

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – APRIL 18, 2019  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
6:00 PM**

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**ROLL CALL:** Those present were Chairman Thurmond; Commissioner Fausett, District 1; Commissioner Gaines, District 2; Commissioner Satterfield, District 3; Commissioner Nix, District 4; County Manager Headley; Interim County Attorney Davis; County Clerk Cloud; and interested citizens of Dawson County.

**OPENING PRESENTATION:**

2019 Arbor Day Proclamation- Chairman Thurmond

Motion passed 4-0 to approve the 2019 Arbor Day Proclamation. Fausett/Gaines

**INVOCATION:** Chairman Thurmond

**PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

Chairman Thurmond announced that the next Board of Commissioners Work Session would be held at 4 p.m. Tuesday, April 23, 2019.

**APPROVAL OF MINUTES:**

Motion passed 4-0 to approve the Minutes of the Voting Session held on April 4, 2019. Nix/Satterfield

Motion passed 4-0 to approve the Minutes of the Work Session held on April 11, 2019. Gaines/Satterfield

**APPROVAL OF AGENDA:**

Motion passed 4-0 to approve the agenda as presented. Nix/Fausett

**PUBLIC COMMENT:**

None

**ZONINGS:**

Chairman Thurmond announced that if anyone had contributed more than \$250 to the commissioners or chairman in the past two years and wished to speak they would have to fill out a disclosure form, which would be made available to them. Under normal program, 10 minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

*ZA 19-02 - Jerry Fouts has made a request for rezoning subject to County Commission approval. He seeks to change the current zoning of RA (Residential Agriculture) to CHB (Commercial Highway Business) for the construction of a mini storage facility with 48 units. The subject property is located at TMP 081-007. (Tabled from the March 21, 2019, Voting Session)*

Planning & Development Director Jameson Kinley said the applicant requests to rezone 8.89 acres on Shoal Creek Road in order to construct a 48-unit mini storage facility. He said the Planning & Development department staff and the Planning Commission recommends denial of the request based on the Future Land Use Map that forecasts the property to be residential. Kinley said, "There also are several major factors to consider when looking to rezone this property. It is located relatively close to Highway 136 and along a major thoroughfare, Shoal Creek. It is also adjacent to the already zoned commercial property, Shoal Creek Building Supply. The only residential development is across the street. The type of traffic a storage unit business generates would be on the lower end of most commercial businesses. The site plan shows the business located off the road significantly to reduce the impact of noises, light and other factors that could inconvenience already existing neighbors. None the less, this does not conform to our Comprehensive Plan."

Attorney Jonathan Beard of Miles Hansford & Tallant in Cumming, Georgia, representing the applicant, said the applicant has owned the property for a long period of time. Beard said there used to be chicken houses on the property and that one chicken house currently remains on the property. Beard said, "The area surrounding the subject property is mixed use, which contemplates some form of commercial that could be encompassed within that. In short, Mr. Fouts, from a zoning perspective, is on an island currently zoned RA." Beard said that, while mini storage is considered commercial, it produces the "lowest traffic flow that you're going to find within commercial." Beard said the proposed facility would be more than 700 feet away from the road and would be low impact for a commercial-zoned property. He said there may be "incidental outside storage" at the facility, meaning "boat storage," etc. Beard said "junk" would not be stored at the facility and that the "site will be clean." Beard said the applicant is not "looking to grow a major enterprise" and that the applicant hopes to set up the business for his grandchildren.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion was made by Commissioner Fausett, and seconded by Commissioner Nix, to approve ZA 19-02. Following additional discussion surrounding potential stipulations, Commissioner Fausett withdrew the motion and Commissioner Nix withdrew the motion's second.

Motion passed 4-0 to postpone ZA 19-02 indefinitely, until legal counsel for the applicant and legal counsel for the county, as well as Planning & Development staff, can specify stipulations for ZA 19-02 that address the Board of Commissioners' concerns.

*ZA 19-04 - Landbridge Development LLC has made a request for rezoning of property located at TMP 113-085 from CHB (Commercial Highway Business) to Residential Multi Family. The development would consist of 80 units, five two-story buildings (16 units each) with community building.*

Planning & Development Director Jameson Kinley said the applicant requests to rezone 14.28 acres at 65 North Center Lane for the purpose of constructing an 80-unit multi-family apartment complex consisting of five two-story buildings and a community building. He said the property is located in the area of highways 400 and 53, between Krystal and the movie theater. Kinley said the Planning & Development department staff recommends denial of the request. He said the Planning Commission recommends denial of the request with a vote of 3-2.

Applicant Gary Hammond of Landbridge Development said he has been in business in Georgia for 25 years and has specialized in housing for the past 15 years. He said Landbridge is “attempting to complement and finish out a stalled commercial development that hasn’t been making much progress...” He said he intends to create what the community is lacking: Missing Middle Housing. Hammond said the development would be professionally managed. Residents would be required to have jobs and pay rent; retirees would be required to have a source of income in order to pay rent. Residents would be required to undergo criminal background and landlord reference checks. Hammond said the development would provide high-quality housing with a lower “rent burden.” He said the development would be low density with minimal impact on the environment.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application.

The following spoke in favor of the application:

- Mike Lowrey, Dunwoody

The following spoke against the application:

- Hugh Stowers Jr., Dawsonville

Chairman Thurmond asked if there was anyone else present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 3-2 to approve ZA 19-04 with the following stipulations:

1. The developer shall fully fund a traffic light approved by and meeting Georgia Department of Transportation requirements at Medical Center Way and Highway 53;
2. There shall be a thru road between Medical Center Way and 400 North Center Lane;
3. The developer shall fully improve 400 North Center Lane from Highway 53 to Prominence Court and include sidewalks throughout the development along the interconnected roads;
4. The developer shall fully improve Prestige Lane; and
5. The developer shall use earth-toned shutters within the aesthetics of the development.

Gaines/Nix- Commissioner Fausett and Commissioner Satterfield voted against the motion and Chairman Thurmond voted in order for the item to pass

*VR 19-02 - Amber Popphan is requesting a variance to the Land Use Resolution Section 309.A.1. Manufactured housing and mobile homes are allowed on tracts of land five acres or more and are conditionally allowed with approval of the Planning Commission and the Board of Commissioners on tracts of land under five acres.*

Planning & Development Director Jameson Kinley said the applicant seeks to place a manufactured home on 3.86 acres. He said moved-in houses, manufactured housing and mobile homes are allowed on tracts of land of five acres or more and are conditionally allowed with the

approval of the Planning Commission and Board of Commissioners on tracts of land less than five acres. Kinley said the Planning Commission recommends approval of the request.

Applicant Amber Popphan said that she was raised on Sweetwater Church Road and that her family lives on the street. Popphan said her grandmother gifted her land and that she wishes to live on the property. She said that she financially is unable to build a home and wishes to place a double-wide manufactured home on a permanent foundation on the property.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve VR 19-02. Satterfield/Fausett

**UNFINISHED BUSINESS:**

*Consideration of Request for Addition of Alcohol Licensing Administrator (Tabled from the April 4, 2019, Voting Session)*

Motion passed 3-1 to approve an Administrative Assistant Position at a Level 13 Pay Grade (starting at \$15.84 per hour) for the Marshal's Office within the Planning & Development Department. Nix/Thurmond- Commissioner Satterfield voted against the motion

*Consideration of Request for Creation of General Fund Contingency in 2019 Budget (Motion Kept as Pending Due to Tie Vote from the April 4, 2019, Voting Session)*

Motion was made by Commissioner Gaines, and seconded by Commissioner Satterfield, to approve the Request for the Creation of General Fund Contingency in the 2019 Budget with the following stipulations:

- Dual signatures, from the county's chief financial officer and county manager, shall be required on any emergency expense; and
- There shall be a maximum per-expenditure limit of \$25,000 and an annual aggregate limit of \$100,000.

Motion was made by Commissioner Gaines, and seconded by Commissioner Satterfield, to amend the original motion to also include the following stipulation:

- Any expenditure made shall be read into the minutes during the County Manager's Report at the next available Board of Commissioners meeting.

The amended motion passed 3-2. Commissioner Fausett and Commissioner Nix voted against the motion and Chairman Thurmond voted in order for the item to pass

The original motion passed 3-2. Commissioner Fausett and Commissioner Nix voted against the motion, and Chairman Thurmond voted in order for the item to pass

**NEW BUSINESS:**

*Consideration of Request to Approve Legacy Link FY 2020 Local Share Commitment Letter*

Motion passed 4-0 to approve the Request to Approve the Legacy Link FY 2020 Local Share Commitment Letter. Fausett/Gaines

Consideration of RFP #333-19 - Design-Build Services for Fire Services – Station 9

Motion passed 4-0 to allow county staff to conduct contract negotiations and to table RFP #333-19 - Design-Build Services for Fire Services – Station 9 until the May 2, 2019, Voting Session.  
Satterfield/Fausett

Consideration of 2019 Amended Board of Commissioners Meeting Schedule

Motion passed 4-0 to approve the 2019 Amended Board of Commissioners Meeting Schedule.  
Gaines/Fausett

Consideration of Annexation #C9-00256

Interim County Attorney Davis presented Annexation #C9-00256 for information only and advised that no action was needed by the board.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

APPROVE:

ATTEST:

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Billy Thurmond, Chairman

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Kristen Cloud, County Clerk