

**GORDON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES  
JANUARY 5, 2021 at 5:30 p.m.**

**MEMBERS PRESENT**

**BECKY HOOD, CHAIRMAN  
CHAD STEWARD, VICE CHAIRMAN  
M. L. BUD OWENS, COMMISSIONER  
KEVIN CUNNINGHAM, COMMISSIONER  
BRUCE POTTS, COMMISSIONER**

**OTHERS PRESENT**

**JIM LEDBETTER, COUNTY ADMINIST  
ANNETTE BERRY, COUNTY CLERK  
MEDIA  
APPROXIMATELY 11 GUESTS**

**Chairman Hood called the meeting to order.**

**County Administrator Ledbetter reminded the Board that at the beginning of the Regular Meeting we will take care of the election of the Chair and Vice Chair. Next he explained the rezoning requests and each item on the Regular Meeting agenda to the members of the Board. Administrator Ledbetter also commented on another matter that came before the Board earlier and was tabled by the Board. Rezoning Application #Z20-15 OWR, LLC's request for rezoning of 50.80 acres on Trimble Hollow Road that was heard by the Board in August of 2020. That rezoning was for the entire tract but was modified in the hearing to just rezone a 10 acre strip on the backside of the property. Now they are asking that this come back before the Board for rezoning of the additional acres for a commercial warehousing project. On all of these South 41 projects, the Development Authority had raised a concern when they learned the magnitude of everything happening on South 41, that there is over 3 million square feet under roof of warehousing and distribution, about 950 employees and maybe a thousand trucks per day, they are concerned that a developmental regional impact study would need to be done with these magnitudes of development.**

**Commissioner Owens made a motion to go into an Executive Session for legal and real estate matters. Commissioner Cunningham seconded the motion and Commissioners Steward, Owens, Cunningham, and Potts voted aye. Executive Session began at 5:41 p.m.**

**Commissioner Steward made a motion to adjourn the Executive Session and go back into the Work Session. Commissioner Owens seconded the motion and Commissioners Steward, Owens, Potts, and Cunningham voted aye. Executive Session adjourned at 6:04 p.m.**

**Commissioner Steward made a motion to close the Work Session. Commissioner Owens seconded the motion and Commissioners**

**There being no further business, the Work Session adjourned at 6:04 p.m.**

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**Annette Berry, County Clerk**

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**Becky Hood, Chairman**

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**GORDON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JANUARY 5, 2021**

The Gordon County Board of Commissioners held their Regular Meeting on January 5, 2021 beginning at 6:00 p.m. in the conference room of the Administration Building.

**MEMBERS PRESENT**

**BECKY HOOD, CHAIRMAN  
CHAD STEWARD, VICE CHAIRMAN  
BRUCE POTTS, COMMISSIONER  
M. L. BUD OWENS, COMMISSIONER  
KEVIN CUNNINGHAM, COMMISSIONER**

**OTHERS PRESENT**

**JIM LEDBETTER, COUNTY ADMINISTRATOR  
ANNETTE BERRY, COUNTY CLERK  
MEDIA  
APPROXIMATELY 13 GUESTS**

Chairman Hood called the meeting to order.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation was led by Commissioner Potts. Chairman Hood led the Pledge of Allegiance to the Flag.

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

Administrator Ledbetter advised that every two years the Board elects a Chair and a Vice Chair for the Board of Commissioners. Administrator Ledbetter called for nomination of Chairman and Vice Chairman for the Board of Commissioners for the next two years. The nominations may be done individually or as a whole.

Commissioner Cunningham made a motion to nominate Becky Hood as Chairman to the Board of Commissioners. Commissioner Owens seconded the motion and Commissioners Cunningham, Owens, Steward, and Potts voted aye. Motion passed.

Commissioner Owens made a motion to nominate Chad Steward as Vice Chairman to the Board of Commissioners. Commissioner Cunningham seconded the motion and Commissioners Owens, Cunningham, Potts and Hood voted aye. Motion approved.

**EMPLOYEE RECOGNITION** – Employees with Anniversary Hire Dates in January

Commissioner Owens read the list of employees with Anniversary Hire Dates in January and the name of Jared Nesbitt with the Sheriff's Department as Employee of the Month of January was drawn by Commissioner Potts.

**APPROVAL OF MINUTES**

Chairman Hood asked if there are any additions, omissions, or deletions to the Minutes for the Work Session and Regular Meeting of December 15, 2020. Commissioner Owens made a motion to approve the Minutes. Commissioner Potts seconded the motion and Commissioners Owens, Potts, Steward and Cunningham voted aye. Motion passed.

**ADMINISTRATOR'S REPORT**

Administrator Ledbetter read the report. (copy attached).

**COMMISSIONERS' REPORT**

Commissioner Owens commented that he would like to welcome Commissioner Potts and looks forward to working with him. He also encouraged the community to be careful in protecting

yourselves and staying safe as there has been a tremendous spike in the area of covid and that is projected to continue to increase. This is putting a lot of pressure on the regional and local health care systems. The more we can do to help prevent the spread, the better off we can be. Commissioner Potts thanked the Board for their welcome and thanked Norris Sexton for his passion and his service on the Board. Commissioner Steward welcomed Commissioner Potts to the Board and looks forward to working with him.

Commissioner Cunningham made a motion to open the Public Hearing for zoning. Commissioner Steward seconded the motion and all voted aye. Motion passed.

### PUBLIC HEARING FOR ZONING

#### **APPLICATION #Z20-19 Allen & Christa Bowen's Request to Rezone from A-1 to R-1**

Administrator Ledbetter advised that this is a request from Allen and Christa Bowen to rezone one acre of the property. They wish to subdivide the property into two tracts with one acre to build a house on. There is no one signed to speak for or against the rezoning. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval.

Commissioner Potts made a motion to approve the rezoning request for application #Z20-19. Commissioner Owens seconded the motion and Commissioners Potts, Owens, Steward, and Cunningham voted aye. Motion passed.

#### **APPLICATION #Z20-20 OWR, LLC'S Request to Rezone from A-1 to I-2**

Administrator Ledbetter advised that this is a request from OWR, LLC to rezone from A-1 to I-2 heavy industrial. This is for 33.20 acres on U. S. Highway 41 South in Adairsville. The Planning Commission took action to reduce a buffer strip on the property from 250 ft. to 20 ft. on all boundaries of the property. They are looking to build a building that would be 250,000 square feet or larger. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. While this matter was pending, the Development Authority brought to our attention the magnitude of developments on South 41. This project is property of the Hulsey Trust and is located across Highway 41 from the CFL project. It is separate from the Moore Farm that is also being developed. The common thread is that it is the petition of OWR, LLC to develop a warehousing facility. On the east side of Highway 41 we have the CFL project that was initially approved for something like 250,000 square feet, at this time the CFL project is projected to have over one million square feet under roof and that's on the property of Con-onaula Farms, it came to us on the application for rezoning of OWR, LLC. Behind that, we have the Moore property and additional property that OWR, LLC has petitioned us to rezone and we did rezone 10 acres off that additional tract in August, labeling the remainder of the project. That project is part of a greater project based upon plans that OWR has submitted to us for review that describes the CFL project under consideration and on tract three for 311,000 square feet, tract four and five for speculation. Right now is before us the request of OWR by letter from Terry Brumlow to take that tract off the table that we put it on in August, and requesting to rezone. Across Trimble Hollow Road to the South, is property of Tim Moore and we have received notice on that one, that it is being looked at for a one-million square foot warehouse and distribution facility. So between the existing CFL project, the request to rezone and put approximately 300,000 square feet on the Halsey property, and to put a like project on the backside of the Con-onaula property behind CFL and according to a spreadsheet the Development Authority had given me, we have over three million square feet of warehouse and distribution facility on that section of South Highway 41. The Development Authority indicates that there would be about 950 jobs and that there would be about 1,000 trucks per day serving this area. The Development Authority implored to me that these developments have a regional impact and that there is a law that, when we have the idea that there are developments of regional impact, we would solicit information from the developers to provide that information to us and we would submit it to the Regional Commission for determination. The Development Authority meeting was on December 18, and on December 22<sup>nd</sup> I sent a letter to the attorneys for the Con-onaula and Hulsey project, also to Mr. Brumlow, and to John Minor who represents

Tim Moore on the one million square foot facility, asking them to fill out the two pages of information so that I could submit it to the Regional Commission, promising to submit it as soon as I got it and with a view that maybe we could have a determination from the Regional Commission by today (January 5). The buyers of the Moore property have an engineer that has been in consultation with the Regional Commission, they have got to do a DRI. The Regional Commission would have five days to determine whether a development of regional impact is necessary on the Moore tract and on the Hulsey tract. I have been in communication with numerous attorneys for OWR, they don't think the DRI Regional Commission rules apply to them for numerous reasons, including that these are independent developments. Obviously, on the east side of the road it's all been considered as part of a development. But there is a rule that solves this for us. That rule is, when you have a number of developments with a common developer, because OWR is asking for a rezoning on the Hulsey tract as well as the Con-onaula tract. So when you look at those, you look at the developments that have been done by that developer in the last five years to determine if it is a development of regional impact. The CFL project alone, we should have probably already done a DRI on it. We probably were too assistive in trying to help development in not doing one, according to the Regional Commission. I think that our hands are tied by law that what we have to do is what I tried to do on December 22<sup>nd</sup>. I tried to implore folks that we needed the information and I didn't receive the information yet to date neither on Hulsey nor on the Con-onaula tract but I took it upon myself and have spoken with Julianne Meadows at the Regional Commission and have sent them the Development Authority's tally of three million plus square feet. I sent them a photo of the OWR plan and the tax map. It's a complicated issue for them and they do want the opportunity to make a review of it and determine whether or not those are developments of regional impact. What does that mean for the developers and the landowner here right now; if we get this material to the Regional Commission in sufficient form for them to make a determination, they are required to determine if yes or no the project is of regional impact within five days. The process after that takes 30 days to give their findings. I don't want to unduly delay these things, but why do we have to do this. One reason is because it's the law and two there is teeth to the law. If we failed to comply with the law one time and they call our hand on it, then we're basically in a probationary status. If we do it a second time and they call our hand on it, then we are not able to get State money, we will not get grant assistance, we will not get DCA assistance. We will be on our own, as far as the State is concerned. There is a very practical reason to developments of regional impact. This development has now become complex, I'm referring to the whole thing, all parties involved. First, Trimble Hollow Road is not an industrial road and we do not have a plan in place now to handle industrial traffic on the Con-onaula, I'm mentioning that in the same breath because they want us to take that off the table for a vote as well. Number two, both projects contain a requirement for sewer extensions and I don't know that sewer is available to these projects. Number three, there are wetlands involved on these projects and we have experienced a nightmare with wetlands on the industrial park where LG is located, when we didn't have a comprehensive plan for that development, and now we've got a number of acres that basically are undevelopable because the Army Corp of Engineers knows us pretty well, and not in a good way, from not having a master plan. In my opinion, the request for regional impact is not frivolous, in the exercise of this Board's sound discretion and in compliance with the law; these zonings need to be tabled until such time as the Regional Commission makes its determination. I had hoped that we would already be really close to having that determination, but instead we've been arguing about whether or not these rules apply. I have made the notification to the Regional Commission, they think the rules apply; they will look at these projects and let us know where we need to go with it. We are going to be looked at, whether we want to be or not because the million square feet project is already starting the process. That's my statement. Mr. Brumlow, Mr. Thompson, this is a hearing do you want to speak.

Mr. Brumlow spoke to the Board and asked to file an amendment to the OWR which has been tabled, to change the amount of acreage. I would like to have it noted in the records that we filed that amendment to change it from 41.6 to 26.7 and also I'm going to go ahead and file Required Constitutional and Ante Litem Notice on both matters just to preserve my client's rights. On behalf of OWR, I respectfully object to tabling of these rezoning matters as they have a significant financial interest in, and constitutional rights to have these heard. On their behalf, I

request that the hearings be conducted as scheduled and that would be lifting the previous OWR off the table and proceeding. Administrator Ledbetter asked Mr. Brumlow, your client does not own the Con-onaula property at this time, they have an option, is that correct? Mr. Brumlow answered that this is correct. Administrator Ledbetter asks Mr. Brumlow, do you know if the family supports the rezoning of 29 acres on this property. Has your client had a discussion with them on that, and Mr. Brumlow said yes. On the Hulsey side of the street, does OWR own that property, it's just under a purchase sales contract, and Mr. Brumlow said that's correct.

Administrator Ledbetter asked Mr. Bill Thompson if he had anything to add from the Development Authority. Mr. Thompson advised that the interest from the Development Authority is having good developments for the community. There is \$1.2 million of grants the Development Authority has for the project. There is another, almost \$1 million of grants that have been awarded to this community over about the last less than a year and a half, all of those are in process for Manning and Tessler, if we don't access to State and Federal sources of money to help with infrastructure, to help with roads, to help with everything else, we are not going to be able to do the developments the community wants, attract the industries we want, and attract the jobs we want. So, that is the Development Authority's perspective, and that's our fear. This is happening in Bartow County, they have dealt with this, they have a firm position now, that's probably where we are going to be headed just simply to follow along with what they've been doing for about the last six or seven years.

Administrator advised that he was in a meeting with the Fire Department today, they asked me what was going on with South 41 with regards to the amount of square feet, and the Chief had indicated to me that we would need a ladder truck, we need more personnel and more equipment. These are the types of impacts that come with development, but we also have a mutual aid agreement with Adairsville and Bartow County for their fire department and we also are on the border with Bartow County. To put on the record, this is not an arbitrary decision, but I would also like to restate on the record that there is a condition precedent, to use a lawyer term, on this zoning, and that is to have enough plans and certainty as to infrastructure, square footage, type of materials, and other issues that might be required to make an informed zoning decision on behalf of the public. Administrator Ledbetter spoke directly to the Board of Commissioners and said that he is not asking that the Board deny these and I'm not asking that you have a full hearing on these, but I think under the law you need to table these to come back as soon as we can, after the Regional Commission tells us what we need to do.

Commissioner Steward made a motion to table application #Z20-20 OWR, LLC's request to rezone from A-1 to I-2 in order to give the Regional Commission the opportunity to review this project and determine if it is a development of regional impact. OWR's request to rezone property of Con-onaula #Z20-15 will also remain on the table. Commissioner Cunningham seconded the motion. Commissioner Owens requested to ask a question and he asked about when the Planning Commission voted to approve this rezoning they were not aware of any of the issues that have been discussed tonight? Chairman Hood answered, that is correct.

Administrator Ledbetter also responded that what brought this together was a discussion that OWR was having at the Chamber meeting expressing the benefits that they have brought to the community with their developments, and we fully acknowledge that. But at that time, when we started to see that there was well over a million square feet, really 1.8 million square feet in this one spot, that creates a regional impact and they thought that this was of concern enough to call a meeting and basically instruct me that we have this going on and that's when it all came together. The Planning Commission did not have the knowledge of all the different developments going on at South 41. And, as you can see, they continue to change even tonight with new plans being submitted to us to take it down to 29 acres. Mr. Brumlow was allowed to speak and informed the Board that he wants to impress upon the Board that there are some financial matters these businesses that are interested in coming to Gordon County are very time sensitive. If we don't get them now, then they go away, they look at other sites. I have two gentlemen here that do this stuff all day long and all these people are looking, they love this area and I want to get them here as a Gordon County resident, but their theory is that if we don't get to move forward with this very soon, we could lose them. Administrator Ledbetter commented that as he has said, he sent them a letter as of December 22<sup>nd</sup> and doesn't have the information

today, only have arguments that these projects are not within the confines of the development of regional impact rules.

Chairman Hood indicated that there has been a motion and a second made, and called for the vote. Commissioners Steward, Cunningham, Potts, and Owens voted aye. Motion passed.

**APPLICATION #Z20-21 CHL CAPITAL GROUP, LLC'S Request to Rezone from A-1 to C-G**

Administrator Ledbetter advised that this is application #Z20-21 CHL Capital Group, LLC's request to rezone from A-1 to C-G. The property is owned by Pamela Sheae Wyatt. The property is at Highway 53 and Maplewood. They wish to build a storage company and have on-site storage. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. Mr. Terry Brumlow, attorney for the applicant, came before the Board and stated that these are people who have come back to Calhoun to invest their time and their money. They are asking that this property be rezoned C-G for some mini stor-alls. Mr. Brumlow presented some photos of the proposed signage to be used and the signs are off the right-of-way and not obstructing any buildings. Administrator Ledbetter advised that this comes to the Board of Commissioner from the Planning Commission with their recommendations for approval. The sign will be in compliance with our ordinance according to the applicants.

Commissioner Steward made a motion to approve the rezoning application #Z20-21. Commissioner Potts seconded the motion and Commissioners Steward, Owens, Potts, and Cunningham voted aye. Motion passed.

Commissioner Cunningham made a motion to close the Public Hearing for zoning. Commissioner Potts seconded the motion and all voted aye.

**CONSIDERATION OF UNFINISHED BUSINESS**

None

**CONSIDERATION OF NEW BUSINESS**

**DECLARATION OF SURPLUS PROPERTY FOR THE SHERIFF'S DEPARTMENT FOR K9 ERROS WITH CUSTODY AWARDED TO HANDLER DEPUTY DALE PULLEN**

Administrator Ledbetter advised that this is a declaration of surplus property for the Sheriff's Department for K9 Erros with custody to go to the handler Deputy Dale Pullen. The K9 has served well and will retire and go to live with his handler.

Commissioner Owens made a motion to approve the declaration of surplus property for the Sheriff's Department. Commissioner Cunningham seconded the motion and Commissioners Cunningham, Owens, Steward and Potts voted aye. Motion passed.

**DESIGNATION OF THE GEM THEATER AND 201 NORTH WALL STREET CONFERENCE ROOM AS COURTROOMS AS NEEDED.**

Administrator Ledbetter advised that this item is a designation of the Gem Theater and the conference room at 201 North Wall Street as possible courtrooms as needed during the covid pandemic. This designation is to comply with Georgia Code Section 15-6-18 and will require the Board to make a motion and a second to vote and declare that the conference room and the Gem

Theater is to be used as courtroom space. Of course we would comply with all safety rules, the security, etc. We will be using the Gem Theater this week for non jury hearings.

Commissioner Cunningham made a motion to approve designating the Gem Theater and the conference room as possible courtrooms as needed. Commissioner Steward seconded the motion and Commissioners Owens, Steward, Cunningham, and Potts voted aye. Motion passed.

**RE-APPOINTMENTS TO THE PLANNING COMMISSION FOR RANDY RULE AND JERRY LOVELACE FOR FOUR-YEAR TERMS ENDING 12/31/2024 AND COMMISSIONER POTTS' APPOINTMENT OF SABRINA POOLE FOR A FOUR-YEAR TERM ENDING 12/31/2024**

County Administrator Ledbetter advised that this is for re-appointments to the Planning Commission for Randy Rule and Jerry Lovelace for four-year terms ending 12/31/2024 and Commissioner Potts' appointment of Sabrina Poole for a four-year term ending 12/31/2024.

Commissioner Owens made a motion to approve the re-appointments to the Planning Commission for Randy Rule and Jerry Lovelace and for the appointment of Sabrina Poole, all for four-year terms ending 12/31/2024. Commissioner Cunningham seconded the motion and Commissioners Owens, Steward, Cunningham, and Potts voted aye. Motion passed.

**MANAGECAST CONTRACT FOR CLOUD BACKUP FOR THE IT DEPARTMENT**

Administrator Ledbetter advised that this is a contract for Cloud backup for the IT Department. The County did a contract with Veristor for Cloud backup; we are having problems with Veristor. Our information is getting backlogged in the cloud somewhere and is inaccessible for up to four days or so. This is a contract with Managecast and is about \$400 a month more expensive than Veristor; we think that Managecast will reliably work where Veristor has not.

Commissioner Cunningham made a motion to approve the contract with Managecast. Commissioner Steward seconded the motion and Commissioners Owens, Cunningham, Potts, and Steward voted aye. Motion passed.

**ADJOURNMENT**

Commissioner Owens made a motion to adjourn the Regular Meeting. Commissioner Potts seconded the motion and all voted aye.

There being no further business, the meeting adjourned at 7:01 p.m.

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Annette Berry, County Clerk

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Becky Hood, Chairman