

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – SEPTEMBER 17, 2020
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 (via teleconference); Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Julie Hughes Nix, District 4; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

INVOCATION: Vice Chairman Gaines

PLEDGE OF ALLEGIANCE: Vice Chairman Gaines

ANNOUNCEMENTS:

Vice Chairman Gaines announced the importance of the Census and encouraged all to complete their Census information. He also noted that Census workers would visit residences that do not submit Census information.

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on September 3, 2020. Satterfield/Nix

Motion passed 4-0 to approve the Minutes of the Voting Session held on September 3, 2020. Fausett/Nix

APPROVAL OF AGENDA:

Motion passed 4-0 to approve the agenda with the following change:

- Additions of Nos. 4 through 6 under New Business:
 - Cable TV Proposals
 - Highway Enforcement of Aggressive Traffic (HEAT) Grant
 - Bailey Waters Road Culvert Rehab Project Change Order 1

Fausett/Satterfield

PUBLIC COMMENT:

Vice Chairman Gaines announced that, because of COVID-19, the BOC is giving citizens who may not feel comfortable attending public meetings an opportunity to submit comments in writing.

- Linda Bostick, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “I am aware that recycling is not lucrative, but I am also aware that it is popular with the citizens of Dawson County. Could there be money found in the budget to fund the recycling of cardboard and paper at least. Some of our elementary school students are active in recycling projects at their schools. They are collecting cardboard, which is then delivered to the facility on Burt Creek Road. These kids are our

future and they are doing a very important thing to help ensure a healthy planet. We should encourage them, not destroy their optimism.”

- Georgann Schmalz, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “I’m contacting you about the county recycling program. I understand that the board will be considering whether or not to keep our single-stream recycle container at the Burt Creek Road facility. Not only is this program enviable by surrounding counties, but it also serves as a valuable lesson for our children and future generations. I understand that it isn’t a profitable enterprise, but it signifies that Dawson County cares about our environment and is a progressive community. For us, it was one of the reasons we moved here and not another county nearby. Plus, it’s the right thing to do. Please don’t discontinue the program.”
- Pamela Wilson, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “I am a member of Dawson County Woman’s Club and a life-long resident of Dawson County. I am concerned about our recycling. I recycle and bring all my recyclables to the location on Burt Creek Road. I understand the problem is not being able to find someone who we can sell it to - could we check with other counties about who handles theirs? I do hope we are able to keep recycling - as our county grows so will our garbage and recycling takes about half my garbage. Hopefully we can encourage all our residents to recycle and cut back on some of our landfills and use some of our garbage to make other things.”
- Susan Shaw, Jasper (Big Canoe), Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “My husband and I are totally in favor of continuing Dawson County’s recycling program. I sincerely hope the rumors that plastics are not really recycled is just that, a rumor. This contribution to our community and world is tremendously important. We have enjoyed having the opportunity to drop our bags at the fire station near 400, but we would certainly go to the transfer station if that is what the commissioners decide.”
- Kimberly Sizemore, submitted a comment, which was read aloud by Vice Chairman Gaines: “I need to add a comment to the recycling issue...I love the recycling program in Dawsonville. It’s so easy to recycle and I have bragged on the recycling process in Dawsonville. It’s the easiest to recycle as it is now of any where we have ever lived, and I thank you for that and highly encourage you to keep it the same. I feel passionate about this. My brother and his family live in Lumpkin and my husband’s business is also in Lumpkin. When they took away all their recycling stations to save money, everyone in the community was comparing it to Dawson, as in ‘how come Dawson can get it right and we can’t?’ Everyone was bragging on our recycling as the standard. And it has been. When Lumpkin changed their recycling both my brother, and my husband’s business, just quit recycling. As sad as that is, it was just so much more effort, and I know our busy businesses needed to just keep it as simple and easy as possible for it to continue. But we quit recycling there and so did my brother. It’s a shame, really. Please don’t change anything. I love, love how easy it is to recycle now and am so thankful. Consider carefully the plan and I hope you’ll take into consideration my comments.

- Kathleen Harris, submitted a comment, which was read aloud by Vice Chairman Gaines: “I was informed there will be a meeting about the future of recycling in Dawson County. My family just recently arrived to Dawson County from another state; we absolutely want this service to stick around but please make the public more aware of what the recycling area takes, hours and location. I just heard about this and, after asking several people who live in the community if they knew of a recycling place, they all told me no. I am sure there are a lot of people in the community who are unaware of this service and would use it once they were made aware.”
- Edie Chodora, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “I am opposed to our county doing away with recycling. This is an extremely important service that should be continued instead of filling up landfills. Please do not do away with this service.”
- Michael McCarthy, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “We’ve been recycling for several years at the transfer station. Recently I was told that the recycling just gets dumped in the trash anyway. So, we’ve stopped recycling. I think we need a better way to do it. And we need to provide some education to the citizens on how. I understand that most of the recycling coming into the transfer station is contaminated; not sure what that means. We’d like to start back recycling if it will actually be recycled.”
- Ada & Gary Holley, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “Please do not get rid of recycling at the Dawson County Transfer Station. I live in a rural part of the county and take our family's recycling there twice a month since I have no other option other than to throw it out with the trash. I want to keep it out of a landfill and help the environment.”

ZONINGS:

Vice Chairman Gaines 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.

SU 20-01 - Scott Adamson requests a Special Use Permit for dog kennels located at TMP 106-051-017 (Dawson Forest Road East).

Planning & Development Director Jameson Kinley said his office received an email earlier on September 17, 2020, from the applicant, who said he no longer wishes to pursue a dog kennel and looks to move off the property.

Kinley said Scott Adamson sought to operate a dog and cat boarding facility out of his residence at 2445 Dawson Forest Road. The applicant proposed to take scheduled appointments for up to 20 dogs at full capacity. Kinley said the property has a secured backyard for the dogs to be allowed outside. The application also has a plan for future expansion to accommodate up to 80 dogs. After a Planning Commission meeting, however, the applicant and his wife said they would be willing to stipulate that no future expansion would occur without further approval from the board, according to Kinley. Kinley said the property is surrounded on all sides by one property owner. He said the Planning Commission recommended denial of the application.

The applicant was not present.

Vice Chairman Gaines 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 to the application:

- Doug Hughes, Dawsonville, Georgia, said he lived in the area of the proposed kennel. He voiced concerns about property values and noise levels if the application is approved. He said the applicant currently has approximately nine dogs.
- Angela Long, Dawsonville, Georgia, submitted a comment, which was read aloud by Vice Chairman Gaines: “I live at 2500 Dawson Forest Road East and I am sending you this email in regards to the request of a dog kennel by Scott Adamson on Dawson Forest Road. I do not want this in our area. I believe rescue dogs are very unpredictable, and there are a lot of children in our area and if just one of those dogs gets out a child could be in a lot of danger. I do not think they have enough land to have 80 dogs. It would be noisy and stinky. There is a creek that runs down beside and behind the property in question and a well under their house. I don’t know if the well was ever filled in. My grandparents used to own that property years ago. We already have three schools, three churches, a store, a veterinarian and a daycare center all on Dawson Forest Road. There is a lot of traffic already. Everything in that area echoes; we can hear everything that goes on. All the neighbors can as well. We have just under four acres and were told at one time that we don’t have enough land to build a house, so I don’t think they have enough land to build a dog kennel for 80 dogs. So I am asking you all to please, please deny their request.”

Motion passed 4-0 to approve to accept the withdrawal request for SU 20-01. Nix/Fausett

ZA 20-06 - Victor Vazemiller requests to rezone 4.001 acres TMP 098-027-009 from RA (Residential Agriculture) to RSR (Residential Sub-Rural) for the purpose of subdividing the property (Goodson Road).

Planning & Development Director Jameson Kinley said the applicant seeks to rezone parcel 098-027-009 from RA to RSR in order to divide the lot into two 2-acre parcels. “The interesting part of this situation is that this parcel is split by another 2-acre parcel” that was divided in 2016, said Kinley. He added, “This rezoning would be in compliance with our Future Land Use map, and the Planning Commission recommended approval.”

David Vazemiller, representing the applicant, said he is the applicant’s son. Vazemiller said his father plans to sell the property, and the future owners of the property intend to build a home(s) on it.

Vice Chairman Gaines 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 20-06. Satterfield/Gaines

ZA 20-07 - Jim King on behalf of Tri-Mark 400 LLC requests a CPCD (Commercial Planned Community Development) Zoning Stipulation Amendment for TMP 107-319, 107-319-005, 107-319-004 and 107-319-002 to remove the age restriction on residential units within the currently zoned CPCD parcels (Blue Ridge Parkway).

Planning & Development Director Jameson Kinley said the property is located on the corner of Highway 400 and Blue Ridge Parkway. He said the applicant seeks to modify the zoning conditions of an already zoned CPCD parcel. The request would remove the age restriction that was placed on the residential units. “The uses of the newly proposed site plan essentially are the same as the previous approved site plan with some shifting to accommodate a different style of development,” said Kinley. “If it weren’t for the language that specifically is in the zoning stipulation 1 that talks about 200 independent living dwellings, 60 senior duplexes and 40 residential lofts, this site plan would not have to come back before the board for approval - which brings us to today. This development is within the 400 Corridor and would have to comply with all regulations of the overlay at the time of development.” Kinley said the Planning Commission recommended approval of the application.

Jim King, on behalf of Tri-Mark 400, said the applicant wishes to “change the conditions and the site plan a little bit on this zoning that we did a couple of years ago.” King requested the removal of the age restriction on the multi-family units. “Everything else stays the same,” he said. “...We still have the retail along 400, the office, the assisted living, the hotel parcel.” He said the “market is not deep enough to support all of the multi-family units at 55 and older...” He added that the development will still be marketed to those age 55 and older.

King’s partner, John Kieffer, said, “We’ve been involved with the property for years,” complied with multiple zoning conditions in the past, invested in infrastructure and “tried many times to see this development be fully completed.” He said he wants to see the entire tract developed in uniformity with a common theme and standards. “What we’re trying to do is, once and for all, get an entire development plan that will allow us to develop the whole site in uniformity,” said Kieffer.

Vice Chairman Gaines 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 to the application:

- Bruce Duncil, Dawsonville, Georgia, said the applicant’s request is “based on the simple but unsupported assertion this stipulation is not economically viable. But this request would forever altar the very purpose - which was the establishment of a senior community - for which its master plan was approved. And it would drastically transform the essential nature of this proposed development, opening it instead to commuters, juveniles and transients. Yet this county government has so far failed to identify this change as critical to community vibrancy and to thoroughly evaluate its impact. Nor has this county government acted to reduce the risk to public health and safety posed by this proposed development, risks that were once again documented during this application’s review.” Duncil added, “This county

government is also very well aware that residential development costs taxpayers much more for added government services than the money collected.” He encouraged the board to deny the application and “place a hold” on the development until issues are “addressed to the satisfaction of county residents.”

- Beth Martin, Dawsonville, Georgia, said since the original rezoning of the property in 2003 as CPCD, the property keeps getting “more residential with each zoning change while losing more of the commercial aspect each time.” She added, “I would like to see a stipulation to build a commercial component first, so we’re not left with only the residential part of the plan, which seems to be the current trend in the county.” Martin said she is concerned that infrastructure, especially as it relates to Emergency Services, cannot keep up with needs “without bankrupting the current residents.”

Vice Chairman Gaines 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 approve ZA 20-07 with the following stipulations:

- 1) The site development for the commercial parcels shall be done simultaneously with the multi-family housing. The retail sites shall be constructed to a pad-ready condition with access roads completed prior to a certificate of occupancy being issued by any multi-family buildings;
- 2) The site shall be developed in general accordance with the site plan submitted with this rezoning request. Any significant changes must be approved by the Dawson County Planning & Development director prior to construction plans being approved; and
- 3) Oakmont Drive* shall be repaired and completed to county standards and dedicated to Dawson County prior to a certificate of occupancy being issued on any multi-family buildings. (**The name of the road subject to this stipulation was erroneously stated in the meeting as “Highland Point Drive”; however, no such road exists in Dawson County, nor is it shown on the site plan submitted with the application. Rather, the site plan shows that the road name is “Oakmont Drive,” which is the name the Board of Commissioners intended to include in the stipulation and is, therefore, referred to in the minutes as intended.*)

Satterfield/Fausett

NEW BUSINESS

Consideration to Move Forward with a Public Hearing for Edna Noblin Road Abandonment Request

Motion passed 4-0 to approve to Move Forward with a Public Hearing for Edna Noblin Road Abandonment Request. Fausett/Satterfield

Consideration of Dawson County Recycling Program Update

Motion passed 4-0 to approve to continue the Dawson County Recycling Program at the Transfer Station only and to only accept clean cardboard, clean paper and metal, and to review the program in six months. Satterfield/Fausett

Consideration of 2020 Dawson County Surplus List

Motion passed 4-0 to approve the 2020 Dawson County Surplus List. Satterfield/Nix

Cable TV Proposals

Motion passed 4-0 to approve a Cable TV proposal with Dish Network in the amount of \$33,585; funds will come from General Fund's fund balance, and annual service costs will be allocated by department. Nix/Fausett

Highway Enforcement of Aggressive Traffic (HEAT) Grant

Motion passed 4-0 to approve to accept the Highway Enforcement of Aggressive Traffic (HEAT) Grant and to amend the 2020 budget, adding \$15,000 for HEAT employee benefits for the remainder of 2020; funds will come from General Fund's fund balance. Satterfield/Fausett

Bailey Waters Road Culvert Rehab Project Change Order 1

Motion was made by Commissioner Nix and seconded by Commissioner Satterfield to approve the Bailey Waters Road Culvert Rehab Project Change Order 1 in the amount of \$13,540, and to approve \$5,000 for additional project budget. Commissioner Nix amended her motion to include that funds, totaling \$18,540, come from Special Purpose Local Option Sales Tax (SPLOST) VI. The amended motion passed 3-1. Nix/Satterfield- Commissioner Fausett abstained

PUBLIC COMMENT:

None

EXECUTIVE SESSION:

Motion passed 4-0 to enter into Executive Session to discuss litigation and personnel. Fausett/Satterfield

Motion passed 3-0 to come out of Executive Session. Satterfield/Thurmond

County Attorney Davis noted that Commissioners Fausett and Nix recused themselves from the last portion of Executive Session discussion and had not returned for the continuation of the Voting Session.

County Attorney Davis addressed a potential settlement agreement that was discussed at a mediation conducted earlier in the week. "That is the matter for which Commissioner Nix and Commissioner Fausett recused themselves," said County Attorney Davis. She added, "We have presented to you a settlement agreement and full and final release of claims in the dispute the county has with Danielle Yarbrough." County Attorney Davis said since Commissioners Fausett and Nix recused themselves, only Vice Chairman Gaines, Commissioner Satterfield and Chairman Thurmond (via phone) would vote on the matter.

Vice Chairman Gaines said, "Before we vote on this matter, on behalf of those members of the Board of Commissioners who will be taking action this evening, I would like to offer a statement and read that publicly: We continue to vigorously deny the allegations that have been made against the county and the county manager, Dave Headley, and would have preferred to have litigated this matter to resolution. Instead, however, based upon our insurance company having a contractual right to unilaterally settle covered cases without the county's consent, the insurance company did just that – and made a business decision to settle this claim against our wishes. With that, I will make a motion to approve the settlement agreement."

Motion passed 3-0 to approve a settlement agreement between Dawson County and Danielle Yarbrough. Gaines/Satterfield

County Manager Headley thanked “the commissioners that participated in this settlement agreement,” as well as County Attorney Davis and the legal team at Jarrard & Davis.

ADJOURNMENT:

Motion passed 3-0 to adjourn the meeting. Satterfield/Thurmond

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk