small lots. She admitted that she has less than an acre of land and she currently has a few chickens that she keeps for eggs and they are considered pets.

County Attorney commented that the Board appreciates the two citizens that came to speak at the public hearing. He advised the Board that no one else has signed up to speak at the public hearing. Commissioner Steward commented that if someone has less than two acres, they can apply for a variance and as long as their neighbors are ok with it they may be able to have chickens on less than two acres.

Commissioner Cunningham made a motion to close the public hearing. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Gazaway, Steward, and Sexton voted aye. Motion passed.

Ms. Louise McGowan with Dobbs & Company, the County's auditing firm, spoke to the Board and presented the Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2016. Ms. McGowan advised that there were no changes to the financial statement, all of the budget compliance was all there. There were no inconsistencies or problems or concerns that they were not able to resolve.

The Board discussed each item on the agenda for the Regular Meeting and made no changes or additions.

County Attorney Ledbetter advised the Board that the public hearing for the amendments to the ordinances has been held and the Board can now consider them for approval at the Regular Meeting. He also advised that on the Shooting Ranges ordinance, Building and Planning had

suggested that, concerning the decibels, included in the ordinance there should be wording that would require anyone trying to start an indoor shooting range would have to show the data from a qualified sound engineer that the shooting range, at the time its being built, the maximum caliber limit allowed would not exceed 40 decibel for the largest caliber firearm allowed in the facility. Commissioner Sexton commented that his concern is with the air quality. Attorney Ledbetter advised that air quality is addressed in the ordinance and must be within the OSHA requirements and the Lead Management requirements established by the National Association of Shooting Ranges. Gordon County does not have any means to enforce lead in the air, it takes a scientist to do that, the Georgia EPD doesn't have anybody either.

County Administrator King advised the Board that the Hospital Authority Board has requested that the Board of Commissioners approve the reappointment of Nancy Nichols to their Authority Board for a three year term ending 12/31/2019. Also, the Board of Elections and Voter Registration has submitted their list of five members to be appointed to terms ending December 31, 2020. There has also been a request from Mr. Doug Cabe with Limestone Valley RCD for office space. They have received a State grant for water quality improvements and for nutrient management plans for local row farmers. They will be setting up an office at the Environmental Health Department to help people with this type of assistance and the RCD needs some office space for use for the next year or so or until the grant is complete. There has been a space made available for their temporary use there, it has to be approved by the Board for credit on their grant application, it will be considered as an in-kind of \$500 per month.

County Attorney Ledbetter explained the resolution to acquire property for the Health Department SPLOST project. This is an offer to the State of Georgia for two tracts of land belonging to the State of Georgia Game and Fish Commission that were transferred from Gordon County to the State back in 1961 and 1968. Acquiring the property back from the State would be conditioned upon requiring that the property must remain for use by the general public and that it would go back to the State if Gordon County ceases to use it for that purpose. The County would have to demolish the two office buildings on the property.

Attorney Ledbetter advised that the budget amendment to replace the Sheriff's Department vehicle is for a vehicle that was damaged by another party whose insurance will be paying for that damage. The Sheriff's Department needs an immediate vehicle replacement so is asking for a budget amendment and the County will be pursuing the other party's insurance for reimbursement.

The last two items on the agenda are for a new license application for a location with new management, and the list of renewal license applications for 2017. The Clerk advised that all paperwork is in order.

Commissioner Gazaway made a motion to adjourn the Work Session. Commissioner Cunningham seconded the motion and all voted aye.

There being no further business, the Work Session adjourned at 5:35 p.m.

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Becky Hood, Chairman

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Annette Berry, County Clerk

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