

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – FEBRUARY 18, 2021  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION**

---

**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County. County Manager David Headley was not present.

**INVOCATION:** Chairman Thurmond

**PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

Commissioner Satterfield announced that his longtime friend and Henry County Commissioner Gary Barham is ill and asked for everyone to keep Barham in their thoughts and prayers.

**APPROVAL OF MINUTES:**

Motion passed 4-0 to approve the Minutes of the Work Session held on February 4, 2021. Fausett/Dooley

Motion passed 4-0 to approve the Minutes of the Voting Session held on February 4, 2021. Satterfield/Gaines

**APPROVAL OF AGENDA:**

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

**PUBLIC COMMENT:**

Attorney Joey Homans, Dawsonville, Georgia, on behalf of Sheriff Jeff Johnson, spoke about New Business item No. 1: Request for Additional Sheriff's Office Staffing. Homans requested the item be moved ahead of the zoning items on the agenda following his and Johnson's presentation.

Homans said he and Johnson would "try to present this information and respond to the request from the commission two weeks ago to present data..." Homans discussed per capita costs and other data for the Sheriff's Office compared to surrounding counties. He disputed the numbers and data provided by the board and said, "You have to look at the entire general fund budget for Dawson County." Homans said the focus "needs to be on the duties that are imposed on the Sheriff's Office being the sole law enforcement agency in this county and the percentage of the general fund budget that is provided for law enforcement in Dawson County and our surrounding counties, so if you're going to do the comparison using the data and information available then let's do that and, if you do that, then you will find as we go through this, if we do the general fund budget, then the per capita cost in Dawson County is \$1,290.31. Now, this number is going to affect all of your county-funded departments..." Homans added, "We're not targeting anybody. We're just telling you, because of our budget, you can go to any county-funded department and pull a per capita number and Dawson County's is going to be higher but that's

based upon our budget. The data and the facts that we've gathered in the last two weeks indicate that there are significant needs within the Sheriff's Office..." Homans said, "Using a per capita on just the Sheriff's Office is not a number that I submit provides meaning on whether the Sheriff's Office needs more officers to perform the services assigned by law and to provide law enforcement to our people in the county ... This data reveals that the Sheriff's Office needs more funding to perform the functions that they are assigned by law to perform. We don't want to be adversaries with the commission; we want to work together. No third party's going to come in here and resolve this for us." Homans said, "We need to first acknowledge the need for these officers to perform these functions. This data shows that the Sheriff's Office needs additional funding ... We've got to then plan how can we do that. The sheriff's not standing here saying, 'Y'all have to cut a check or authorize additional funds now.' We've got to start the process to make this move forward." Homans added, "We've got to engage the city. We've been trying to encourage the city to help us with this. The sheriff is working with the city to encourage the city to help engage in this process so that the people of this county are well protected."

Sheriff Jeff Johnson, who presented an updated PowerPoint presentation to the one he provided on February 4, 2021, said Homans provided the board with the "numbers to let you know that truly there's a need for us." Johnson touched on the growth of the county and mentioned that the Sheriff's Office is the sole law enforcement agency in the county, with assistance of Georgia State Patrol and the Department of Natural Resources. He said the Sheriff's Office is still short the number of positions recommended in a staffing study done several years ago. He said call volume has increased. "The more bodies we put in Dawson County, the more homes we approve, the more people come here, the more likely we are going to see this number increase." Johnson added, "I come to you today ... to let you know we need help. I know y'all are looking for numbers. I know y'all are looking for statistics and data, but this is what we need help for. The more our officers are tied up responding to calls, the more they're unable to be proactive. We place a huge emphasis on being proactive. ... We need your help, Board, to be able to continue to fight this war - to provide services that we need for Dawson County."

### **ALCOHOL LICENSE**

*Alcohol License Transfer (Retail Package Sale of Beer, Wine and Distilled Spirits) – Gopika Liquor dba 400 Package*

Motion passed 4-0 to approve the Alcohol License Transfer (Retail Package Sale of Beer, Wine and Distilled Spirits) – Gopika Liquor dba 400 Package. Satterfield/Dooley

### **ZONINGS:**

Chairman Thurmond announced that if anyone 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 is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

*ZA 20-21 - George Butler as agent for owners requests to rezone TMP 097-099 from RA (Residential Agriculture) to RS2 (Residential Suburban 2) for the purpose of developing a 194-residential-lot subdivision (Dawson Forest Road East). (Tabled from the January 21, 2021, Voting Session, at which time a public hearing was held.)*

Concerning ZA 20-21, Commissioner Fausett recused herself from discussion and abstained from any vote due to a personal interest through inheritance.

Applicant George Butler, a Dahlonega, Georgia-based attorney, read aloud a list of proposed stipulations.

Motion passed 3-0 to approve ZA 20-21 with the following stipulations:

1. A Primary Conservation Area (33.4 acres more or less) shall be located as shown on the submitted site plan on both sides of Black's Mill Creek, while a Secondary Conservation Area (17.3 acres more or less) shall consist of the forested promontory in the northwest corner of the property as shown on the submitted site plan;
2. The Primary and Secondary Conservation Areas shall either be preserved and protected in perpetuity by either a permanent conservation easement in favor of Dawson County or a dedication to Dawson County, whichever the county may prefer in its sole discretion; and in either case the two Areas would be subject to restrictive covenants and conditions limiting future activities within the respective Areas, designed to protect the interest of the neighboring landowners and the future homeowners within the proposed residential development on the remaining 61.2 acres of the property, so that, for example, any permissible activities within 200 feet of the property boundary would be kept to minimum. And the two sets of restrictions on the separate Conservation Areas would be different; in that, for example, the portion of the Primary Conservation Area on the south side of Black's Mill Creek shall be for viewshed and stream buffer purposes only and shall be left in its natural state and in that the developer may disturb the portion of the Primary Conservation Area on the north side of Black's Mill Creek but only for the limited purpose of installing sewer lines and/or water lines and a lift station that do not reduce the total Conservation Area beneath the required 40 percent, provided that to the extent practicable open space as shown on the site plan shall be converted to Conservation Area (as necessary) to maintain the latter at its current 44.76 percent of total land area;
3. Both Conservation Areas would be passive parks as per the terms of the final restrictive covenants and conditions - with no hunting or trapping, no fixed recreational structures or equipment, and no use of motorized equipment or audible sound-producing or amplifying devices and no use of vehicles, including bicycles. The allowable hours of occupancy would be posted and no alcohol would be allowed;
4. A 50-foot undisturbed buffer must be provided around the entire site, except for perpendicular road crossings and utility crossings - as shown on the site plan; provided that the buffer along Dawson Forest Road and along the common boundary with Black's Mill Elementary School may be disturbed so long as it is attractively re-landscaped and planted and/or fenced to buffer standards. And hence in any locations where the existing buffer is disturbed or where the existing buffer vegetation or topography would not provide an opaque screen from adjacent properties or from the public road frontage, which in this case would be Dawson Forest Road, the buffer shall be planted with vegetation and/or enhanced by a fence to provide an opaque visual screen. While the site plan illustrates that an attractive opaque 6-foot fence could be erected along the interior edge of the undisturbed buffer to serve that purpose, the actual decision to use vegetation and/or a fence where necessary to achieve the required opaque screen will be dictated by the different circumstances that exist along the roughly 12,750 linear feet (or 2.4 miles) of buffer; provided further that a 6-foot opaque board fence shall be erected approximately 25 feet inside and along the common boundary between the subject property and Dawson County Tax Parcel No. 097 148 on the north side of Black's Mill

Creek along the entire northern boundary of the tax parcel and proceeding down the east side a distance of at least 300 feet to the edge of the Primary Conservation Area, and in addition two staggered rows of Green Giant Arbor Vitae shall be planted 12 feet on center on the outside of the fence;

5. Construction times shall be limited to 7 a.m.-7 p.m. Monday-Friday and 8 a.m.-4 p.m. Saturday. There will be no construction on Sunday;
6. All lighting throughout the neighborhood shall be low-bleed LED downlighting so that the lighting does not bleed over the property line;
7. Prior to any house sales the developer shall install the traffic improvements on Dawson Forest Road that are indicated as being required in the professional traffic study of the project by Marc R. Acampora PE LLC, dated October 5, 2020, a copy of which is being submitted herewith - with final plans and specifications to be worked out between the developer's engineer of record and the county's responsible officials;
8. There shall be no rentals in the subdivision unless approved by the Home Owners Association; and the Home Owners Association shall contain from the beginning of house sales and occupancy board members who are residents of the subdivision;
9. Stormwater management and soil erosion controls and regulations shall be strictly adhered to give the presence of slopes and Black's Mill Creek and its tributaries;
10. The developer shall coordinate with the Board of Education in providing access through the subdivision, including a pedestrian crossing of any subdivision road, which will allow regular supervised access to the Primary Conservation Area on the property during the hours prescribed by these conditions;
11. The location of any proposed internal sidewalk/trail system, including the Conservation Areas, must be reviewed and approved by the Community Development staff and Parks & Recreation to assure adequate connectivity between uses and pathways and to protect the privacy of adjacent property owners;
12. Sidewalks shall be a minimum of 5 feet in width;
13. Building and site designs shall be consistent with the development plan as approved through this zoning process. There shall be a minimum of 1,600 square feet of heated space for each one-story home and 1,800 square feet of heated space for every two-story dwelling;
14. Carriage-style garage doors with decorative hardware or other embellishments shall be used on all homes, and each home shall have not less than a two-car garage;
15. The roofing material used on all homes shall be cedar shake, three-tab or architectural-/dimensional-style asphalt shingles, or metal as appropriate to the architectural style of each home as determined by the building;
16. All overhangs, including gables and side gables, will have a minimum of a 12-inch overhang on all sides;
17. The developer shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ, among others, the use of differing front elevations, architectural styles, building exteriors and other similar techniques so that no house is the same as any house directly in front or on either adjacent side of it;
18. All roofs and gables shall be of a pitch no less than 8/12. This condition shall not apply to dormers, porches, bay windows and third-floor retreats;
19. Poured concrete retaining walls visible from the right of way must be painted or faced with stone or brick. No wooden retaining walls shall be permitted;
20. The exterior materials for all homes shall consist of brick, stone, cement-based lap siding, cement-based siding panels, cedar and/or shake;

21. All roof vents, pipes and other roof equipment (except chimneys) shall be located on the rear elevations and shall be painted to match the color of the roof;
22. No above-ground swimming pools shall be permitted;
23. No window air conditioning units may be installed;
24. There shall be no more than 194 residential units within the development;
25. The lot layout and overall site design shall be generally consistent with the site plan, except for changes approved by the Planning director and needed to preserve lot yield that are necessitated by actual site conditions, including but not limited to rock and wetland, or by required traffic improvements; and
26. Driveways shall extend back at least 25 feet from the back of the sidewalk to the garage door.

Satterfield/Dooley

ZA 20-24 - Mincey Land Management requests to rezone TMP 113-017 from RA (Residential Agriculture) to CHB (Commercial Highway Business) for the purpose of constructing an indoor gun range (Highway 53 East).

Planning & Development Director Jameson Kinley said the property is located directly west of Dawsonville Gun & Pawn and that the applicant looks to rezone 3.43 acres located at 5711 Highway 53 East with the intent of developing a 7,000-square-foot, 10-stall indoor gun range. This CHB zoning classification would be in compliance with our comprehensive plan and Future Land Use plan, and this property is currently vacant, according to Kinley, who said the Planning Commission recommended approval of the application.

Commissioner Gaines announced that he would abstain from any vote concerning ZA 20-24.

Applicant Paul Mincey, owner of Dawsonville Gun & Pawn and co-owner of Mincey Land Management, introduced Heath Shaw of InVeris Training Solutions. Mincey said InVeris would build the range's interior. Mincey said his business has been open many years, "contributed to society..." Mincey said there would be one entrance. He added, "There's a lot of potential for education for the public and, possibly, police training as well; it'd be convenient for the county." Shaw referenced several area ranges that InVeris has constructed. "All those are still operating successful businesses without incidents..." he said.

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 3-1 to approve ZA 20-24. Fausett/Satterfield- Commissioner Gaines abstained

ZA 20-25 - Fall Leaf Residential requests to rezone TMP 085-016 from RSR (Residential Sub-Rural) to RS3 (Residential Suburban 3) for the purpose of developing a 141-residential-lot subdivision (Highway 9 South).

Planning & Development Director Jameson Kinley said the 65-acre property is located on Highway 9 South, situated between Apple Ridge 2 and Dawson Forest Management area. Fall Leaf looks to rezone this parcel from RSR to RS3 with the intention of developing a 141-lot conservation neighborhood, said Kinley. "RS3 is not currently in our comprehensive plan. It was intended to be close to 400 and down Dawson Forest Road. As it stands now, this property is in compliance with the Future Land Use map." The surrounding properties have a general character

of single-family residences on an average of 4.26-acre lots, according to Kinley, who detailed the zoning requirements. Kinley said the Planning Commission recommended denial of the application.

Neal Hendee of Pointe Property Group, Peachtree Corners, Georgia, representing the applicant, said the applicant originally submitted a standard RS3 plan. “However, after talking with several adjacent homeowners we believe most of them would prefer to see the property developed under a conservation plan so that more of the property could be preserved as open space.” He said the applicant requests rezoning to the RS3 zoning classification to allow the development of a conservation subdivision. “The revised conservation site plan we have submitted shows 141 lots with a density of 2.16 homes per acre on the 65-acre tract,” said Hendee, adding that 40 percent of the property, or 26-plus acres, would be preserved as open space, which would allow the opportunity to “retain much of the property in its natural vegetative state” and for recreational activities, such as walking trails and a community picnic area. He said there would be a 50-foot open space buffer along Highway 9, to be heavily landscaped to provide an attractive entrance to the community. The Home Owners Association would be responsible for the future maintenance and upkeep of all entrance features, open spaces and any amenities, according to Hendee. He addressed concerns regarding density and traffic and said there is a need for such a development in the county. Hendee said the property’s longtime owners “simply want a reasonable zoning on the property so they can sale it.” Hendee requested approval of the application but added, “If the community and/or the board still has significant concerns over our application we would like to have the opportunity to defer our application to give our land planner and team a chance to modify the plan and hopefully alleviate your concerns.”

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

None spoke in favor of the application.

The following spoke in opposition of the application:

- Donald L. Brown, Dawsonville, Georgia
- Brenda J. Johnston, Dawsonville, Georgia
- Renee Livingstone, Dawsonville, Georgia
- India Hawkins, Dawsonville Georgia
- Larry Grant, Dawsonville, Georgia
- Joey Bearden, Dawsonville, Georgia
- Beth Martin, Dawsonville, Georgia

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

Motion passed 4-0 to table ZA 20-25 indefinitely. Fausett/Dooley

ZA 20-26 - Jim King on behalf of Jackie and Jerry Townley requests to rezone TMP 115-044 from RA (Residential Agriculture) to RSR (Residential Sub-Rural) for the purpose of subdividing the parcel (Blue Ridge Overlook).

Planning & Development Director Jameson Kinley said the applicant seeks to rezone 2.71 acres off of Blue Ridge Overlook for the purpose of subdividing the parcel. There will not be any additional structures added to the parcel; it is for the purpose of gifting a relative, according to Kinley.

Jim King, Dawsonville, Georgia, representing the applicant, said Jerry Townley would “just like to cut off a piece of his property and give it to his son, Trent, and his family, his grandchildren, so they can raise their family right next door and enjoy living in Dawsonville.”

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 ZA 20-26. Fausett/Satterfield

ZA 20-27 - Dawson County requests to rezone TMP 113-011 and 113-092 from CHB (Commercial Highway Business) to RMF (Residential Multi-Family) and CHB for the purpose of developing a commercial component and multi-family dwellings.

Planning & Development Director Jameson Kinley said the property is located on the corner of Lumpkin Campground Road North and Highway 53 East. “This property was originally rezoned from Residential Agriculture to Commercial Highway Business in 2007,” said Kinley. “It was rezoned with a lot of different other properties in the area...” Kinley added that the request originally came through in 2019 for rezoning to CHB and RMF; the Planning Commission recommended approval of the application, but the Board of Commissioners denied it. “The original application had 140 units spanning over 23 acres and the CHB portion was 1.7 acres,” said Kinley. “On the new site plan ... the Residential Multi-Family portion is 120 units spanning over 20 acres and the Commercial Highway Business portion is a little over 5 acres. It includes inter-parcel connectivity ... and it is in compliance with our Future Land Use map.” Kinley said the Planning Commission recommended approval of the application with stipulations.

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 ZA 20-27 with the following stipulations:

1. The development shall be constructed simultaneously in compliance with the site plan attached as "Exhibit A";
2. Owner shall construct a left-turn lane from the end of the existing turn lane at State Route 53 along the property frontage to the northernmost property line of this development prior to the issuance of the first Certificate of Occupancy for the residential development;
3. The road connecting Lumpkin Campground Road to Prestige Lane shall be constructed, completed and open for passage prior to the issuance of the first Certificate of Occupancy for the residential development and shall be built to county standards. This road shall be dedicated to Dawson County no sooner than at the completion of the "vertical" construction of the commercial development;
4. Development as a pad-ready site of the 5.36-acre more or less commercial development (the "commercial development") shown on the site plan shall be commenced and proceed

simultaneously and continuously with the commencement of the development of the 20-acre more or less residential development (the "residential development") shown on the site plan and must be completed as a pad-ready site at or before the issuance of 60 Certificates of Occupancy for the residential development. For purposes of this stipulation, "pad-ready" shall mean completion of grading to flat and immediate availability of water and sewer connections;

5. Upon the issuance of 60 Certificates of Occupancy for the residential development, actual "vertical" construction must commence on the commercial development before any additional Certificates of Occupancy will be issued for residential development; and
6. Owner shall dedicate an additional 20 feet of right of way along the entire frontage of Lumpkin Campground Road and State Route 53 prior to the issuance of the first Certificate of Occupancy.

Gaines/Satterfield

**UNFINISHED BUSINESS:**

Consideration of Study Concerning Cost of Services by Land Use Type (Residential / Commercial / Agriculture) and Efficiencies (Tabled from the February 4, 2021, Voting Session)

Motion passed 4-0 to approve up to the original estimate of \$15,000 for a dual-purpose study of efficiencies and service delivery costs per zoning category and implement a 90-day moratorium for accepting applications on the following zonings: Residential Suburban 2 (RS2), Residential Suburban 3 (RS3), Residential Multi-Family (RMF), Commercial Planned Community Development (CPCD) and Mixed Use Village (MUV), effective immediately. Gaines/Fausett

**NEW BUSINESS:**

Consideration of Request for Additional Sheriff's Office Staffing

Motion passed 4-0 to approve to table a Request for Additional Sheriff's Office Staffing to allow for commissioners and the sheriff and staff to meet. Thurmond/Fausett

Consideration of Local Emergency Operations Plan Update

Motion passed 4-0 to approve a Local Emergency Operations Plan Update. Satterfield/Dooley

Consideration to Amend 'Section 2-111-Solicitations. 13.b. \$25,000.00 and Above, Sealed Solicitations' of the Purchasing Policy Ordinance

Motion passed 4-0 to approve to Amend 'Section 2-111-Solicitations. 13.b. \$25,000.00 and Above, Sealed Solicitations' of the Purchasing Policy Ordinance. Fausett/Gaines

Ratification of the Liberty Church Road Emergency Repair Request

Motion passed 4-0 to ratify the Liberty Church Road Emergency Repair Request. Gaines/Satterfield

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**



**EXECUTIVE SESSION:**

Motion passed 4-0 to enter into Executive Session to discuss litigation. Gaines/Fausett

Motion passed 4-0 to come out of Executive Session. Gaines/Satterfield

APPROVE:

ATTEST:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk