

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
FEBRUARY 23, 2021 at 5:30 p.m.**

MEMBERS PRESENT

**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 40 GUESTS**

The Board of Commissioners met for the Work Session in the GEM Theater located at 114 North Wall Street.

Vice Chairman Steward called the meeting to order.

County Administrator explained the rezoning and each item on the Regular Meeting agenda to the Board members.

Commissioner Owens made a motion to go into an Executive Session for legal matters. Commissioner Cunningham seconded the motion and Commissioners Owens, Cunningham, Steward and Potts voted aye. Executive Session began at 5:43 p.m.

Commissioner Owens made a motion to adjourn the Executive Session and go back into the Work Session. Commissioner Cunningham seconded the motion and Commissioners Owens, Potts, Steward, and Cunningham voted aye. Executive Session adjourned at 5:57 p.m.

Commissioner Potts made a motion to close the Work Session. Commissioner Owens seconded the motion and all voted aye.

There being no further business, the Work Session adjourned at 6:00 p.m.

Annette Berry, County Clerk

Chad Steward, Vice Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 23, 2021**

The Gordon County Board of Commissioners held their Regular Meeting on February 23, 2021 beginning at 6:00 p.m. at the GEM Theater located at 114 North Wall Street.

MEMBERS PRESENT

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

OTHERS PRESENT

**JIM LEDBETTER, ADMINISTRATOR
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 40 GUESTS**

Vice Chairman Steward called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was led by Commissioner Owens. Vice Chairman Steward led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Vice Chairman Steward asked if there are any additions, omissions, or deletions to the Minutes for the Work Session and Regular Meeting of February 2, 2021. Commissioner Potts requested to make a correction to the minutes concerning his appointment to the Board of Health. Commissioner Potts made a motion to approve the minutes with that correction. Commissioner Cunningham 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 Cunningham reported that he has met with the County Administration several times and he attended the Public Safety QRC meeting and met with Animal Control personnel, also attended a project meeting on the courthouse and Annex. Commissioner Owens reported that he attended a virtual meeting with a concerned citizen regarding volunteers at Animal Control, attended weekly ACCG legislative virtual sessions, the EMS QRC Public Safety committee meeting, chaired the Georgia Department of Public Health meeting, and the Development Authority meeting. Commissioner Owens commented that he has concerns about the Outlet Center and the departure of many of the businesses there. Commissioner Potts shared some pictures related to some meetings with different departments that are on the Public Works Committee, he spent time with Public Works Department, Fleet Management Department and visited the Chert Pit. Commented that he was surprised at all the maintenance that the Public Works crew does. Also spent time with Jeff Champion of Buildings and Grounds. Commissioner Potts commented that he saw how much property and square footage Gordon County has added to Jeff's responsibility to take care of and to manage. All three departments opened his eyes as to what all they take care of for the County.

Commissioner Owens made a motion to go into the Public Hearing for zoning. Commissioner Potts seconded the motion and all voted aye.

PUBLIC HEARING FOR ZONING**Application #Z20-15 OWR, LLC'S Request to Rezone from A-1 to I-2**

Administrator Ledbetter read application #Z20-15 OWR, LLC's request to rezone from A-1 to I-2. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. No one has signed up to speak but we do have Mr. Terry Brumlow, representing the applicant, here to speak to the Board.

Mr. Brumlow advised that the rezoning is for 24.3 acres, some plans have been submitted and face to face meetings have taken place. In the end the County is going to get a development and a goodly portion of Trimble Hollow Road redone by OWR. He asked that, as amended, the zoning be approved so that his client can move forward. Administrator Ledbetter advised that on the OWR project there are some special requirements, the issue has been the fact that Trimble Hollow Road has barely been no more than an old farm road and that now we are going to have industrial traffic. After much negotiation and work, OWR, at its expense, is going to build an industrial road. We have seen some drawings that Mark Shamlin has prepared and those drawing are to be incorporated into the record as an example of what is going to be built, it may be the final product. There is going to be a 60ft. right of way, two 12 ft. lanes, expandable to a third lane if necessary but is not going to be built out by OWR at this time. Tim Moore is donating to the County 10 feet, there will also be water and sewer on the property, they will have to deal with the City of Calhoun on that, and the developer has to pay for that also. Mr. Brumlow confirmed that also. The road has to be done well enough to the County's satisfaction in order to get a certificate of occupancy before the big trucks start rolling.

Commissioner Potts asked how many employees this would be able to employ. Mr. Sage Ralston was asked, with no clear answer. Administrator Ledbetter commented that he was thinking around 50 employees.

Commissioner Owens made a motion that the Board accept the recommendation of the Planning Commission and move that Application #20-15 be approved subject to the applicant, OWR, LLC, making the improvements to the existing county road known as Trimble Hollow Road. The improvements to be made shall be at the Applicant's expense and shall be based on those plans and specifications as submitted and approved by Gordon County simultaneously with the construction of the project contemplated in the application known as "Project Art". As a condition of this rezoning, the improvements to Trimble Hollow Road shall be complete and accepted by Gordon County prior to the issuance of a Certificate of Occupancy. All utilities, including, but not limited to sewer and water that need to be improved or installed will be at the Applicant's expense. The findings and recommendations of DRI report 3236 shall be followed in the design and development of improvement to this project. Commissioner Cunningham seconded the motion. Administrator Ledbetter added that he wanted to put the DRI report in the file and incorporate those findings and also incorporate the material beginning at page nine of the Boards packet as part of the record. Vice Chairman Steward announced that a motion had been made and a second and he asked for the vote. Commissioners Owens, Steward, Potts, and Cunningham voted aye. Motion passed.

Application #Z20-20 OWR, LLC's Request to Rezone from A-1 to I-2

Administrator Ledbetter read application #Z20-20 OWR, LLC's request to rezone from A-1 to I-2. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. Administrator Ledbetter advised that this is 33.20 acres; and as part of the file, incorporate the material beginning at page 24 and the DRI study.

Mr. Terry Brumlow, representing the applicant, came before the Board to speak. Mr. Brumlow advised that Mr. Hulsey is in attendance if the Board has any questions for him. The end user will be different than OWR, but they have built things from Florida, to Georgia, and North Caroline, they are a very well-heeled developer. The last plans that he saw was for one building

and about 300,000 square feet. It is a spec building and there is no way of knowing the number of employees that it will employ.

Commissioner Cunningham made a motion that the Board accept the recommendation of the Planning Commission and move that Application #Z20-20 be approved. All utilities and improvements to the property including, but not limited to sewer and water will be at the Applicant's (OWR, LLC) expense. The findings and recommendations of the DRI report 3236 shall be followed in the design and development of improvements to this property. In addition, this rezoning is subject to additional stipulations if any. Administrator Ledbetter added that in order for OWR to get a building permit, they would have to comply with having a survey for the delineation of the wetlands, and compliance with our ordinance for FEMA. Commissioner Owens seconded the motion and Commissioners Cunningham, Owens, Steward, and Potts voted aye. Motion passed.

Application #Z21-01 Tina Escalante's Request to Rezone from A-1 to RA-1

Administrator Ledbetter read application #Z21-01 Tina Escalante's request to rezone from A-1 to RA-1. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. They want to segregate off a piece of farmland to build a new house. No one has signed to speak for or against the application for rezoning.

Commissioner Potts made a motion to approve Application #Z21-01. Commissioner Cunningham seconded the motion and Commissioner Owens, Steward, Cunningham, and Potts voted aye. Motion passed.

Application #Z21-02 Thor Equities, LLC's Request to Rezone from A-1 to I-1

Administrator Ledbetter read application #Z21-02 Thor Equities, LLC's request to rezone from A-1 to I-1. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. This is about 115 acres of Tim Moore's property on the south side of Trimble Hollow Road and bordering Bartow County. We have four people signed up to speak plus the applicant. This will incorporate the DRI report 3236, the findings in our file and the file of the Planning Commission in this Hearing.

Mr. Terry Brumlow came before the Board and commented that Thor has plans for a little over one million square feet and Mr. Greg Berman has flown in to talk a little about Thor. This is going to be a great boon to the community and with growth comes some issues sometimes; we have listened and heard from the community. I want to let the Board hear from Mr. Berman to talk a little bit about Thor and then Mr. DelliCarpini will talk about some of the plans we've come up with.

Mr. Greg Berman, Senior Vice President with Thor Equities and head of U. S. Industrial came before the Board and stated that he appreciates the County's consideration of their application and all the time that has gone into it. He advised that Thor Equities is a global developer and real estate investor, they own and have developed a number of top quality properties. Gordon County has been on their radar for quite a while, and has done a great job attracting a number of top tier companies. Thor is building a number of things for this building above typical specifications you would see on a normal industrial building, to attract users in the business, that will provide a large number of jobs here as well. Commissioner Potts asked how many employees do you project that could potentially work here with businesses you are thinking of recruiting and what are the type of business you are going to be recruiting. Mr. Berman said it depends on who the future user is, it's hard to say how many employees there would be, also it could be a manufacturer, light manufacturer, or a major distributor.

Mr. Joel DelliCarpini with Thor Equities came before the Board and gave a brief overview of the site plan and showed a line of sight exhibit to demonstrate how they are going to mitigate some of the community's concerns that have been raised. Highway 41 runs down the left side of the property and the proposal is to rezone the entire 115 acres. There is a stream that bisects about 80 acres, so this development is confined to that 80 acres and that will be subdivided as such. We are dealing with flood plain, stream buffers along that stream. On the Highway 41 side we have about 190 feet, so it's a huge right-of-way. We were granted a setback on a buffer variance there along Highway 41 and to the rear. It is an industrial building with employee parking and truck loading spaces and trailer parking spaces. We have allocated storm water management areas and there is a portion of the site that drains down to the southwest corner and ultimately into the lake in the neighborhood. All of that we will be sensitive to in how we manage our storm water and making sure we are complying with state and county regulations there. The neighbors have raised concerns about buffering and screening so we've gone back to the drawing board to see how we can address these concerns, we are looking at how we can address concerns about screen and buffer, and it's about providing elevation. We are proposing to have a 10 to 18 ft. berm. The buffer would be new plants, 6 to 8 feet evergreen trees and shade trees about 12 to 15 feet high, and shrubs from 2 to 4 feet. Concerning the driveway on the south part of the property, we will fully investigate that and engineer that to make sure. We will work with GDOT and do studies on all the driveways. There has been a traffic study and we will provide that.

Taylor Forsyth, of 14 Creekside Lane and President with the homeowners association for the subdivision south of the property, came before the Board to voice concerns about property value being devalued, line of sights, sound, and also the lake, we don't want to look out across the lake and see just a big metal building. We are happy with the berm, but we are asking that the berm come all the way the length of the property to get the full block, also the water runoff issue – the water never really makes it to the lake. Then about the road, so we don't have a lot of traffic coming in and out right beside our property. We request that you make it a condition of rezoning that if these plans fall through, but the property is already rezoned and Thor does not have the property anymore, the next guy can't come in and not have to follow these same requirements and be able to do whatever they want.

Norman Parker, of 101 Hardwood Ridge Drive came before the Board and spoke about the water runoff that pools up in his yard. He said, if they would do a berm from east to west I wouldn't have a problem. He had complains concerning noise, lights, view, and that it kills the value of his property. He asked that the Board zone this property only on the contingency that they do what they are promising to do.

Fred Arrigoni, of 230 Hardwood Court came before the Board concerning losing his property value, and he don't understand the million square feet of the building they plan.

Pam Madison, City Manager in Adairsville spoke on behalf of the Mayor and City Council and thanked the Planning Commission and the County Commission, and Development Authority and asked that the Board would make all these things a condition of rezoning including if the developers are amenable to having that be a full berm. That makes a difference and car traffic makes less impact than truck traffic; and commitment to reconsider the relocation of that entrance would be preferable.

Greg Berman came back before the Board to address the issue of the berm and buffer. He committed to provide that berm in the valley, ultimately we will have to provide some drainage there, and perhaps we can have a storm water pipe discharge or something like that. We can work on that solution for sure. In the valley we should be able to get to 15 to 18 ft. of berm where feasible, he didn't want to say 15 to 18 ft. berm the entire length of the property, it is just not feasible on steeply sloped areas, will do what they can to maximize the berm.

County Administrator Ledbetter clarified that one condition is that the project shall have a 100 foot buffer with a berm 15 to 18 ft. high where feasible.

Attorney Brumlow clarified the second condition that they would commit to; they would

diligently explore the possibility of relocating the southern access driveway to the north side of the proposed storm water management area in order to maximize green space adjacent to the lake and Hardwood Ridge. However, that final placement of the drive is in the discretion of the Georgia Department of Transportation. Thor will do everything they can but ultimately GDOT will say where it goes. It is a safety issue; you really don't need 18 wheelers and passenger vehicles pulling in on the same entryway, so they really do need those extra ones, if there was some way to do away with it they would.

County Administrator Ledbetter clarified that concerning the road, which is the south driveway on the property, Thor will diligently explore and move the drive if economically feasible and subject to approval by GDOT.

Commissioner Potts made a motion to accept the recommendations of the Planning Commission and move that application #Z21-02 be approved. All utilities and improvements to the property including but not limited to sewer and water will be at the Applicant's (Thor Equities) expense. The findings and recommendations of DRI report 3236 shall be followed in the design and development of improvements to this project. In addition, the terms of any agreement between Thor equities and residents of contiguous property to Bartow County shall be included as requirements for issuance of a building permit shall be consideration of building a berm of 15 to 18 ft. where feasible, and plant and maintain it, to diligently explore moving the residential traffic-only drive south entrance to north of the retention pond, if approved by GDOT. Commissioner Owens seconded the motion and Commissioners Potts, Steward, Owens, and Cunningham voted aye. Motion passed.

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

CONSIDERATION OF UNFINISHED BUSINESS

None

CONSIDERATION OF NEW BUSINESS

AMENDMENT TO THE ULDC CODE SECTION 6.03.03 FIRE HYDRANT TYPE

Administrator Ledbetter advised that this is an amendment to the ULDC Code Section 6.03.03 Fire Hydrant Type. This is correcting a small typo error, or omission, concerning fire hose outlets. It should read "All shall include two (2) two and one-half-inch hose outlets". It is such a small correction, the Board should be able to go ahead and make a motion on this correction to the Code.

Commissioner Cunningham made a motion to approve the amendment to the ULDC Code. Commissioner Owens seconded the motion and Commissioners Cunningham, Steward, Owens, and Potts voted aye. Motion passed.

RE-APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION FOR KEN PADGETT AND DAVID MITCHELL FOR TERMS ENDING JUNE 1, 2023

Administrator Ledbetter advised that this is the re-appointment of Ken Padgett and David Mitchell to the Historic Preservation Commission for terms ending June 1, 2023. Gordon

County has relied very heavily on the HPC in the past to give us advice and they have done a very good job.

Commissioner Owens made a motion to approve the re-appointments of Ken Padgett and David Mitchell to the Historic Preservation Commission for terms ending June 1, 2023. Commissioner Potts seconded the motion and Commissioners Owens, Steward, Cunningham, and Potts voted aye. Motion passed.

ADJOURNMENT

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

There being no further business, the meeting adjourned at 7:23 p.m.

Annette Berry, County Clerk

Chad Steward, Vice Chairman