

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – THURSDAY, MAY 18, 2023
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 Seth Stowers, District 1; Commissioner Chris Gaines; District 2; Commissioner Alexa Bruce, District 3 (via teleconference); Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

INVOCATION AND PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on May 4, 2023.
Dooley/Gaines

Motion passed 4-0 to approve the Minutes of the Voting Session held on May 4, 2023.
Stowers/Dooley

APPROVAL OF AGENDA:

Motion passed 4-0 to approve the agenda as presented. Gaines/Stowers

PUBLIC COMMENT:

**All spoke on the Property Maintenance Ordinance Review agenda item.*

Perry Betterton, Dawsonville, Georgia, said his “major complaint with this ordinance” is the “overall mindset that goes into an ordinance like this.” He said, “The approach that seems to be taken is that the government owns and controls all the property in the county and benevolently grants to us, the citizens, deed-holders, a short list of things we can do with our own property. Ladies and gentlemen, that is not America.” Betterton added, “I’ve looked up all five members of the Board of Commissioners and, as far as I can tell, you’re all Republicans. If you think property rights are granted by government, you shouldn’t call yourself Republican, a conservative or probably even an American.” He said, “I live and own property in close proximity to some of the junkiest places in the county. I believe my property is well-maintained. Would I prefer my neighbors to clean up their yards? Probably so, yes, [but] that’s not the question before the board. The question is whether our county government should use the police power of the state to force people to beautify their property, and that’s a very serious question. The answer is absolutely not. That would be an extreme violation of both individual liberty and property rights.”

James Brewer, Dawsonville, Georgia, asked the board to keep the Property Maintenance Ordinance as written. “This ordinance is critical to the future of Dawson County,” he said. “The ordinance ensures the safety and well-being of the community. The ordinance allows the county

to protect against housing that's been described by the county inspector as 'unfit for human habitation.' Some of these houses are structurally deficient, some of which are known to have no septic system. Failure to enforce this ordinance will allow slumlords to prey on underprivileged families and threaten the safety of all the people in the community. Failure to enforce housing standards could lead to lawsuits against the county in which people living in these homes could be hurt by defective construction and low septic tank standards. I understand the people who say they have the right to do whatever they want to on their property. However, they don't have the right to devalue their neighbor's property."

Tammy Hammond, Dawsonville, Georgia, said she opposes the Property Maintenance Ordinance. "I completely disagree with it being approved the way it is currently written," she said. "I understand the safety aspect, but the majority of the content in this ordinance feels like a gross overreach of power and not where our resources should be focused." She said she moved from Forsyth County in 1998 to Dawson County "because of the growth, and now we are the No. 4 fastest-growing county in the nation." Hammond added, "What I have on my property - their definition of junk, any inoperable vehicle or equipment, vintage, anything 20 years old must have the intent to restore. Yard art. There is yard art with tractors and vehicles that cost more than lots of running things out there right now and, I'm sorry, but if you don't like my yard art, don't look in my yard. If you don't like what I have, put up a fence."

Pam Reimann, Dawsonville, Georgia, said she is in favor of the Property Maintenance Ordinance. "I moved here two years ago from Marietta, Georgia," she said. "I have eight grandkids that practically live here during the summer and I'm concerned for their public safety and their health and some of the homes. I know you have a right to keep your property like you want it to, but some of the things that are going on in the county are very hazardous to your health and your safety and some of the properties you can't even walk on. You might stumble and fall and hurt yourself. There's just a lot of things that need to be done to maintain property maintenance. We don't want Dawson County looking like a dump and I'm just in favor of keeping this, and I am a Republican and I am a conservative."

Jimmy Hamby, Dawsonville, Georgia, said, "I'm opposed to a part of this ordinance, not the whole thing. I noticed something that's caused a division in the county. This will be about health issues, not about a '37 Ford Coupe sitting in the yard or a '44 pickup cab - I've got both of them. They're not going to move. They're not going anywhere." Hamby added, "I didn't move into a subdivision because I like '37 Fords and '44 pickups, and I want them sitting down there where I can see them. If you see raw sewage running out of my yard, send somebody down there. I've got neighbors that'll probably come and tell me. If there are trash bags full of trash down there in my yard, come down there and get it and fine me, whatever you got to do to make me clean that up, but don't come down there and tell me I got to move that car. I've been around cars for 70 years and I'm still in pretty good health. Whatever you're going to do, keep in mind a health issue, not a maintenance issue..."

Jewell Jones, Dawsonville, Georgia, said, "The major thing I see that needs to be looked at is what is the impact of what you do on your property on the property values of my place. I don't have a problem if you've got a car in your yard you're going to restore. I have a problem with piles and piles of garbage bags. I don't have a problem with kids' toys being out. I've got a problem with garbage bags, junk cars that will never be restored that don't run. It just destroys the whole

ambiance of the whole area you live in when you've got something like that that you're looking at. And, as far as far as the comments about putting a fence up, I still have to drive by your place to get to my house. My guests have to drive by your place to get to my house, also. A fence around my house is not going to do anything to change the appearance of the county."

Lance Carruth, Dawsonville, Georgia, said he supports the Property Maintenance Ordinance. "You're here today to help ensure the health, safety and welfare of the citizens of this county and, to do that, you sometimes have to make difficult decisions that are averse to some residents' desires. ... This, however, is not one of those difficult decisions," said Carruth. "This ordinance was proposed, written and passed to ensure for the health, safety and welfare of the citizens of Dawson County. This ordinance is not overreaching. This ordinance helps our county officials do their job for the entire county and all of its residents. For these reasons, this ordinance should remain unchanged and in effect.

Earl Burns, Dawsonville, Georgia, said he opposes the Property Maintenance Ordinance. "I moved up here in '98 from Forsyth County to get away from all the subdivisions and the people telling you what you can do and what you couldn't do," he said. "Now you are trying to do the same thing here. I have about 10 acres and should be able to do and have whatever I want to on it as long as it's not a health issue or something like that. I do not agree with what's in this ordinance. The health part - that's different. That's OK, [but] trying to tell people what they can have and what they can't is not Georgia's place. You were voted in and you can be voted out and, these people that don't like it, let them go back to Atlanta or wherever they come from."

ZONING:

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 the normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZA 23-01 - Clay Moss requests to rezone 3 acres of TMP 037-064 from RA (Residential Agriculture) to RSRMM (Residential Sub-Rural Manufactured/Moved) (Leila Lane).

Planning & Development Director Sharon Farrell said the applicant would like to construct a home on 3 acres. She said the property "is contiguous to RSRMM zoning to the north and there's a variety of lot sizes to the north of this property, so creating the 3-acre parcel is consistent. The parcel has not been surveyed or approved through the minor plat process; thus he couldn't qualify for the RAC certification that we can do now at the staff level, but we find it to be consistent. The easement is passable." Farrell said the Planning Commission recommended approval of the application.

Applicant Clay Moss said the 3 acres are on a private road. He said, "...They do have RA and RSRMM abutting the acres and, if I get your approval, your blessings on this, I do intend to build a stick home. I will not put a modular home [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 ZA 23-01. Stowers/Dooley

UNFINISHED BUSINESS:

Consideration of Property Maintenance Ordinance Review (A temporary moratorium concerning a Property Maintenance Ordinance, executed on February 16, 2023, expires on May 18, 2023.)

Motion passed 4-0 to extend a moratorium concerning the Property Maintenance Ordinance, pausing the enforcement of the Property Maintenance Ordinance and any related or similar provision in the Litter Control and Solid Waste Management Ordinance until such time that a revision of the Property Maintenance Ordinance is completed and a public hearing is advertised and held concerning a revised Property Maintenance Ordinance. Dooley/Stowers

NEW BUSINESS:

Consideration of Request to Make Family Connection's Administrative Specialist Position a Full-Time Position

Motion passed 4-0 to approve a Request to Make Family Connection's Administrative Specialist Position a Full-Time Position; \$36,357 for the position upgrade will come from General Fund's fund balance. Dooley/Stowers

Consideration of Request to Add Two New Part-Time Transfer Station Attendants for the Recycling Program

Motion passed 3-1 to approve a Request to Add Two New Part-Time Transfer Station Attendants for the Recycling Program. The positions will be hired at \$12.78 per hour and funds will come from the county's Solid Waste Fund. Gaines/Stowers- Commissioner Bruce opposed the motion

Consideration of Lease Agreement with Corps of Engineers Concerning Lake Parks

Motion passed 4-0 to approve a Lease Agreement with the Corps of Engineers Concerning Lake Parks. Gaines/Dooley

Consideration of the Appointment of a County Manager and Approval of a County Manager Contract

Motion passed 4-0 to appoint Joey Leverette as Dawson County Manager and approve a County Manager Contract. Stowers/Dooley.

The Board of Commissioners recognized Chief Financial Officer Vickie Neikirk with an award and flower arrangement for her work as interim county manager in 2022 and 2023.

PUBLIC COMMENT:

None

ADJOURNMENT:

EXECUTIVE SESSION:

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

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

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk