

Gordon County Board of Commissioners
Work Session Minutes
December 20, 2022 at 5:32 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
11 Guest

Vice-Chairman Chad Steward called the meeting to order at 5:32 p.m.

Discussion of Regular Agenda Items

Public Hearing for Zoning:

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

County Administrator Jim Ledbetter advised that Ron Vail once worked with Santek and now works with Pleasant Hill Land Company, LLC. Within the landfill contract there was a reservation for the gas rights with Santek. Gordon County will receive approximately 7% of the natural gas profits. The property in question is 19.79 acres and they plan to build a \$40m facility that will be primarily automated to extract the gas from underground and then clean and reclaimed by hauling the gas out and eventually will be piped. This is a clean process with little to no fire hazard. Administrator Ledbetter also stated that Republic Services recently performed a minor modification of installing a flare for the use of burning off excess gas. With this new facility extracting the gas, the landfill's flare may never have to be used. This application comes to the Board of Commissioners from the Planning and Zoning Commission with the recommendation of approval.

Commissioner Potts questioned the location of the facility on the map. Administrator Ledbetter advised that a plat was included in the material on page 19 and that in the Regular Session, Mr. Vail will show the Board where the property is located.

Commissioner Owens asked Administrator Ledbetter if he had done any research on this kind of a project. Commissioner Owens stated that he had received an article from a citizen in regards to environmental concerns as it relates to renewable natural gas. Administrator Ledbetter stated that he has not seen the article and advised the Board to ask any question that they have to Mr. Vail in the regular session.

Commissioner Potts stated that he had a conversation with Monica Mossley of Republic Services concerning how this development would be affected if Republic were to be purchased and no longer have the landfill contract. According to Commissioner Potts, Mossley stated that this matter was not something that she could not comment on. Administrator Ledbetter advised that the gas rights were a part of the 2008 landfill contract that was authorized by a completely different Board of Commissioners. Administrator Ledbetter stated that he would not go into any legal opinion in a public meeting but he was sure that the gas rights are outside of Republic Services purchase of Santek Waste Services.

Administrator Ledbetter announced to the Board that he had met with representatives from Republic Services including the General Manager and their engineers and representatives of Republic Services believed this development would not have a negative impact on Republic Services.

The application comes to the Board with a recommendation of approval by the Planning and Zoning Commission.

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.

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 chicken houses and would like to add three new 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.

Commissioner Owens asked if the application meets the code requirements.

Administrator Ledbetter advised that it meets the requirements as it pertains to acreage and advised that the principal argument against the application is the density of chicken houses in that particular area.

Commissioner Owens asked if there was a stipulation in the ordinance to the number of houses or number of chickens on one property. Administrator Ledbetter stated that a Conditional Use Permit is required for a new chicken house with over 1000 chickens and that the ordinance states that there must be five acres per chicken house and the property is subject to all setbacks. Administrator Ledbetter continued to remind the Board that when the County looked into applying limitations on the number of houses and the numbers of chickens per house, the poultry industry alleged that those restrictions would be an illegal restriction on farming.

Vice Chairman Steward stated that the County Ordinance does give discretion to the Board to determine if the proposed changes would be a good fit for that area. Administrator Ledbetter stated that the new ordinance came out of issues with chicken houses in the Goat Road area.

Commissioner Potts asked if integrators were a part of this process. Administrator Ledbetter stated that the new ordinance does not require anything from the integrator.

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.

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. 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.

Consideration of New Business: County Administrator, Jim Ledbetter explained the items listed under New Business which included:

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 during the Regular Session.

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

Administrator Ledbetter advised the Board that the list of renewals were in their packet and also advised that there are two applicants that do not have their material uploaded on the state portal. 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.

Adjournment

There being no further business, Vice Chairman Steward concluded the Gordon County Board of Commission Work Session at 5:42 p.m.

Keith King, Interim County Clerk

Chad Steward, Vice Chairman