

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – MARCH 21, 2019
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
6:00 PM**

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 Frickey; County Clerk Cloud; and interested citizens of Dawson County.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Voting Session held on March 7, 2019. Fausett/Gaines

APPROVAL OF AGENDA:

Motion passed unanimously to approve the agenda as presented. Gaines/Satterfield

PUBLIC COMMENT:

None

ZONINGS:

ZA 19-01 - Dawson Cherokee Capital LLC has made a request for rezoning subject to County Commission approval. It seeks to change the current zoning of RSR (Residential Sub Rural) to RPC (Residential Planned Community). The subject property is located at TMP 041-007.

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, ten minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

Chairman Thurmond said that the county's ordinance allows for 3 minutes per speaker; however, regarding ZA 19-01, he asked the Board of Commissioners to consider allowing each speaker a maximum of 5 minutes.

Motion passed unanimously to approve to allow those wishing to speak on ZA 19-01 a maximum of 5 minutes per speaker. Nix/Gaines

Planning & Development Director Jameson Kinley said the applicant had requested that ZA 19-01 be postponed until the May 2019 Board of Commissioners meeting.

Motion passed unanimously to deny the requested postponement of ZA 19-01. Gaines/Satterfield

Kinley said the applicant seeks to rezone the Crystal Falls Lake and Golf Club community in order “to expand on the previously approved development to include 1,012 homes on 1,038.46 acres.” Kinley said the first phase of 367 homes would be targeted to those 55 and older. “There will remain 195 lots at the original 1-acre per lot zoning,” said Kinley. He said the Crystal Falls community was rezoned in 2002 for a proposed 415 1-acre lots on septic and public water. Kinley said, “I think it also is important to note that a substantial portion was left as future development within the original site plan. Since its original rezoning, only five homes have been sold within the development.” The Planning & Development department recommended approval of the rezoning application with stipulations. The Planning Commission recommended denial of the application.

Engineer Corey Guthrie of Ensite Civil Consulting, representing the applicant, said the rezoning of the property was being requested “essentially to save” the Crystal Falls golf course community. Density of the proposed project would remain unchanged from the development’s original plans, according to Guthrie. He said the proposed project would be phased and offer “a mixture of different types of lot sizes for active adult, senior living...” Guthrie said, “There is ... a requirement in RPC zoning to maintain 40 percent of the [green] space, which can include the golf course but we’re actually above that at over 50 percent.” He said that “traffic is a major concern, especially [a proposed] entrance on Cowart Road.” He said the applicant intends to remove that entrance from the plans. Guthrie addressed additional findings of the traffic impact study included in the application and other traffic-related concerns.

Others who addressed the board on behalf of the applicant included: Etowah Water & Sewer Authority General Manager Brooke Anderson, who spoke on the proposed project’s on-site wastewater plant that Etowah Water & Sewer Authority would construct and maintain so the development could utilize sanitary sewer; and attorney Wendy Kraby of Moore & Reese LLC, who spoke on the size and details of the homes proposed for the development, the Home Owners Association and the development’s amenities.

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 against the application:

- Fay Bohlayer, Dawsonville
- Carl Stimson, Dawsonville
- Martene Carleton, Dawsonville
- Jadd Carleton, Dawsonville
- Joyce Nations, Dawsonville
- Miranda Satterfield, Dawsonville
- Helen Heinle, Dawsonville
- Rebecca Bannister, Ball Ground

- Cathy Hill, Dawsonville
- Danel Haynes, Dawsonville
- Mike Bray, Canton
- Kate Hardin, Dawsonville

The following spoke in favor of the application:

- Gina Johnson, Jasper
- Michael McMain, Dawsonville
- Maggie Parhm, Cumming
- Tom Speichert, Cumming
- Kevin Barger, Dawsonville
- Steve Smeltz, Dawsonville
- Jerry Mansheim, Dawsonville
- Scott Seaborn, Sandy Springs

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 to deny ZA 19-01 was made by Commissioner Fausett and seconded by Commissioner Nix. The motion failed to pass. The vote was 3-2 with Chairman Thurmond, Commissioner Gaines and Commissioner Satterfield voting against the motion.

Motion passed 3-2 to approve ZA 19-01 with the following stipulations:

1. Construction times shall be limited to 7 a.m.-7 p.m. Monday-Friday and 8 a.m.-4 p.m. Saturday. There shall be no construction on Sunday;
2. There shall be no access on Roscoe Collette Road or Helens Drive;
3. All lighting through the neighborhood shall be low-bleed LED down lighting so that the lighting does not bleed over beyond the property line;
4. Developer shall contribute \$70,000 toward the costs to improve and signalize the Highway 53 / Cowart Road intersection at the time of the last plat submittal or when the measured number of trips through the intersection support the need to signalize the intersection pursuant to Georgia Department of Transportation standards, whichever occurs first;
5. At the time of 50 percent build out (based on total number of proposed units), a new traffic study shall be performed to ensure that the current level of service is maintained. If less, then the developer shall pay to have the improvements made that are necessary to bring the level of service up to the current level as of adoption of this stipulation;
6. The developer shall perform all traffic improvements based on the traffic study;
7. The developer shall remove the proposed third entrance;

8. The developer shall come before the Dawson County Board of Commissioners for approval of development on the commercial portion of the development;
9. The Home Owners Association shall contain board members from the subdivision specifically;
10. There shall be no rentals in the subdivision unless approved by the Home Owners Association; and
11. There shall be 100 feet of vegetative buffer between the development and any property line adjacent to property that contains a structure or residence, and a 50 foot buffer around the rest of the development.

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

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.

Planning & Development Director Jameson Kinley said the applicant had requested that ZA 19-02 be tabled until the April 2019 Board of Commissioners meeting.

Motion passed unanimously to table ZA 19-02 until the April 18, 2019, Board of Commissioners meeting. Fausett/Satterfield

PUBLIC HEARING:

Amendment to Attachment A Portion of the Impact Fee Ordinance - Reductions in the Fire and Roads Fees to 25 Percent of the Maximum Amounts (2nd of 2 hearings. 1st hearing was held on March 7, 2019)

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on the Amendment to Attachment A Portion of the Impact Fee Ordinance - Reductions in the Fire and Roads Fees to 25 Percent of the Maximum Amounts.

The following spoke on the Amendment to Attachment A Portion of the Impact Fee Ordinance - Reductions in the Fire and Roads Fees to 25 Percent of the Maximum Amounts:

- Hugh Stowers Jr., Dawsonville Georgia, spoke against reducing commercial impact fees. He said he was “appalled” that the item was on the agenda for a vote considering the county has needs concerning roads and fire service. Stowers said he is against the “75 percent drop” but might consider supporting a 25 percent reduction.
- Corey Guthrie, Dawsonville, Georgia, spoke in favor of reducing commercial impact fees. Guthrie said he has several clients, including a group of doctors, who look to build businesses in Dawson County. He said these clients’ plans are on hold due to the impact fee rates currently in place.
- Christie Moore, Dawsonville, Georgia, represented the Dawson County Chamber of Commerce and spoke in favor of reducing commercial impact fees. She said the county needs more higher-paying, head-of-household jobs created by commercial and manufacturing businesses. Moore said being in favor of reducing impact fees does not

mean she believes the county should not have money to spend on roads and infrastructure. “Business is already paying their part, but we should be doing anything we can to attract high-end businesses instead of just taking what will come,” she said.

- Terri Tragesser, Dawsonville, Georgia, spoke against reducing commercial impact fees. She said impact fees have not negatively affected other municipalities. She cited several examples, including Georgia’s Forsyth County, city of Milton and Cherokee County. She said reducing impact fees could be detrimental in terms of roads and infrastructure, particularly along the Highway 400 Corridor. Tragesser said, “I strongly urge you to keep the impact fees at their current levels. It is really the only significant source for the transportation capital improvements on your CIP (Capital Improvement Plan).”

Chairman Thurmond asked if there was anyone else present who wished to speak on the Amendment to Attachment A Portion of the Impact Fee Ordinance - Reductions in the Fire and Roads Fees to 25 Percent of the Maximum Amounts and, hearing none, closed the hearing.

It was noted by Interim County Attorney Frickey that the Board of Commissioners February 21, 2019, vote on the Amendment to Attachment A Portion of the Impact Fee Ordinance - Reductions in the Fire and Roads Fees to 25 Percent of the Maximum Amounts was ineffective due to public hearings not being held prior to the vote as necessary by procedural and legal requirements.

Motion passed 3-2 to approve the Amendment to Attachment A Portion of the Impact Fee Ordinance - Reductions in the Fire and Roads Fees to 25 Percent of the Maximum Amount. Gaines/Satterfield- Commissioners Fausett and Nix opposed the motion and Chairman Thurmond voted in order for the item to pass

Aside from the motion, Commissioner Gaines requested county staff bring the impact fee item before the Board of Commissioners for review on a six-month basis.

NEW BUSINESS:

Consideration of Request to Apply for Fireworks Tax Grant

Motion passed unanimously to approve the Request to Apply for the Fireworks Tax Grant.

Nix/Gaines

Consideration of Resolution Regarding Defunding Of In-House Legal Department Expenses for Westlaw Services

Motion passed unanimously to approve the Resolution Regarding Defunding Of In-House Legal Department Expenses for Westlaw Services. Satterfield/Gaines

PUBLIC COMMENT:

None

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk