

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – THURSDAY, APRIL 6, 2023  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION**

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Chairman Thurmond removed item No. 3 – “Minutes of the Planning Workshop & Retreat held on March 29, 2023,” under Section D. “Approval of Minutes” until additional documentation is received.

**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Seth Stowers, District 1; Commissioner Chris Gaines; District 2; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County. District 3 Commissioner Alexa Bruce was not present.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

Chairman Thurmond announced that county offices would be closed April 7, 2023, in observance of Good Friday.

**APPROVAL OF MINUTES:**

Motion passed 3-0 to approve the Minutes of the Work Session held on March 16, 2023. Stowers/Gaines

Motion passed 3-0 to approve the Minutes of the Voting Session held on March 16, 2023. Dooley/Gaines

**APPROVAL OF AGENDA:**

Motion passed 3-0 to approve the agenda with the following change:

- Addition of a New Business Section following Unfinished Business to include item Nos. 1-6:
  - Updated Mutual Aid Memorandum of Understanding with Fort Benning, Georgia
  - Request to Donate Surplus Equipment to the Country of Peru Fire Service
  - Request to Accept Donation of Home Depot Foundation Grant for Fire Station 1 Administration Remodel Project
  - Request for Approval to Proceed with Soliciting Bids for Special Purpose Local Option Sales Tax-Funded Road and Culvert Replacement Project
  - Request for the Donation of Required Right of Way and Permanent Easement Area to the Georgia Department of Transportation for Its Shoal Creek Road Bridge Replacement Project
  - Comprehensive Plan Update - Transportation Element

Stowers/Dooley

**PUBLIC COMMENT:**

Perry Betterton, Dawsonville, Georgia, spoke about his zoning and variance request that recently was denied by the Board of Commissioners (BOC). He said no one voiced opposition to his request at either the Planning Commission or BOC meetings. He said, however, that several members of the public “showed up to oppose another proposed rezoning to CIR on Stowers Road and Georgia 400 by Jim King.” He said the Planning Commission voted unanimously to deny King’s request. Betterton said the Planning Commission voted unanimously to approve his request. Betterton said, despite the public opposition to King’s request at the BOC meeting and the recommendation of the Planning Commission to deny the request, the BOC ultimately approved it “because it conformed to the Future Land Use Plan.” Betterton added, “At that same [BOC] meeting, zero people spoke in opposition to my rezoning [and] variance; however, the Board of Commissioners tabled my rezoning and, at that time, I was told it was in order to get more input from the DOT and to have the photometric light study performed.” He said he submitted the additional documentation requested ahead of the March 16 BOC meeting. “Without any further discussion, comments or questions, my application was then unanimously denied,” said Betterton. “Since no reasons were given for my denial, I asked my elected representative, Commissioner Gaines, following that meeting to give me a reason for my denial. He stated that it did not conform to the Future Land Use Plan. I asked him whether it was the requested zoning or proposed use that did not conform and he stated both the zoning and the proposed use. I asked how my requested zoning of CHB could be non-conforming since CHB’s directly across the road from mine. He told me that property was in a different Future Land Use District, and I told him it was in the same, exact Future Land Use classification as mine – Crossroads Commercial. He then said it was the proposed use that was non-conforming. A few days later, I received a denial letter from the county... if it didn’t affect my livelihood this letter would be funny.” He read a portion of the letter: “special use of a dog kennel and boarding facility in RA.” Betterton continued, “I’ve never proposed a dog kennel or boarding facility. I assume that’s a clerical error, but it kind of seems indicative of the level of consideration given by rezoning request. I played out all these facts in order to get to the point of my comment, and that is: it’s my understanding that the Future Land Use Plan is developed by a small group of people and does not have the force of law. Regarding the Stowers Road rezoning, one of the commissioners stated that, if you weren’t going to follow the Future Land Use Plan, there was no point in having one. Couldn’t the same thing be said about the Planning Commission? If you are going to override their recommendations as you did in both the cases of Stowers Road and my rezoning, why do we have a Planning Commission? And what about the voices of actual stakeholders in the county - Dawson County - and adjacent property owners? If you’re going to ignore the strong opposition, or lack of opposition in my case, what’s the point in receiving input from the public?”

**ALCOHOL LICENSE:**

*New Alcohol License (Brew Pub to Sell Beer, Wine and Cider) - Blue Duck Cider Company d/b/a Blue Duck Brewing & Cider*

Motion passed 3-0 to approve a New Alcohol License (Brew Pub to Sell Beer, Wine and Cider) - Blue Duck Cider Company d/b/a Blue Duck Brewing & Cider. Gaines/Stowers

**UNFINISHED BUSINESS:**

*Amendments to the Land Use Resolution (Tabled from the March 16, 2023, Voting Session)*

Motion passed 3-0 to approve Amendments to the Land Use Resolution. Stowers/Gaines

**NEW BUSINESS:**

Consideration of Updated Mutual Aid Memorandum of Understanding with Fort Benning, Georgia

Motion passed 3-0 to approve an Updated Mutual Aid Memorandum of Understanding with Fort Benning, Georgia. Dooley/Stowers

Consideration of Request to Donate Surplus Equipment to the Country of Peru Fire Service

Motion passed 3-0 to approve a Request to Donate Surplus Equipment to the Country of Peru Fire Service. Stowers/Gaines

Consideration of Request to Accept Donation of Home Depot Foundation Grant for Fire Station 1 Administration Remodel Project

Motion passed 3-0 to approve a Request to Accept a Donation of a Home Depot Foundation Grant for a Fire Station 1 Administration Remodel Project. Gaines/Stowers

Consideration of Request for Approval to Proceed with Soliciting Bids for Special Purpose Local Option Sales Tax-Funded Road and Culvert Replacement Project.

Motion passed 3-0 to approve a Request for Approval to Proceed with Soliciting Bids for a Special Purpose Local Option Sales Tax-Funded Road and Culvert Replacement Project. Dooley/Gaines

Consideration of Request for the Donation of Required Right of Way and Permanent Easement Area to the Georgia Department of Transportation for Its Shoal Creek Road Bridge Replacement Project

Motion passed 3-0 to approve a Request for the Donation of Required Right of Way and Permanent Easement Area to the Georgia Department of Transportation for Its Shoal Creek Road Bridge Replacement Project. Gaines/Stowers

Consideration of Comprehensive Plan Update - Transportation Element

Motion passed 3-0 to approve a Comprehensive Plan Update - Transportation Element, not to exceed \$68,000, for KCI Technologies Inc. to perform the update work; funds will come from General Fund's fund balance. Dooley/Stowers

**PUBLIC COMMENT:**

Lara Sturm, Marble Hill, Georgia, said she as well as her neighbors and family attending the meeting represent three properties on Afton Road and on Steve Tate Highway. "I'm here to speak with you, to you, about a situation that most of you probably are already aware of. Directly across the street from us is the new paintball field that our neighbor constructed. When you live in an area without an HOA, out in the country, you know that your neighbors might do annoying things. They could construct houses that are eyesores, keep vehicles in their yards that are not moved for years, have dogs that bark incessantly, or keep many goats with an odor that blows our way from time to time. All of these things and more have happened and, while mildly annoying, it's to be expected and is reasonable. What we didn't expect was that our neighbor would build a professional-grade paintball field less than 200 meters from my front door." Sturm said the field is directly adjacent to Afton Road and is approximately less than 50 meters from the road. "Our new neighbor, whose house isn't even complete, completed the paintball field," Sturm said. "He did us the courtesy of coming over to introduce himself and let us know that he and his friends would be playing paintball

for a couple of hours, here and there, on an occasional Saturday or Sunday and there might be a little noise; if this were true, I would not be here today. It has been nearly every weekend, all weekend long, since the field was completed recently. Last weekend was the first weekend in a month where I would walk in the garden without my earbuds in. My neighbor, Heather, read a book on her porch. My neighbor, Shelly, went outside with her dogs. This should be the norm, not the exception.” Sturm added that the paintball field is being advertised on Facebook. “Happily, for the moment, his inflatables are down and we can enjoy some normalcy and quiet,” she said. “However, until this paintball field is removed, we believe we’ll not be able to enjoy the peace and tranquility to which we would reasonably expect on a regular basis. Even as our neighbor asserts that this field is not commercial, events on the field are shared on social media and on [a] league website. Even if no money is involved, the noise level of these active weekends is unreasonable.” She mentioned pets also become scared due to the noise and “refuse to go outside.” Sturm said, “In addition to excessive noise pollution, I’m also concerned about the actual pollution caused by the thousand of paintballs discharged and how they will wash into our local streams, rivers and own water sources. Another concern is one of safety: paintball netting is designed to catch most, but not all, paintballs. If one paintball were to reach the street, it would be a bad day for a passing motorist. The location of the field and the extreme close proximity to the street and houses is unacceptable...”

**ADJOURNMENT:**

**EXECUTIVE SESSION:**

Motion passed 3-0 to enter into Executive Session to discuss personnel and litigation.  
Stowers/Dooley

Motion passed 3-0 to come out of Executive Session. Gaines/Dooley

**APPROVE:**

**ATTEST:**

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Billy Thurmond, Chairman

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Kristen Cloud, County Clerk