

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
APRIL 19, 2022 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 ADMINISTRATOR
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 14 GUESTS**

Chairman Hood called the meeting to order.

County Administrator Ledbetter explained to the Board the rezoning items and the New Business items on the agenda for tonight's meeting. Mr. Ledbetter explained that on the rezoning application #Z22-06 this is a revision on plans for property that the Board has looked at before. There is a pending zoning variance appeal that has been filed today on this property. There is a recommendation that comes from the Planning Commission for denial but it was not by a quorum of the Planning Commission. The Board will take those matters up at the Public Hearing, if procedurally we can go forward.

Commissioner Steward made a motion to go into Executive Session for Personnel, Legal and Real Estate matters. Commissioner Potts seconded the motion and all voted aye.

Executive Session began at 5:38 p.m. Commissioner Owens made a motion to close the Executive Session and go back into the Work Session. Commissioner Potts seconded the motion and all voted aye.

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

There being no further business, the Work Session adjourned at 6:09 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUDICIAL BUILDING ASSEMBLY ROOM
APRIL 19, 2022**

The Gordon County Board of Commissioners held their Regular Meeting on April 19, 2022 beginning at 6:00 p.m. in the Judicial Building Assembly Room.

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 40 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.

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 April 12, 2022. Commissioner Cunningham made a motion to approve the Minutes. Commissioner Potts seconded the motion and Commissioners Owens, Potts, Cunningham, and Steward voted aye. Motion passed.

ADMINISTRATOR'S REPORT

Administrator Ledbetter read the report. Copy attached

COMMISSIONERS' REPORT

Commissioner Owens reported that he attended the General Administration Committee meeting and luncheon where he heard individual reports and needs from each department head.

Commissioner Potts reported that he attended the Gordon County Board of Health meeting, also the Airport Authority meeting. He announced the Wings and Wheels event that is coming up and a car show parallel to the air show. He gave the department reports for Building & Grounds, Public Works, and Fleet Management.

Commissioner Steward advised that he attended the E-911 Banquet, he also asked everyone to come out next Tuesday April 26th for the Political Forum.

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

PUBLIC HEARING FOR ZONING

A. Appl. #Z22-05 Jim Calhoun's Request to Rezone from A-1 to I-2 heavy industrial

Administrator Ledbetter read Application #Z22-05 Jim Calhoun's request to rezone from A-1 to I-2 heavy. This comes to the Board of Commissioners from the Planning Commission with their

recommendations for approval with the following stipulations: If the business ever ceases to exist then the property would revert back to A-1 zoning before any other heavy industrial company could develop the property. Mr. Ledbetter advised that this is for about 10 acres out on Highway 136. Mr. Calhoun wishes to purchase the existing property that has a logging operation on it and he wishes to start manufacturing wood pallets. No one is signed to speak for or against the rezoning.

Commissioner Potts made a motion to approve the rezoning application with the stipulations as read. Commissioner Steward seconded the motion and Commissioners Potts, Cunningham, Owens, and Steward voted aye. Motion passed.

B. Appl. #Z22-06 Darryl Edwards' Request to Rezone from A-1 to R-3 Suburban Density Residential

Administrator Ledbetter read Application #Z22-06 Darryl Edwards' request to rezone from A-1 to R-3 Suburban Density Residential for 129.94 acres. This is a revision for plans on property that the Board had looked at before. There is a pending zoning variance request appeal that Mr. Bowen, the attorney, has filed today. There is a recommendation to deny that came from the Planning Commission, but this was not by a quorum of the Planning Commission.

Mr. Brandon Bowen, the attorney representing the applicant came before the Board and advised that he has Darrin Hardin who is part of the development team and Joe Ingram from Starlight Homes with him. Mr. Bowen stated that this is a rezoning that is being brought back to the Board, previously they had presented a development plan for 524 units. They pulled that back and reduced it down to 395 units; this is basically accomplished by removing a town home component of the development. All the houses will now be single family detached houses. Mr. Bowen further stated that Mr. Ledbetter mentioned that the standard in that district is 10,000 sq. ft. lots with 85 ft. widths. They are asking that be reduced down to a minimum of 8,000 sq. ft. lots with a 60 ft. lot width. The average lot is 8,700 sq. ft. in the plans they have presented, however a few are smaller because of the shape of the property. He stated that the intent is to create additional green space; this plan shows 28 acres of green space. We feel that the 60 ft. is a suitable width and we asked the Planning Commission to approve that variance. We are asking that the Board of Commissioners will approve that. You have a comprehensive plan that calls for this whole area to be suburban, it's called emerging suburban, and that's precisely what this request is. This is the suburban density residential zone under your ordinance and comprehensive plan. I have provided you some information earlier; there are lots of cases that talk about the importance of the comprehensive plan. What it sums up is, when local governments don't follow the comprehensive plan that decision is suspect. When they do, when they have a practice of following their comprehensive plan, that in itself insulates all of their decision; it shows a pattern of reasonable decision making. So we are asking you to follow your comprehensive plan in this case.

Mr. Bowen continued a couple of issues that have come up - do we have sewer. We know we have to get sewer. We are in contact with the City sewer department to make sure that this is available. It is available; we will have to confirm it as we move through the process. That will be at our expense. Likewise, there has been a question about getting GDOT permits on Highway 53. We have been in contact with GDOT, they have seen our plans and they have given initial approval. We will have to do whatever they require in order to get driveway permits; at least we have initial approval. Neither one of those are reasons not to consider this rezoning. There has also been a question about surveying, whether or not we have the proper survey plan. All I can tell you is that the property was purchased with a reputable local property surveyor by title to it. If there is a line dispute issue, there is a separate way of resolving that, it is not a rezoning hearing.

Commissioner Steward asked about the 200 number given, is that, if you are calculating the 10,000 sq. ft. instead of the 8,000, is that why you brought us the 200 number? Mr. Bowen answers, the R-1 has 20,000 sq. ft. minimum lot size, based on the erosion that's probably how many lots you are going to get. Commissioner Steward asked, so how many lots would you get if you did the 10,000, what's that calculation and what's that price? That's one of the main things

these Board members were looking at. Answer came from one of the gentlemen, we did the R-3 zoning, and there are actually about 335 lots. The reason we are not doing the 10,000, we added more green space. Mr. Hardin explained that when you take into consideration the buffers on the exterior of the property, the lots actually average 9.375.

Commissioner Hood asked about the sq. ft. of these homes. Mr. Joe Ingram with Starlight homes advised that the range is from 1,650 up to 2,800. Price point right now is pushing \$400,000 on some of these houses. We anticipate starting this development somewhere in mid \$300,000. We price to market, we will open up in the 3's, if the market will bear more than that, and we will increase pricing. Commissioner asked what the HOA fees would be. Mr. Ingram said they would be around \$900.

Mr. Bill Thompson came before the Board on behalf of Faye Prather and spoke in opposition to the re-zoning stated that the Planning Commission has voted negatively twice already. You don't have enough room for driveways. Also stated that he doesn't think the sewer system will be feasible.

Mr. Nathan Roberts spoke in opposition to the re-zoning. He is representing a landowner, Mrs. Harmon, who has a problem with the lot size on the property for this project. Stated that they oppose the project over dispute about the boundaries and because of the density being next to what they hoped would be a less dense use in the future.

Mr. Jerry Weaver spoke in opposition and states that his property joins this property and said there is a water problem on the property. There will be a problem with it also being close to chicken houses.

Mr. Todd Harrison spoke in favor of the re-zoning. He represents Hamilton Health Care and states he works on housing issues for employees. He wants more housing for his employees and advised the Board that when these type projects come your way, treat them as gold. Also advised that younger people want these type choices in housing.

Mr. Jim Perkins spoke in favor of the re-zoning. He stated that he works for a top flooring company; he is one of the top three employers in this County. He commented that we need more affordable housing in Gordon County. \$250,000 to \$350,000 is probably the sweet spot in today's world.

Ms. Jennifer Burchett spoke in opposition of the re-zoning. She states that she lives on the back side of this property. She advised that there are about six new subdivisions planned for the county. She also commented about a water problem on this property. She was also concerned about what would happen if the housing market crashes, and was also concerned about the prices, stating that \$300,000 to \$400,000 homes are not affordable homes for Gordon County.

Mr. Melvin Burchett spoke in opposition to the re-zoning and asked the Board to do what is best for Gordon County. This is not where this development needs to go. He was also concerned that his house is within 110 feet of this property. The statement that there is no one within 200 ft. of that property line is incorrect.

Administrator asked about the water on the property, where is it going to go, how are you going to get it off the property without increasing flow on to the neighbors or without just building it up in the area to then where me or my successor have to deal with it. Mr. Hardin stated that in a sewer situation, you are able to grade and plan a subdivision to accommodate these kinds of things, whereas on a septic tank you are limited to grading because you have to use natural ground acceptance, we will engineer the entire place, we will have to look at all storm water. Storm water cannot be released any more than it does at this time. Every bit of it has been evaluated and created into a set of plans that will be submitted to the County and the engineering department to be approved. Mr. Hardin then advised that they have had two meetings with the DOT, they have had two on-sight meetings with the DOT and have worked with them to get a preliminary plan that they have already approved. They are happy with the entrance that is here right now currently, and have given us feedback, that is Grant Waldrop,

and others. He stated that he has this in an email.

Commissioner Potts asked about the two entrances on Highway 53. According to Mr. Thompson they are not 350 feet between each driveway. Mr. Hardin commented that the State DOT issues the permits for the driveway, they have seen the drives, they have been on the site and they have given a preliminary approval for these. Mr. Potts asked about the sewer service, what is the normal process in a subdivision like this, I just read here that says the development may be eligible for sewer service from the Erwin Hill lift station, all request for sewer service in the County are subject to approval by the Calhoun City Council upon recommendation by the City Utility Administrator paid for by the developer. What's the process with Mark Williamson moving forward after this body makes a decision. Mr. Hardin said that they would have civil engineered plans that are submitted to the City of Calhoun, as well as, Gordon County and we will work with them, they have design standards for sewer or roads that are inside ordinances, and we will submit those in to them and then once they are approved, then we can actually pull the permits and start grading.

Mr. Ledbetter spoke to Mr. Bowen and mentioned that he had said that the comprehensive plan calls for this kind of development. Mr. Ledbetter commented, I'm looking at what was attached in the zoning file from our comprehensive plan and it talks in terms of emerging suburban. Mr. Ledbetter read that part of the comprehensive plan.

Commissioner Owens asked Mr. Hardin when he anticipates the date the first home would be built on this property. Mr. Hardin said it would take 12 months from the time we started to the time we recorded the final plat. He estimated the fall of 2023 for the first house, and then clarified that it should be 2024. This will be a phased development.

Commissioner Potts made a motion to approve the rezoning with the condition that minimum lot size shall be 8,000 square feet and a minimum lot width and frontage of 60 ft. Commissioner Owens seconded the motion. Commissioner Potts commented that he attended every zoning meeting that we have had on this and spent a lot of time and I don't make that motion flippantly, I make that motion based off of two pages of a rationale and I spent a lot of time doing that. There are people in this room I've helped in hard times and I will help in hard times again. There are people in this room that I am closer to than a lot in my family and actually I probably love them more than people in my family, I trust them more than people in my family, but when I look at the overall picture of what is happening in our county, we have 11 million square feet of property about to be developed and we don't even know what they are, but we have people that want to invest millions of dollars to build homes here. What's affordable in this time? I couldn't have afforded \$300,000. Everybody in every meeting has said, we need housing, but... my spending a lot of time assessing the two pages of rational brought me tonight to make this motion. If it does pass, it doesn't help people that I have been life-long friends with, but I made it based off what I think is best for our future.

Commissioners Potts, Cunningham, and Owens voted aye, Commissioners Steward and Hood opposed the motion. Motion passed.

Commissioner Owens made a motion to close the public hearing for zoning, Commissioner Potts seconded the motion and all voted aye.

Chairman Hood announced the Board would take a quick pause and reconvene in 5 minutes.

CONSIDERATION OF UNFINISHED BUSINESS

None

CONSIDERATION OF NEW BUSINESS

DECLARATION OF SURPLUS PROPERTY FOR THE SHERIFF'S DEPARTMENT FOR A GLOCK PISTOL MODEL 45 9MM

Administrator Ledbetter advised that this is a Declaration of Surplus Property for the Sheriff's Department for a Glock Pistol Model 45 9MM. Officer Randal Gibson is retiring and under the Statute 35-1-20 the Officer can retain his revolver.

Commissioner Potts made a motion to approve the Declaration of Surplus Property for the Sheriff's Department for a Glock Pistol to be retained by Officer Randal Gibson. Commissioner Owens seconded the motion and Commissioners Owens, Potts, Steward, and Cunningham voted aye. Motion passed.

DECLARATION OF SURPLUS PROPERTY FOR MISCELLANEOUS OFFICE FURNITURE AND EQUIPMENT

Administrator Ledbetter advised that this is a Declaration of Surplus Property for miscellaneous office furniture and equipment. This is furniture and equipment that is left behind and unclaimed in the old Main Courthouse. We have given other departments first pick and then we can give to other governments and they will have to move it at their expense.

Commissioner Cunningham made a motion to approve the Declaration of Surplus Property for miscellaneous office furniture and equipment. Commissioner Steward seconded the motion and Commissioners Potts, Steward, Cunningham, and Steward voted aye. Motion passed.

BUDGET AMENDMENTS TO RECORD TRANSFERS

Administrator Ledbetter advised that this is budget amendments to record funds transfers. This is not new money being spent; we are cleaning up some entry items. We had to buy a couple of dump trucks because we couldn't find spare parts for our worn out trucks, so we bought a couple of them and we used paving money for that. With some of our road damage from the floods in the end of March 2021 we have used paving money to buy bridges and fix roads; we want to pave some more. We have some excess LOST revenue from our sales tax collections and excess SPLOST revenue for paving, so this budget amendment is to transfer the line items over from paving to LOST and SPLOST. We have already spent the funds and this is just transfers. Also, the Superior Court judges have asked to put into next year's budget, enough money to buy new court reporter equipment for Rooms B, C, and D. We can go ahead and get that now with those new courtrooms. Also there is a consulting fee at the Tax Assessor's office that was incurred last year but not paid until this year, that put the Tax Assessor budget \$8,900 behind on the books, so we are fixing this with an accounting transfer.

Commissioner Potts made a motion to approve the Budget Amendments to record transfers of funds. Commissioner Steward seconded the motion and Commissioners Potts, Cunningham, Steward, and Owens voted aye. Motion passed.

ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the meeting. Commissioner Potts seconded the motion and Commissioners Potts, Cunningham, Steward, and Owens voted aye.

There being no further business the meeting adjourned at 7:52 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman