

MINUTES
PUBLIC MEETING
BARTOW COUNTY COMMISSIONER
January 8, 2025 - 10:00 a.m.

Commissioner Steve Taylor opened the Public Meeting with the approval of the minutes of the December 18th Public Meeting, and introduced the following items of business:

APPOINTMENTS:

- The following members of the Commissioner's Staff were re-appointed to serve under the Commissioner during his new term:
 - Kathy Gill was appointed as County Clerk
 - Peter Olson was appointed as County Administrator
 - Boyd Pettit was appointed as County Attorney
 - Jo Taylor was appointed as Chief Finance Officer
 - Debbie Andersen was appointed as Deputy County Clerk
- Mr. Eric Strickland was appointed as a Bartow County representative to serve on the newly created Joint Bartow, Floyd, Polk County Development Authority.

ALCOHOL LICENSES:

- AL24-00074 – Chevron Food Mart, 5365 Allatoona Gateway
- AL24-00084 – QuickTrip #1749, 5619 Hwy. 20

Approved as presented.

ENGINEERING & TRANSPORTATION

- Commissioner Taylor authorized an application for funding to complete a Justification Report as required by the Federal Highway Administration and the Georgia Department of Transportation related to a new North Bartow I-75 Interchange Project. Commissioner Taylor stated that this doesn't mean we are about to get a new interchange, it is simply providing for a study.
- A contract was awarded to Bartow Paving Company in the total amount of \$4,276,606.11 to proceed with the Burnt Hickory Road intersection improvements at Sugar Valley Road, Mission Road and SR 113.
- Additional road rights-of-way was accepted on:
 - Pine Ridge Road,
 - Snow Springs Road,
 - Rock Fence Road, and
 - Iron Hill Roadin order to allow for any necessary road improvements and maintenance due to planned development along said roads.

FINANCE

- Commissioner Taylor accepted grant funding in the amount of \$28,127.00 from the Georgia Opioid Crisis Abatement Trust Program to purchase naloxone nasal spray cartridges and carriers for first responders employed by the Bartow County Sheriff's Office, City Police Departments, City of Cartersville Fire Department and the Bartow County Fire and Emergency Services Department.

- Grant funding was also accepted from the ACCG Civic Affairs Foundation to fund a summer 2025 internship program for a college or high school student.
- A FY2025 funding agreement with the Cherokee Judicial Circuit Public Defenders Office was approved as presented.

ZONING APPLICATIONS:

- **Z-24-00065; a Zoning Ordinance Text Amendment** request was presented to add standards for Data Centers, to include Data Centers as a permitted use in I-1 and I-2 Districts, and to add new commercial and industrial lighting standards. The Planning Commission recommended approval with a 7-0 vote. Commissioner Taylor approved the request as presented.
- **Z-24-00064; a request by Wayne Nichols** requesting a land use change and rezoning of 3 acres located at 2061 and 2063 Highway 113 to allow for single-family residential use. The permitted land use would change from Low Density Residential and Commercial to Low Density Residential. The Zoning would change from A-1 and C-1 with conditions to R-1. The Planning Commission recommended approval with a 7-0 vote. Commissioner Taylor approved the application as presented.
- **Z-24-00066; a request by Vinh Nguyen** requesting to allow a reactivation of the existing chicken houses at 807 Old Tennessee Highway for poultry farming. The property consists of 21.8 acres and is zoned A-1. It includes eight old chicken houses that have been vacant for a number of years. The houses were built in the 1990's. The applicant is requesting a conditional use to reactivate the existing chicken houses for poultry farming. Mr. Osborne noted that there have been some concerns raised related to the distance between the chicken houses. Today's standards require poultry houses to be at least 500 feet from the nearest off-site residence and must be 150 feet from all property lines. The applicant applied for a variance and was approved with the condition that the closest chicken house be used for storage only. There are still concerns of the adjoining property owner, which is the County, since runoff from chicken houses could have a negative impact on water quality. The property was recently purchased by the County for a potential reservoir. The northeast property owner has some concerns. The Planning Commission recommended approval with a 6-1 vote, with the following conditions:
 - No traffic through shared driveway;
 - Keep the creek flowing through the property near the chicken houses;
 - No existing vegetation to be removed along the east property line;
 - No burial pits;
 - No wild pigs;
 - Line of screening trees planted 1 per 20 feet to be installed within 12 months of approval along the east property line;
 - Existing structures within 150 feet of the west and south property lines can only be used for storage (not poultry farming) and there can be no new structures built within this 150' setback.

Speaker No. 1: Mr. Vinh Nguyen, 807 Old Tennessee Highway (applicant and owner of the property). Mr. Nguyen stated that this is a family run business that started with his uncle. However, his health issues caused the business to close 4-5 years ago. The next generation has stepped up to keep honoring his family. We are partnering with Tyson, one of the best companies to provide the best poultry for the family. He wants to contribute a memory to family traditions and also to the economy of the County.

Speaker No. 2: Jacob Williams, 2270 Rome Road SW, Calhoun, with Georgia Poultry Equipment has been working with Mr. Nguyen to potentially renovate the chicken houses. His desire is to get them back to first class condition. He has a good plan. As far as runoff concerns, poultry houses are dry litter operations, as long as correct management is done, you do not have runoff with poultry houses. He plans to build a poultry litter storage facility within the setbacks so any litter taken out of the houses will be stored there appropriately. They will have concrete floors. You won't have issues

of litter leaching down because they are in the dry. It is important to him to hopefully use all 8 houses from a cash flow standpoint. He will appreciate 7, but 8 would be crucial in his business.

Commissioner Taylor approved the application with the conditions as presented, stating that he is not going to enforce the 500 feet buffer from the nearest off-site residence, but he will enforce the 150 feet buffer from the property lines.

- **Z-24-00068; a request by the Aubrey Corporation** to amend the Comprehensive Land Map and the Official Zoning Maps of Bartow County related to previously approved PGDD Overlay District. The amendment involves a 500 +/- acre tract in Tax Parcels 0111-0140-005 and 0102-0184-001-3. Zoning Administrator, Richard Osborne noted that this application specifically relates to a section of the entirety of 10's of 1000's of acres in the PGDD Overlay District. In early 2023 there were multiple meetings to discuss multiple uses on this property. The Aubrey Corporation has agreed throughout the process in a vision to have as many acres as possible owned by the State or a Trust or a group that will own as many as 10,000 acres to be set aside as permanent perpetual greenspace. The Zoning Condition includes a mandate of at least 5,000 acres dedicated as greenspace. As part of this Overlay District, there are a few things involved. There is a specific mining company involved and a development company involved. This is the first of two cases. This case is essentially to change the foundation of the Overlay District and some of its parts, including the map. There are two documents included in this request; the first is a text amendment that provides the PGDD Overlay District to allow PUD as an option in the PGDD District. The second is a zoning map amendment for the PGDD Overlay District. The Zoning map would be revised to add some areas (approximately 25 acres) to the Overlay District and remove some areas (approximately 25 acres) that were previously included in the PGDD Overlay District. It would delineate the mineral extraction area. The 2023 map shows a huge area, 1000's of acres, for potential mining, both on the north and south of Stamp Creek Road. The map change would show approximately 473 acres north of Stamp Creek Road as the mineral extraction area. The third item is to alter the previous zoning conditions, specifically to amend the traffic conditions as stated in item 3) a) below and to change the development conditions as stated in item 3) b) below. The Planning Commission recommended approval with a 5-2 vote, with the following condition added:

- Alteration of Case RZ-2597-23 condition #2 to additionally note as follows: Maximum 500 units between 5,000 square feet and 7,500 square feet in size.

Speaker No. 1: Mr. Jeff Haymore, 1776 Peachtree Street, Atlanta, speaking on behalf of the Aubrey Corporation stated that the applicant agrees with the conditions as set forth, not to exceed 500 units off Stamp Creek on 5,000 sq. ft. lots.

Speaker No. 2: Ms. Danielle Cook, 201 Crowe Springs Road, opposed the rezoning of Pine Log, not the Neel family's right to sell but the rezoning of the property from ag to mining, to high density housing, to mixed use development. Ms. Cook voiced concern of the environmental impact on the area. She does not recall any comments during the December Planning Commission meeting regarding the rich historical history, its wildlife habitat and protected species. Development can be a good thing if it's done right. The plan submitted didn't appear to be in the best interest of anybody except those who would profit from it. National Parks contributed \$55.6 billion to the U.S. economy. That's a pretty big deal. The Kennesaw National Battlefield Park is only 3,000 acres. That's nothing compared to the Neel's property, and it actually had over a million visitors and \$137,000,000 invested into the economy. There are other options. The Plan is quite contrary, going from a WMA to a quarry. It was a WMA for 30, 40, 50 years. It's like putting a liquor store next to school. The two just don't mix. She asked that the application be tabled and present a more viable option that can preserve the historical richness of Pine Log, the artifacts, the wilderness and perhaps also a piece that the Neels would want as well.

Speaker No. 3: Ms. Candice Harp, 4775 Woodruff Trace, Cumming, Ga asked that the Commissioner reconsider the Comprehensive Plan and the County's mission stated on page 51. The mission of the County is to protect our natural resources. Has the County looked at the budgeting aspect of this? This county is about to explode, much like Cherokee and Paulding. Have you done any internal financial challenges or a roadmap for 20-30 years out? Ms. Harp also voiced opposition to allowing a PUD in the PGDD, the lot size is very tiny. She stated that the Overlay was designed to exclude PUD and now it is being put back in. She is also opposed to the change in the minimum lot size.

Speaker No. 4: Ms. Bridget Childers, 930 Liberty Road, Calhoun, Ga works with the local extension office in Gordon County and does a lot of conservation efforts, working with the Coosa River Basin Project and a lot of other conservation efforts in the area. She also conducts educational hikes in the Pine Log area. There are several protected species in this area as well as rare and almost non-existent state plants that are protected there, federally protected trout lily, state spice bush only grown here in the southeastern region, several different atriliums. This is the only place in North Georgia that she has found these species. The area has been protected by Pine Log Historical Society. There are a lot of Cherokee and Native American Indian things there. There are things there that you cannot find anywhere else in the state or in the United States. The City of Calhoun is currently involved in a lawsuit because of developments and all the water is contaminated.

Commissioner Taylor clarified that mining was approved on this property several years ago. They currently have about 3,500 acres that they could mine on right now. Only 470 acres of the 20,000-acre tract will be set aside for mining. The actual pit is only 75 acres. This quarry is in a more remote area than the original mining rights they had that was closer to Cherokee County. Commissioner Taylor approved the application with the amendments and condition as stated below.

1) Zoning Map Amendment

- a) Revise the boundaries of the PGDD Overlay District to add a 23.10 +/- acre portion of parcel 0111-0140-005 to the PGDD Overlay District and remove a 25.16 +/- acre portion of parcel 0102-0184-001-3 from the PGDD Overlay District.
- b) Amend the concept plan map of the PGDD Overlay District to delineate the 500 +/- acre mineral extraction area.

2) Rezoning

- a) Rezone a 23.10 +/- acre portion of parcel 0111-0140-005 from A-1 to A-1 and PGDD Overlay District.
- b) Rezone a 25.16 +/- acre portion of parcel 0102-0184-001-3 from A-1 and PGDD Overlay District to A-1.

3) Alteration of Zoning Conditions related to Zoning Case RZ-2597-23

- a) Alter zoning condition #1 to read as follows: Mining and industrial traffic shall be accessed from U.S. Hwy. 411 or Ga. Hwy. 20. This shall not preclude traffic-signal controlled crossing of trucks over Stamp Creek Road for inter-parcel access and for access to Ga. Hwy. 20. Industrial access onto Stamp Creek Road shall be allowed from the industrial area to U.S. Hwy. 411. Mining traffic onto Stamp Creek Road shall only be allowed between an access point across from 212 Stamp Creek Road (parcel # 0101-0142-001) and U.S. Hwy. 411.
- b) Alter zoning condition #2 to read as follows: Single-family homes on minimum 7,500 square foot lots on area north of Stamp Creek Road if sewer is available. Single-family homes on minimum 5,000 square foot lots on area south of Stamp Creek Road if sewer is available.

The Planning Commission recommended approval with a 5-2 vote, with the following condition:

- 4) Alteration of Case RZ-2597-23 condition #2 to additionally note as follows: Maximum 500 units between 5,000 square feet and 7,500 square feet in size.

- **Z-24-00069; a conditional use request by Georgia Stone Products, LLC** for a proposed mining quarry on 473.5 acres +/- tract in the PGDD Overlay District Mineral Extraction Area on Tax Parcel #'s 0111-0140-005 and 0102-0184-001-3. The Planning Commission reviewed the application and had eleven conditions.

Speaker No. 1: Kevin Moore, 326 Roswell Street, Marietta, Georgia, representing Georgia Stone, stated that this conditional use permit arises out of overall PGDD Zoning Overlay decision of 2023. Georgia Stone has met each requirement of the M-1 Zoning District. Georgia Stone submitted a letter of conditions dated December 16th that identified the eleven conditions mentioned and added additional requirements, including wildlife management access, pre-operational studies, well damage mitigation, blasting restrictions, dust control measures, an annual compliance report as well as major traffic improvements and restrictions along Stamp Creek Road. We have met the requirements of the conditional use permit and agree with the conditions of the Planning Commission.

Speaker No. 2: Kenneth Westmoreland, 448 Crowe Springs Road, White, Georgia, spoke in support of another aggregate industry in Bartow County, to add some competition, pricing. This quarry will give opportunity for him and other businesses owners to help grow these businesses. Not only are they going to employ 12-15-20 employees, but other businesses will be able to do the same.

Speaker No. 3: Bob Neel, spoke in favor of it.

Speaker No. 4: Don Evans, 572 W. Main Street, Cartersville. His family owns property adjacent to the mineral reserve area. They are in favor of this plan. They have met the miners. They know what they're doing. A 70-acre extraction pit is a small price to pay to preserve the property around it and keep it as greenspace and hopefully it will one day be purchased by the DNR. The location of the quarry is confidence that they are not going to make a mess. Streams are heavily regulated. Mines are heavily regulated. If any of this mining activity migrates into Stamp Creek, it will be detected and it will be shut down. They wouldn't locate it that close if they didn't know what they were doing and have confidence that they can protect the property around it.

Speaker No. 5: Gardner Peak, 2954 Mill Grove Terrace, Doraville, Georgia. From a business prospective, contractors have been held captive by a single source provider of aggregate. He's in favor a price competition. Everyone has seen how construction cost has escalated dramatically over the years, and this is just one reason.

Speaker No. 6: Steve Friedman, 237 Lowrey Street NE, Atlanta. He recently retired as a chief real estate for the Georgia Department of Natural Resources. He spoke in opposition. There are two federally protected fish in Stamp Creek. Over a year ago, it was stated that DNR did not have the funding to acquire Pine Log Mountain. As a real estate agent for DNR, that is not true. There was private foundation money, there was federal money, there was state money lined up, as well as other sources ready to close, but this quarry location will make it harder to raise federal dollars, because of those two federally protected fish. The road to the quarry will create erosion, silt and possibly alter the ph levels of Stamp Creek, which will negatively impact the two federally protected fish. When Pine Log was a WMA, the area between the creek and the road was the primary area where people parked. This was also the area where DNR released trout into the creek, which drove so many visitors to the WMA. The clearing required for the quarry located within one of the most important conservation areas in the State will also impact Stamp Creek as well as other species of concern, for instance there are certain bats that use this area, and they are also federally protected. In conclusion, this is one of the worse locations for a quarry. There are other quarry sites in Bartow County. The natural resources on this site are irreplaceable.

Speaker No. 7: Lisa Lipscomb, 22 Home Place Road, White. If the quarry is approved, the stream will be lost. Construction and use of the quarry and the new road will kill many animals. Associated impacts include cutting a large swath of forest habitat, increasing the potential for pollution runoff and completely destroying 500 acres of ground surface in and around the mining activities. The property

was the Pine Log Wildlife Management Area. We will no longer have this place to hunt, fish or hike. The decision we make today will either preserve or eliminate these opportunities for all time. Do we really want to take this away from our children and grandchildren? She understands that the Neels own the land and they have protected the Wildlife Management Area for 75 years or so, and now they feel it is time to sell it. What she doesn't understand is the quarry. If approved, the quarry and the road will likely jeopardize purchase of the 10,000 acres under consideration by the conservation people. The location of this quarry and the road next to Stamp Creek will compromise the ecological value that are their preliminary interest. This may cause them to just walk away. The quarry appears to be just a stepping stone to developing the majority of the property. Rather than securing a north Georgia jewel that is accessible to all, we will be left with a postage stamp on top of Pine Log Mountain that is accessible only to a few privileged people. The quarry could not be in a worse location. If protecting the stream, the animals and the land were a priority, the quarry could not be in a worse place. Other less damaging alternatives for obtaining construction material exists and should be explored before approving this quarry. She asked to delay this decision and also asked to require a 1,000-foot buffer around Stamp Creek.

Speaker No. 8: William Capes, 6 Cassville Road, Cartersville. He is opposed to the quarry. It will pollute Stamp Creek and kill the fish. The negatives will out weigh the positives. Future generations will not be able to see the beauty of Pine Log if this happens.

Speaker No. 9: Richard Alexandersen, 18 Centerport Drive, White, Georgia. He understands that this mining is going to go through. North Hampton was built on a mine. It was mined from before the Civil War until WW1. It is honeycombed underneath the neighborhood. There is excessive settling, and every home there has cracks. Currently there are three sinkholes. With seismic activity just two miles away, what will happen. Can we get a study done by engineers to see what the impact will be? Trying to make a left hand turn out of Stamp Creek Road between 7:00 and 9:00 in the morning is insane, due to Toyo. This will add 450 trucks per day. *[Clarification by Commissioner Taylor and Georgia Stone: There would be approximately 450 trips per day, not 450 trucks.]* You have children, parents and school buses trying to go to school, folks trying to get to Toyo and other industries in the area. You cannot get a traffic light because we don't qualify under the State rules. We would have to have a four-way stop. There were four teenagers killed there in traffic accidents, but the State would not give us a light because you have to have five deaths. What is it going to be like when we have all these people coming down that road? When they expand that road four feet on each side, they will have to move the fire hydrants, which means moving two miles of water line. The original proposal was to have access to highway 20, which would solve all of these issues, but it's not feasible right now because it's more expensive. But if you take into account that they are going to have to re-enforce this road and expand it and move two miles of water line and fire hydrants, and you look at the cost of making a loggers road which doesn't require all those upgrades and take it up to Highway 20, it would offset the cost to re-enforce and bring up to code Stamp Creek. And then you wouldn't have all those trucks coming down that road with teenagers on it trying to get to school and come home from school. The entrance into their neighborhood will be affected and will cut into their pool.

Commissioner Taylor stated that the Planning Commission has looked into this long and hard. There are a lot of environmental sensitivity there. If Stamp Creek is polluted by the mining company, it will cost them much more than what they would ever make off the mining. They will have to abide by the environmental standards. The Planning Commission agreed that this can go forward with the following conditions:

- 1) Applicant seeks approval of a Conditional Use Permit for the Subject Property for a proposed mining quarry in the PGDD Overlay District, in the mineral extraction area, as more particularly shown and reflected on the Site Plan dated October 21, 2024, and submitted with the Conditional Use Permit Application.

- 2) Applicant agrees to the construction, at its expense and per Bartow County Engineering Department transportation standards, of a paved easement road to be used as an entrance to the Wildlife Management Area ("WMA"); and further agrees to the conveyance of the roadway to Bartow County at such time as is appropriate.
- 3) Applicant agrees to wheel wash and utilize modern dust control measures to mitigate fugitive dust at the mining site.
- 4) Applicant agrees to the installation, utilization, and maintenance of a wheel wash along the entrance road to mitigate fugitive dust.
- 5) Applicant agrees to conduct a well study, foundation assessment, and a pre-blasting study prior to commencement of any operations on the Subject Property. Applicant will initiate the studies with all properties within a one-mile radius of the mining pit subject to consent of the property owners.
- 6) Applicant shall submit an annual report of the operations of the proposed mine, which will include, but not be limited to, operations, blasting, results of well monitoring and foundation assessments, compliance with applicable environmental standards, compliance with all county, state, and federal governance and oversight requirements, and the like. The annual report shall be provided annually to the Bartow County Zoning Division.
- 7) Applicant agrees to repair, at its cost and expense, any damage or failure of any wells located within one mile of the Subject Property for a period of ten (10) years from the commencement of development, provided the owner of each such well agrees to have a pre-development well study conducted by Applicant. Applicant further agrees to provide an annually renewing performance bond in the amount of \$1 million for a period of ten (10) years from the beginning of development in order to secure this commitment.
- 8) Applicant agrees to the following well incident procedures:
 - a) Applicant agrees to respond to any well incident within two (2) hours of reporting;
 - b) Temporary water supply must be established and reasonably integrated into home plumbing within twelve (12) hours of reporting;
 - c) Temporary water supply must be supplied for the duration of investigation period at no cost to owner; and
 - d) Incident must be resolved within thirty (30) days of initial reporting; and, if new well is required, must be drilled within thirty (30) days of resolution.
- 9) Applicant agrees no blasting on the Subject Property will occur at night, on weekends, or holidays; and further agrees to limit blasting hours to 10:00 a.m. to 3:00 p.m., Monday through Friday.
- 10) Applicant agrees to the following to mitigate traffic concerns:
 - a) Installation of acceleration lane for access to Stamp Creek Road from the easement entrance;
 - b) Installation of a left-turn lane on Stamp Creek Road for ingress into the proposed mining operation;
 - c) Prohibition of left-turns from the easement entrance onto Stamp Creek Road;
 - d) Industrial roadway upgrades, at Applicant's reasonable cost and expense, to the width, pavement thickness, and related drainage of Stamp Creek Road prior to commencement of operation of the mining operations pursuant to preliminary design to be determined by county engineering;
 - e) Installation of speed bumps or speed control mechanism on the easement road for traffic control; and
 - f) Road improvements to Stamp Creek Rd must be completed before commencement of operations.
- 11) Limit pit to 73 acres +/- per applicant submitted concept plan.

There was no further business to address. The meeting adjourned at 11:10 a.m.

Kathy Gill, County Clerk

APPROVED:

Steve Taylor, Sole Commissioner

Date