

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
APRIL 16, 2019**

The Gordon County Board of Commissioners held a Work Session Tuesday, April 16, 2019, at 5:30 p.m. in the conference room of the Administration Building.

MEMBERS PRESENT

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

OTHERS PRESENT

**JIM LEDBETTER, COUNTY ADMINISTRATOR
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 10 GUESTS**

Chairman Hood called the meeting to order.

Administrator Ledbetter explained the two rezoning applications and each item on the Agenda for the Regular Meeting. No items were deleted or added to the Agenda as presented. Attorney Bill Thompson, and President of the Chamber Cathy Johnson were in attendance regarding the PILOT agreement that is on the agenda for the Regular Meeting. Mr. Thompson gave the Board some information regarding the company that will be coming to Calhoun regarding the PILOT agreement, stating that there will be a minimum of \$11 million that will go into this project, and a minimum of 50 full-time jobs created and a lot of part-time jobs. Chamber President Johnson added that the infrastructure for water and sewer and the accel and decel will be taken care of by the project owners.

The Board discussed the two appointments due to expire this month on the Development Authority. There was a consensus of the Board to consider the appointments at the next Board of Commissioner's meeting in May when all commissioners would be available.

Administrator Ledbetter advised the Board that the Planning Commissioner is requesting that the Board of Commissioners amend the narrative in the U.L.D.C. Section 10.00.07(D)2 Notice Requirement; and also the narrative in the U.L.D.C. Section 5.02.01(F)8 Accessory Uses and Structures concerning pre-engineered or pre-assembled metal structures. Administrator advised that this is on the work session agenda just for information and discussion. The Board members can indicate to the Administrator if they are interested in pursuing these amendments. Commissioner Cunningham asked the Administrator to go ahead and work on these amendments to see what needs to be amended, there was a consensus of the Board to this suggestion by the Commissioner. Regarding the notice requirements, the Administrator will bring to the Board a proposed ordinance change that will match up with State law.

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

There being no further business, the Work Session adjourned at 5:50 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 16, 2019**

The Gordon County Board of Commissioners held their Regular Meeting on April 16, 2019 beginning at 6:00 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**

OTHERS PRESENT

**JIM LEDBETTER, CTY. ADMINISTRATOR
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 22 GUESTS**

Chairman Hood called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was led by Commissioner Sexton. 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 April 9, 2019, and the Regular Meeting April 9, 2019. Commissioner Sexton made a motion to approve the Minutes. Commissioner Cunningham seconded the motion and Commissioners Cunningham, Steward, and Sexton voted aye. Motion passed.

ADMINISTRATOR'S REPORT

Administrator Ledbetter read the Administrator's Report into the record. (copy attached)

COMMISSIONERS' REPORT

None

PUBLIC HEARING FOR ZONING

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

A. Application #Z19-01 Brian Baxter's Request to Rezone from A-1 to R-6

Administrator Ledbetter read rezoning application #Z19-01 Brian Baxter's Request to Rezone from A-1 to R-6, he asked that the application incorporate the complete rezoning file. This came to the Board of Commissioners from the Planning Commission with their recommendations for denial. He also advised that the Board had considered this matter back several weeks ago and that there was no one in attendance in opposition to the rezoning. Adjoining property owners have since claimed some irregularities in their notice for that previous public hearing of the rezoning application, and two of them were represented by two separate attorneys. The Board wanted to make sure that they have an opportunity to be heard so we are having this second hearing. Administrator Ledbetter proceeded to read the rules from the Code for participation in the public hearing.

Administrator Ledbetter advised the Board that the procedure will be, the Board will rescind the previous approval that was done in the previous public hearing for zoning and the Board will hear from the adjoining property owners and then the Board will vote the application up or down.

Brian Baxter came before the Board to explain his request for re-zoning. He said he owns 9.86 acres on Trimble Hollow Road and has two trailers there already and has someone who comes in and mows and he keeps it real clean. He would like to move in two new trailers in between the two he already has. The Administrator explained that there is a small section of the property that was not included in the 4.29 acres listed on the application, Mr. Baxter is asking to include this small section to be rezoned. Mr. Baxter stated that the Health Department said that he had to have enough property for a backup field line, so that's why he wants to include an additional small piece of the property. He said he has spent money remodeling and repainting the older ones. He asked for a video just showing the character of the neighborhood and the layout of his property.

Tim and Kathy Massey spoke to the Board and advised that they are adjoining property owners and bought out there because it was country and they wanted to enjoy it. When you put in rentals your bring rotating people in. They are not happy with having renters there and they oppose the rezoning. Doug Mittleider said he has 160 acres and having rental mobile homes is not consistent with the plan presented at the Planning Commission. It will be unsafe with kids riding bikes on the road and playing ball that would wind up in the road. Jim Doyle commented that he has 237 acres that surrounds the subject property. He is against the rezoning for all the safety reasons, drugs being sold out there, and is concerned about the water resources with each property having to have field lines and septic systems. Ken Mittleider says it will be unsafe with children playing near and in the road due to the curvy and hilly road as you come up to the property, the children playing ball and it will wind up in the road. Look at the original use of the property out there, there are some beautiful homes out there. And is concerned about the safety of the water with condensed use of the property. Karl Hodddow advised that he represents Gary Pruitt also because he is on hospice care and can't get out. Mr. Hodddow is concerned with the safety hazard due to lawn care people parking on the road, people walking in the road, and he has never seen anything good when it comes to rental trailer parks and he is totally against the rezoning. Renea Hodddow commented that it's going to be more like the KOA with kids riding bikes, etc., and it will decrease the value of their property. Ralph Vernon commented that there would be a lot of children on rental property and they would be walking on the road, also concerned about drug issues around the small mobile home that is already there, he said, we are looking for safety for our own families. Administrator clarified the code pertaining to manufactured housing, the ULDC states, if no public sewer, it requires 25,000 square feet, which is a little more than half an acre. Chairman Hood commented that the rezoning does not have anything to do with renters, it is whether a mobile home is acceptable on the lot size and whether it is a mobile home or a house, it still has to have a septic system and water. Mr. Baxter came back before the Board to answer some of the concerns about children walking and riding bikes in the road, and said that this happens in all neighborhoods. He stated, we are not going to put trailers at the top of the hill, they will be down toward the bottom. The two new mobile homes will be sold if possible, if not, they would be rented.

Administrator Ledbetter advised the Board that the procedure is, the agreement with the attorneys was that the Board will have a motion to rescind the decision from the February 26th meeting and then the Board will make a motion to vote up or down.

Commissioner Steward asked if the applicant is within the parameters of the ordinance and if the Board denies the rezoning, would he have a case against the County. The Administrator advised that a zoning ordinance is strictly construed in law because of someone's rights to do what they want to with their property. The county has a future land development map that outlines this as a merging mixed use, and this neighborhood is truly a mixed use. The Board's decision is to look at the zoning reports, the staff findings, and the zoning package. Considering

that if this is to be zoned to R-6, it can be done so within the confines of our zoning ordinance. If a motion to deny is made, then you would give reasons in your discretion that it should be denied.

Commissioner Cunningham made a motion to rescind the February 26, 2019 motion approving rezoning application #Z19-01 Brian Baxter's request to rezone from A-1 to R-6. Commissioner Steward seconded the motion and Commissioners Cunningham, Steward, and Sexton voted aye. Motion passed.

Commissioner Cunningham made a motion to approve application #Z19-01. Motion dies due to lack of a second.

Commissioner Steward made a motion to deny application #Z19-01. Motion dies due to lack of a second.

Commissioner Sexton made a motion to approve application #Z19-01. Commissioner Cunningham seconded the motion and Commissioners Sexton, Cunningham and Hood voted aye. Commissioner Steward opposed the motion. Motion passed.

B. Application #Z19-02 Ken Scott's Request to Rezone from A-1 to I-2

Administrator Ledbetter read application Z19-02 Ken Scott's request to rezone from A-1 to I-2. This comes to the Board of Commissioners from the Planning Commission for approval. This property is about 13 acres and is located at the end of Old Belwood Road. The property has an old truck terminal on it, there is a requirement that the terminal will have to be sprinkled for that use. This property should be industrial, it's not really agricultural anymore.

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

Commissioner Cunningham made a motion to close the public hearing for zoning. Commissioner Steward seconded the motion and all voted aye. Motion passed.

CONSIDERATION OF UNFINISHED BUSINESS

None

CONSIDERATION OF NEW BUSINESS

CONSIDERATION OF MOU TO ALLOW ACCESS TO COUNTY PROPERTY BY POINT TO POINT ENVIRONMENTAL

Administrator Ledbetter advised that this is for consideration of a Memorandum Of Understanding to allow access to county property by Point to Point Environmental. Point to Point Environmental is concerned with a proposed project on what used to be French's Grocery and the Gordon County Redbud Fire Station on Cash Road. There were underground storage tanks at the old grocery store, there is leakage or old petroleum by-products in the ground that they have detected might be migrating toward the fire station. The good news is that Gordon County is not responsible for any of this. The Georgia Underground Storage Tank Fund will pay for any cleanup that is necessary. The MOU is to allow the environmentalist to do some test wells right at the edge of the right-of-way, so they might have to come on to county property. If

Gordon County didn't allow them to come on to our property, eventually Gordon County would own any contamination that may exist.

Commissioner Cunningham made a motion to approve the Memorandum of Understanding with Point to Point Environmental . Commissioner Steward seconded the motion and Commissioners Steward, Sexton, and Cunningham voted aye. Motion passed.

CONSIDERATION OF PILOT AGREEMENT FOR DEWS POND, LLC

Administrator Ledbetter advised that this is a PILOT Agreement for Dews Pond, LLC. This PILOT Agreement is for a commercial project, it is for Food City. The Development Authority has established certain criteria to be met in order to do this kind of PILOT Agreement. The Development Authority is helping Food City with financing, with bond issuance. Title would have to go into the Development Authority and the property becomes non-taxable. However, the owners are putting in approximately a half million dollars worth of infrastructure which will benefit the community, running sewer line extension, putting in some accel and decel lanes, and improving the intersection at Lovers Lane/Harmony Church and Dews Pond. After five years the property will then be fully taxable.

Commissioner Steward made a motion to approve the PILOT Agreement with the Development Authority for Dews Pond, LLC. Commissioner Cunningham seconded the motion and Commissioners Steward, Sexton, and Cunningham voted aye. Motion passed.

APPOINTMENT OF GEORGETTE HUNT TO THE HOSPITAL AUTHORITY TO FILL AN UNEXPIRED THREE-YEAR TERM ENDING 12/31/2020

Administrator Ledbetter advised that this is an appointment to the Hospital Authority for Georgette Hunt to fill an unexpired three-year term ending 12/31/2020.

Commissioner Cunningham made a motion to approve the appointment of Georgette Hunt to the Hospital Authority. Commissioner Steward seconded the motion and Commissioners Sexton, Steward and Cunningham voted aye. Motion passed.

ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the Regular Meeting. Commissioner Sexton seconded the motion and all voted aye.

There being no further business, the meeting was adjourned at 6:53 p.m.