

Gordon County Board of Commissioners
Regular Session Minutes
December 20, 2022 at 6:00 p.m.

Members Present

Chad Steward, Vice-Chairman
Kevin Cunningham, Commissioner
M.L. Bud Owens, Commissioner
Bruce Potts, Commissioner

Others Present

James F. Ledbetter, County Administrator
Keith King, Executive Assistant
Hannah Jones, Administrative Intern
28 Guest

Vice-Chairman Chad Steward called the meeting to order at 6:00 p.m.

Invocation and Pledge

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 December 6, 2022. Commissioner Potts made a motion to approve the Minutes. Commissioner Cunningham 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

A. Commissioner Owens' Report

Commissioner Owens reported that on December 7th he met with an architect to explore the use of their services in future projects. On the same day Commissioner Owens toured the courthouse project. Commissioner Owens stated that he was excited about the progress of the project. Commissioner Owens hosted the December 8th Christmas parade and attended the December 16th Admin Committee luncheon. Commissioner Owens also thanked Annette Berry for her twenty-seven years of service as County Clerk and wished everyone a Merry Christmas and Happy New Year.

B. Commissioner Potts' Report

Commissioner Potts attended the December 6th ribbon cut at Crossfit Trackside, met on December 7th met with an architect to explore the use of their services in future projects,

and toured the courthouse project. On December 8th, Commissioner Potts attended the ribbon cutting for Mohawk Factory Store. On December 16th Commissioner Potts attended the annual DFCS Christmas luncheon and over the weekend he attended the 4H Weekend Spectacular livestock show. Commissioner Potts also reports that he assisted residents with issues concerning fire hydrants, gas lines, and animal control. Commissioner Potts wished everyone a Merry Christmas.

C. Commissioner Cunningham's Report

Commissioner Cunningham reported that over the last two weeks he has spoken with several citizens, Administrator Ledbetter, and Animal Control Director Sue Henson. Commissioner Cunningham announced that the Animal Control Facility still has a lot of dogs and encourages everyone to adopt and announced that the adoption fee and the spay/neuter certificate cost is currently waived. Commissioner Cunningham also wished everyone a Merry Christmas.

D. Vice Chairman Steward's Report

Vice Chairman Steward stated that he participated in the December 8th Christmas parade. Vice Chairman Steward thanked Commissioner BudOwens for a job well done on the parade and stated that it was well attended. Vice Chairman Steward reported on December 16th that he, Commissioner Cunningham, Administrator Ledbetter, and Human Resource Director Don Holley interviewed two candidates for the County Clerk position.

Public Hearing for Zoning

Vice Chairman Steward asked for a motion to enter the Public Hearing for Zoning. Commissioner Owens made a motion to enter the Public Hearing for Zoning. Commissioner Potts seconded the motion and Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passed.

Administrator Ledbetter advised the audience of the rules for public participation as outlined in the Gordon County Code of Ordinances.

A. Application #Z22-22 Ron Vail's Request to Rezone from A-1 to I-2:

Ron Vail, 650 25th Street NW Suite 500 Cleveland, Tennessee

Mr. Vail stated that his company has the natural gas rights for the Redbone Ridge Landfill. Their company plan is to collect the natural gas, clean it up, and reinstate the clean gas back into the pipeline.

Administrator Ledbetter advised that there were questions asked in the Work Session concerning the environmental impact as this gas is being collected, cleaned, and

reintroduced into the pipeline. Mr. Vail answered that there is not an environmental concern as this project is considered a “green” project. Mr Vail continued by advising that currently the landfill has reached its limit of natural gas from just having a monitoring process to now having to have a collection process. The plan by Republic Service would be to pipe the natural gas to a flare and have the gas to be burned off. Mr. Vail presented that his plan would be to collect the gas, pipe it into a closed facility where the gas would be cleaned, and reintroduced back into the pipeline.

Administrator Ledbetter asked Mr. Vail if he and his company were under any state and/or federal regulations. Mr. Vail answered that they are under GA EPD which has adopted the federal regulations. Mr. Vail stated that they have been working with the GA EPD Air permit submittal after the first of the year.

Vice Chairman Steward asked what the annual revenue would be. Mr. Vail stated that the County would receive approximately 7.5% which could be close to \$500k per year as county revenue. Administrator Ledbetter asked what level of investment cost for this facility would be. Mr. Vail stated that the investment cost would be over \$50m. Administrator Ledbetter stated that the development would also be taxable income to the county.

Commissioner Bud Owens asked how many facilities Mr. Vail and his company have operating at this time. Mr. Vail stated that they were building their first one now and Gordon County would be their second. Mr. Vail continued by saying that they are using a company that has built over twenty of these types of facilities. Mr. Vail spoke with Fire Inspector Ron Chance and has extended an invite to the first facility once it comes online.

Commissioner Bud Owens stated that he had received an article from a citizen that addresses environmental concerns as it relates to methane gas. Mr. Vail stated that he has not seen the article to be able to respond to it. Commissioner Potts stated that the article was addressing the difference between methane vs natural gas. Mr. Vail assured the Board that the final product that is reintroduced into the pipeline will meet all EDP regulations.

Administrator Ledbetter summarized Mr. Vail’s points: 1) the facility will help from having the gas burned off into the atmosphere and 2) the facility has an automatic safety system and proposes little to no fire concern. Administrator Ledbetter asked if there is anything we are missing. Mr. Vail stated that the facility will be dealing with gasses and there is always a chance, but the investments include automatic safety shut offs to help and mitigate any concern. Commissioner Bud Owens thanked Mr. Vail for addressing his concerns.

Commissioner Potts asked Mr. Vail about the possibility of collecting the natural gas from the Harris Beamer Landfill. Mr. Vail explained that the Harris Beamer landfill is too old and produces less gas as each year goes by.

Commissioner Potts inquired about the location of the facility. Mr. Vail approached the Board and showed the commissioners on the plat that the processing facility would be located near the main entrance of the landfill.

This application comes to the Board of Commissioners from the Planning and Zoning Commission with the recommendation of approval. No one signed up to speak on this matter.

Commissioner Owens made a motion to approve Application #Z22-22. Commissioner Cunningham seconded the motion and Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passed.

B. Application #Z22-24 and #Z22-25 Paul Svihla's Request to Rezone from A-1 to RA-1 on #24 and to Rezone from A-1 to R-6 on #25

Administrator Ledbetter advised that this property is described as 4.23 acres located at 549 Cornelison Road SE Rydal, Georgia 30171. The applicant would like to subdivide the property into two parcels, one parcel for an existing mobile home and one parcel for a new house. Administrator Ledbetter stated that the application comes to the Board with a recommendation of approval by the Planning and Zoning Commission. No one signed up to speak on this matter.

Commissioner Potts made a motion to approve Application #Z22-24 and #Z22-25. Commissioner Owens seconded the motion and Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passed.

C. Application #Z22-26 Thuy Truong's Request to Rezone from A-1 to Conditional Use

Administrator Ledbetter advised that this property is described as 35 acres located at 835 Goat Road Resaca, Georgia 30735. The applicant currently has four 66'x600' chicken houses and would like to add three new 66'x600' chicken houses on the same property. Administrator Ledbetter stated that the application comes to the Board with a recommendation of denial by the Planning and Zoning Commission. Seven people have signed up to speak in opposition of the rezoning.

The applicant, Sam Throng of TBT Farms located at 835 Goat Road spoke first. Mr.

Throng reiterated that they currently have four 66'x600' chicken houses and would like to add three new 66'x600' chicken houses on the same property.

Eddie Smith of 1017 Russell Hill Road spoke in opposition with the primary concerns being that there have been 27 chicken houses built in that area over the last nine years. Mr. Smith stated that the County's ULDC states that the Board can consider the concentration of chicken houses in a particular area.

Jennifer Kirkland of 948 Russell Hill Road spoke in opposition with the primary concerns being family home/land being impacted by the commercialization and continual growth of chicken houses and chicken farms. Kirkland also stated that their pond has algae growth because of the runoff and there is a cloud of dust from the chicken farms.

Jeffrey Kirkland of 948 Russell Hill Road spoke in opposition with the primary concerns being that they would not be able to pass down the family home to the next generation. Kirkland also stated that they can not entertain outside any longer.

Vice Chairman Steward mentioned that the twenty-seven chicken houses that are there now were built before the new ordinance, the moratorium, and the town hall meetings. Vice Chairman Steward continued by saying that under the new ordinance the citizens have more of a voice in the process.

Carrie Wilson of 180 Russell Hill Estate Drive spoke in opposition with the primary concerns being that her house was having issues with flies, bad odor in the air, and algae on their pond. Wilson also stated that her son had allergies so bad living with them that he moved to Cartersville.

Scott Whitener of 453 Russell Hill Estate Drive spoke in opposition with the primary concerns being the continual growth of chicken farms in close proximity. Whitener also stated his concerns with the smell and air quality.

Jeff Worley of 179 Russell Hill Estate Drive spoke in opposition with the primary concerns being the concentration of the 27 chicken houses being on 7 parcels and that 33% of vegetation has been cleared off. Mr. Worley stated that this clearing has contributed to the flooding of Goat Road and Cook Road. Mr. Worley also stated that he is concerned about the roadways being able to handle the traffic load for large trucks.

Administrator Ledbetter asked Mr. Worley about his career as an engineer and asked if Mr. Worley noted any designs or plans for sediment ponds or storm water plans within the application. Mr. Worley stated that he did not see any such plans. Mr. Ledbetter

stated that he did not see any plans either. Administrator Ledbetter advised the Board that ULDC Section 3, subsection K of 4.03.03 list items that are to be a part of the application including topographical contours and that several of these items are not included with this application.

Rusty Hopper of 410 Russell Hill Estate Drive spoke in opposition with the primary concerns being that his neighborhood is like being in a chemical field. The odor is so bad that the neighbors do not have outdoor activities.

The applicant Sam Throng did not wish to speak on any of these concerns.

Commissioner Potts made a motion to deny Application #Z22-26. Commissioner Owens seconded the motion. Commissioner Potts stated that he believes that the integrators should be a part of this process. Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passed.

D. Application #22-28 John Richardson's Request to Rezone from A-1 to RA-1 Residential Agricultural District

Administrator Ledbetter advised that this property is described as 2.039 acres located at 8363 Fairmount Hwy Fairmount, Georgia 30139. The applicant would like to subdivide the property with his sister to build a single family home. Administrator Ledbetter stated that the application comes to the Board with a recommendation of approval by the Planning and Zoning Commission. No one signed up to speak on this matter.

Commissioner OwensPotts made a motion to approve Application #Z22-28. Commissioner Cunningham seconded the motion. Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passe

Vice Chairman Steward asked for a motion to come out of the Public Hearing for Zoning. Commissioner Potts made a motion to come out of the Public Hearing for Zoning. Commissioner Owens seconded the motion and Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passed.

Consideration of Unfinished Business:

A. Malt Beverage, Wine Liquor Ordinance – Second Reading

Administrator Ledbetter explained that this is the second reading of the proposed changes to the Malt Beverage, Wine Liquor Ordinance and that the proposed changes have been posted online for several weeks. There has been no public comments. The primary change is that Sunday sales are now allowed between the hours of 12:30 p.m. and 11:30 p.m. Similar changes were also made to outliers such as special events and bowling

alleys and both of these are now allowed to serve alcoholic beverages during the same hours. Administrator Ledbetter incorporated the ordinance changes by reference for the record.

Commissioner Potts made a motion to approve the changes to the Malt Beverage, Wine Liquor Ordinance as referenced by Administrator Ledbetter. Commissioner Owens seconded the motion and Commissioners Owens, Potts, and Vice Chairman Steward voted aye. Commissioner Cunningham voted nay. Motion passed.

Consideration of New Business:

A. Budget Amendment for General Fund, Fire Fund, American Rescue Plan, Condemnation Fund, Hotel Motel Tax Fund and Jail Fund

Administrator Ledbetter advised that these were changes that were made throughout the last six months and that the new Finance Director prefers to present budget amendments twice a year as a bulk item. Administrator Ledbetter explained each fund and each budget amendment in each fund and then advised Vice Chair Steward that this could be presented as one motion.

Commissioner Owens made a motion to approve the budget amendment as presented by Administrator Ledbetter. Commissioner Cunningham seconded the motion. Commissioners Owens, Potts, Cunningham, and Vice Chairman Steward voted aye. Motion passed.

B. Board Approval for Renewal Applications and New Applications for Malt Beverage, Wine, Liquor for Year 2023

Administrator Ledbetter stated that he recommends the approvals with the note that the Calhoun Elks Lodge and the Calhoun Moose Lodge is to upload their material to the state portal.

Commissioner Owens made a motion to approve the Renewal Applications and New Applications for Malt Beverage, Wine, Liquor for Year 2023. Commissioner Potts seconded the motion. Commissioner Owens asked if the County would be in any liability for the two applicants not being on the state portal. Administrator Ledbetter advised that it did not and that the staff would make sure to help them become compliant. Commissioners Owens, Potts, and Vice Chairman Steward voted aye. Commissioner Cunningham voted nay. Motion passed.

Adjournment

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 7:12 p.m.

Keith King, Interim County Clerk

Chad Steward, Vice Chairman