

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
DECEMBER 7, 2021, 5:15 P.M.
GORDON COUNTY COURTHOUSE, MAIN COURTROOM**

MEMBERS PRESENT

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

OTHERS PRESENT

**JIM LEDBETTER, COUNTY ADMINIST
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 100 GUESTS**

The Board of Commissioners met for the Work Session in the Main Courtroom of the Courthouse at 5:15 p.m.

Chairman Hood called the meeting to order.

County Administrator Ledbetter explained the agenda items under the New and Old Business items on the Agenda for the Regular Meeting, also the scheduled Public Participation for the Amendment to the ULDC for Dry Litter Poultry Operations. The Administrator read the Board's rules for everyone signed up to speak and called the first speaker.

Al Stone came before the Board and spoke against the Farm Bureau members and asked the Board to keep Gordon County like the USA not China. He also requested the Board to have an impact study on chicken houses done.

Scot Martin spoke to the Board and commented that he has no problems with large chicken houses as long as they are not owned by foreign companies and suggested that the County find an area in the County and allow chicken houses to be built only in that area.

Rucker McDonald came before the Board and commented that Georgia has the most chicken houses anywhere in the U.S. and his concerns are environmental concerns due to the concentration of chicken houses.

Brian Grogen spoke to the Board and said he has 14 chicken houses and has to have that many to stay profitable.

Sarah Mastragelo said that poultry farmers in Gordon County oppose any changes to the Ordinance.

Meg Reidy commented that research shows the ammonia chemical and particulate matter cause diseases, asthma, etc. and asked that the County do an environmental impact study.

Alesia Chester advised that her family settled in Gordon County and she wants to protect the earth, but chicken houses will ruin our water. She asked that the County do an environmental study.

Austin Wright spoke to the Board on behalf of Mark Owen and said the moratorium has evolved into what we can do with our property, it needs to end.

Alex Brock advised that he is with Pilgrim's Pride and said that he asks that the County continue the moratorium and that he objects to the amendment.

Kevin Walraven came before the Board and advised that he is the President of the Young Farmers and owns a farm in Gordon County, he opposes any change to the ordinance.

Lisa Stone came before the Board referred the Board to their own Hazard Mitigation Plan, she also asked the Board to keep the moratorium in place.

Bill Dillard spoke to the Board and read a letter stating that there are already provisions in place by the State of Georgia for protection, he stated "You are hurting family farms".

David McKnight came before the Board and quoted sections of the Comprehensive Plan. There is a disconnect between the Plan and what is taking place in Gordon County. This document is contradicting what is allowing the poultry industry to get away with.

Benjamin Bishop commented that he is against mega chicken houses and asked that the Board keep the moratorium in place. He also said that the County needs to have an environmental study done on the effects of chicken houses.

Jacob Williams spoke to the Board and stated that his request to the Board is to protect farmers and lift the moratorium and keep the ordinance as is with no changes. He also asked that everyone in attendance that agrees with this request to please stand in support. Approximately 50 to 60 people stood in support of his statement.

Chairman Hood thanked everyone for their comments and asked for a motion to go into Executive Session. After hearing from all the citizens that were signed up to speak during the Public Participation, the Board went in to Executive Session. Commissioner Cunningham made a motion to go into Executive Session for Real Estate matters, Personnel matters, and Legal matters. Commissioner Potts seconded the motion and all voted aye. Executive Session began at 6:00 p.m.

Commissioner Owens made a motion to close Executive Session and go back into the Work Session. Commissioner Cunningham seconded the motion and all voted aye.

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

There being no further business, the Work Session adjourned at 6:20 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
DECEMBER 7, 2021**

The Gordon County Board of Commissioners held their Regular Meeting on December 7, 2021 beginning at 6:00 p.m. in the main courtroom of the Gordon County Courthouse.

MEMBERS PRESENT

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

OTHERS PRESENT

**JIM LEDBETTER, ADMINISTRATOR
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 150 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.

Commissioner Owens welcomed the Youth Leadership Class to the meeting and introduced the leaders. He asked that each high school represented to stand as he called out the High School's name. All the students from Calhoun High School stood, and then all the students from Gordon Central High School stood, followed by all the students from Sonoraville High School. Commissioner Owens advised that students who wished to talk with and ask questions of the Commissioners to please stay after the meeting and the Board members will be available for questions and comments.

EMPLOYEE RECOGNITION – Employees with Anniversary Hire Dates in December

Commissioner Cunningham read the list of employees with anniversary hire dates in December. Commissioner Steward drew the name of Samantha Whitfield from E-911 as Employee of the Month for December.

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 November 16, 2021. Commissioner Potts made a motion to approve the Minutes. Commissioner Owens 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 reported that he attended Northwest Georgia Regional Council of Chief Elected Officials meeting for Chairman Hood and also attended the Work Force meeting. He met with several of our local farmers, and he attended the General Administration Committee meeting.

Commissioner Potts reported that he attended the Airport Authority meeting, the local recycle meeting, met with Administrator Ledbetter and Keith King, also met Matt Dillard who is the General Manager of Republic, met with Bruce Palmer a commissioner in Clarkston. Attended the Litter Enforcement training at the Sheriff's Office. Also met with his Committee his Committee departments from County Public Works, Building and Grounds, and Fleet

Management and received updates from each.

Chairman Hood, attended the Development Authority meeting, meet with Dr. Fraker and Chairman Walraven, also met with some people concerning the poultry industry.

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

PUBLIC HEARING FOR ZONING

Appl. #Z21-28 OWR, LLC's Request to Rezone from A-1 to I-2 Heavy Industrial

Administrator Ledbetter advised the Board that the applicant's attorney Terry Brumlow has presented a letter requesting that this application be table until the next meeting on December 21, 2021. Mr. Brumlow appeared at the meeting and officially asked that the application be tabled until the December 21, 2021 meeting.

Commissioner Potts made a motion to table Appl. #Z21-28 until the December 21, 2021 Board meeting. Commissioner Cunningham seconded the motion and Commissioners Potts, Cunningham, Owens, and Steward voted aye. Motion passed.

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

CONSIDERATION OF UNFINISHED BUSINESS

BOARD CONSIDERATION OF THE AMENDMENT TO THE ULDC 4.03.02(K) DRY LITTER POULTRY OPERATIONS

Administrator Ledbetter advised that on August 20, 2021, Gordon County enacted a moratorium in response to chicken house operations. Particularly, due to what we have referred to as the loop hole. In 2017 there was a new trend in the chicken house industry of mega houses and they were locating into some areas where they were coming into conflict with existing residences. These mega houses were 66x600 ft. Gordon County enacted an ordinance amendment at that time to regulate those that were being called dry litter poultry operations, what that means is, the litter is not perfectly dry but it is kept under roof and if managed properly it causes the least amount of impact on the neighbors. The dry litter poultry operations at that time applied to farms of 82,000 layers and 125,000 broilers, which also matches the definition of concentrated animal feeding operations for poultry. Since that happened, there was some litigation in an area of Gordon County having to do with some farms, and Gordon County was not part of that litigation, I think it has all been resolved. In that same area, we had an application for a chicken farm and the likelihood, because of the concentration there because of the neighborhood complaints and the character of the neighborhood, it was likely that, had it come to the Board of Commissioners for a conditional use permit, it may have been denied. They hired an attorney and the attorney figured out the loophole and so they were able to build in that controversial area by simply getting a building permit without any kind of review to look at the impact on other people's property. That's the loophole; they built a project that would be less than 125,000 birds, thereby escaping any kind of protection or review. These are zoning rules; we all want to do what we want to with our property. But, as we become more populated and things happen, what we do on our land may have an impact on someone else, so we try to locate these things in certain areas. We are going through growing pains in Gordon County right now and there is

pressure upon our various areas and our traditional farmers, etc. One of the things that we have in place is our Comprehensive Plan and a Future Land Use Development Map. We have certain areas of our County that have been designated agricultural reserve. When the Board considers certain applications we will be looking at this Future Land Use Development map that was approved after hearings, etc. on determining appropriateness of where new chicken operations should be located. This will not be impacting existing farms. As the Board looked at this in closing the loophole, the Board enacted the Moratorium to close the loophole. As the Board looked at other things and heard from different groups, we first looked at the current ordinance.

As it is written, it applies to the 82,000 layers or 125,000 broilers, it contains eleven design criteria - a nutrient waste plan, it cannot operate as a nuisance, we have to look at the character of the neighborhood, houses have to be set back 250 ft. from the property line, that 250 buffer has to be vegetated, houses have to be 500 ft. from any residence, 1,500 feet from schools, churches, hospital, etc., and 200 ft. from a stream. We established a complaint resolution process, and fines were established. That's what we did in 2017 and it drew crowds like this at that time. Some of that is already required by State law. Now as we have discussed these potential additional changes, one of the things talked about is making all dry litter poultry operations commercial chicken farms subject to the conditional use permit process. We have heard from all folks on both sides of the issue, have talked to farmers, lawyers, and integrators. There has been talk of obtaining a letter of intent from the integrators as part of the application.

We can just have that as part of the application process. There has been talk of how much distance there should be between farms and residences, or what is the right number of birds in an area. Georgia Code says that we cannot regulate animal husbandry or farming practices. We cannot dictate as to what is profitable to the farmers. There has been talk of limiting the size of operations, what would be the right amount. Generally the integrators make that determination. We cannot discriminate against anyone based on their race, sex, creed, national origin, etc. Part of our existing process is to look at traffic now when looking at the neighborhood and character.

There are State and Federal requirements that are outside of the Board's jurisdiction. One of the most important things is that we want to protect our family farms. By having the right kind of protections it will protect our family farms, that's extremely important to all of us. We have already designated certain areas of this county as agricultural reserve. If someone wants to have their dream home in an agricultural reserve of Gordon County, you have to assume the risk that every now and then some smelly and noise stuff is going to happen out there because it takes that to make our good tasting chicken, and our crops. If you move into that agricultural reserve you may get a farm next door and that is part of this process.

Chairman Hood asked for a motion for consideration of the amendment to the ULDC 4.03.02(K) Dry Litter Poultry Operations.

Commissioner Steward made a motion to make one amendment to the ULDC to close the loophole by requiring all commercial chicken operations defined as 1,000 birds or more to obtain a Conditional Use Permit from the Board of Commissioners. Commissioner Cunningham seconded the motion and Commissioners Steward, Cunningham, Potts, and Owens voted aye. Motion passed.

Commissioner Steward asked for the County Administrator to explain what the Board just approved. Administrator Ledbetter explained that if you have an existing chicken farm, you have certain rights that have been given to you that the Board cannot touch. If there is a substantial change to a new use, basically any new commercial poultry operation, seeking

to establish business in Gordon County, that is not already in operation, the grower will need to come to the Board of Commissioners for a conditional use permit. This closes the loophole. This way, if someone is looking to bring chicken houses into an area that is saturated, for example, already litigation, already problems, already settlements, or already an existing neighborhood, then the Commissioners will have authority to deny that. On the flip side, if someone comes to the Board of Commissioners and meets the criteria, and they are in the agricultural reserve area which is a massive area of our county, then the Board of Commissioners will be compelled, under law, to honor their request and allow them to build their chicken houses. If a chicken house is a known pollutant, and we have had complaints, there have been chicken houses that have had problems, we have cited chicken growers before for dead chickens laying out on the ground or not handling things correctly. Generally, under our complaint resolution process stated in our ordinance, if we go to the integrator and say we have a problem, it gets fixed real fast or they don't get birds. If there is an ongoing problem, if there is something getting into our waterways, or whatever, we have already in place, processes to address that. We have and we will address that.

Commissioner Steward added that, basically if someone wants to build chicken houses in Gordon County they can still build, they have to come to the Board of Commissioners first to be approved.

BOARD CONSIDERATION OF EXTENSION OF THE MORATORIUM ON APPLICATIONS FOR NEW COMMERCIAL POULTRY OPERATIONS OR EXPANSION OF EXISTING COMMERCIAL POULTRY OPERATIONS

Chairman Hood advised that the Board needs to consider extension of the moratorium on applications for new commercial poultry operations or expansion of existing commercial poultry operations.

Commissioner Steward made a motion to end the moratorium. Commissioner Cunningham seconded the motion and Commissioners Steward, Potts, Cunningham, and Owens voted aye. Motion passed.

CONSIDERATION OF NEW BUSINESS

DECLARATION OF SURPLUS PROPERTY FROM PUBLIC WORKS AND FLEET MANAGEMENT FOR A MISCELLANEOUS LIST OF AUCTION ITEMS

Administrator Ledbetter advised the Board that this is a declaration of surplus property from the Public Works and Fleet Management. These items are deemed to be no longer of use or of value to the County and we offer them for sale to the public in order to give everyone a fair chance to bid and buy.

Commissioner Owens made a motion to approve the Declaration of Surplus Property for the Public Works and Fleet Management departments. Commissioner Potts seconded the motion and Commissioners Owens, Steward, Cunningham, and Potts voted aye. Motion passed.

BID AWARD FOR OFFICE CHAIRS, FILE CABINETS, AND SHELVING FOR THE JUDICIAL BUILDING

Administrator Ledbetter advised the Board that this is a bid award for office chairs, file cabinets, and shelving for the Judicial Building. We are recommending the low bid. The low bid for chairs and filing cabinets is \$75,949.19 from Office Depot. The Deed Room shelving is Scott Graphics at \$75,478.00.

Commissioner Potts made a motion to approve the bid award to Office Depot and to Scott Graphics as read by the Administrator. Commissioner Steward seconded the motion and Commissioners Steward, Cunningham, Potts, and Owens voted aye. Motion passed

ESTABLISHING QUALIFYING FEES FOR THE 2022 ELECTION

Administrator Ledbetter advised the Board that this is for the Board to establish qualifying fees for the 2022 election. Those qualifying fees are set on a formula base upon State Law.

Commissioner Cunningham made a motion to approve the qualifying fees for 2022. Commissioner Potts seconded the motion and Commissioners Potts, Owens, Cunningham, and Steward voted aye. Motion passed.

HARDWARE WARRANTY AGREEMENT WITH DOMINION VOTING SYSTEMS, INC.

Administrator Ledbetter advised the Board that Gordon County received all new voting equipment from the State of Georgia. Once the State got us all new Dominion voting systems we are responsible for the maintenance and operations, so we are buying a hardware warranty to make sure the machines are operable when they need to be.

Commissioner Potts made a motion to approve the Hardware Warranty Agreement with Dominion. Commissioner Owens seconded the motion and Commissioners Potts, Steward, Owens, and Cunningham voted aye. Motion passed.

GORDON COUNTY HOSPITAL AUTHORITY RE-APPOINTMENTS FOR MATT BARTON AND ED MOYER FOR THREE-YEAR TERMS ENDING 12/31/2024

Administrator Ledbetter advised that this is a request from the Gordon County Hospital Authority requesting that the Board of Commissioners approve Matt Barton and Ed Moyer for renomination and reappointment to the Hospital Authority for a three-year term ending 12/31/2024.

Commissioner Owens made a motion to approve Matt Barton and Ed Moyer for renomination and reappointment to the Hospital Authority. Commissioner Steward seconded the motion and Commissioners Owens, Steward, Cunningham, and Potts voted aye. Motion passed.

RESOLUTION AGREEMENT TO BE BOUND BY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF GEORGIA AND LOCAL GOVERNMENT ENTITIES CONCERNING THE NATIONAL DISTRIBUTOR AND J&J SETTLEMENTS

Administrator Ledbetter advised that this is a resolution agreement to be bound by the Memorandum of Understanding between the State of Georgia and local government entities

concerning the National Distributor and J&J Settlements. This is regarding the opiate litigation that we are a part of; it's a class action lawsuit. The Board needs to designate a responsible person to sign off on those settlement documents. This should be Chairman Hood or the Administrator or both.

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

DECLARATION OF SURPLUS PROPERTY FOR THE SHERIFF'S DEPARTMENT FOR FIREARMS AND MISCELLANEOUS EQUIPMENT

Administrator Ledbetter advised the Board that this is a declaration of surplus property for the Sheriff's Department for firearms and miscellaneous equipment. The Sheriff's Department is upgrading the firearms and getting a \$300 trade-in on each. We are getting all new firearms for less than \$20,000 with the trade-ins.

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

VIRTRU PRO SUBSCRIPTION AGREEMENT AND 18-MONTH ORDER

Administrator Ledbetter advised the Board that this is a Virtru Pro subscription agreement and 18-month order. Some of our sister cities have had hacking attempts recently. We keep having to spend more money to try to protect ourselves. The criminal justice information system is requiring us to encrypt our inmate email information or our Sheriff's office information and as a matter of federal law. In order to do that, this is a g-mail sole source for encryption for that data. This is another federal mandate. We are paying \$5,000 for the rest of this year and \$11,000 for the year after.

Commissioner Owens made a motion to approve the Virtru Pro Subscription Agreement. Commissioner Potts seconded the motion and Commissioners Owens, Potts, Steward, and Cunningham voted aye. Motion passed.

AJOURNMENT

Commissioner Cunningham 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 7:15 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman