

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – DECEMBER 15, 2022
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 Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Jeffrey Strickland; County Clerk Kristen Cloud; and interested citizens of Dawson County. District 2 Commissioner Chris Gaines was not present.

OPENING PRESENTATION:

Recognition of Ms. Anne L. Styles

Ms. Anne L. Styles was recognized and given a flower arrangement in an engraved vase for her donation to Dawson County of approximately 120 acres of land, which will be used for a future park site.

INVOCATION AND PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that the next Board of Commissioners meeting would be held on January 19, 2023.

APPROVAL OF MINUTES:

Motion passed 3-0 to approve the Minutes of the Work Session held on December 1, 2022. Satterfield/Dooley

Motion passed 3-0 to approve the Minutes of the Voting Session held on December 1, 2022. Fausett/Satterfield

APPROVAL OF AGENDA:

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

- Addition of items e. and f. under No. 8 Board Appointments under New Business:
 - **e. EMS Advisory Council**
 - i. Don Patterson- *replacing Danny Thompson* (Term: Through June 2024)
 - ii. Justin Mitchell- *replacing Robby Lee* (Term: Through June 2023)
 - **f. Parks & Recreation**
 - i. Chad Coefield- *reappointment* (Term: January 2023 through December 2027)
- Addition of Nos. 9-14 Under New Business:
 - Request to Approve an Emergency Management Performance Grant Memorandum of Understanding
 - Request to Apply for an Emergency Management Performance Grant
 - Rural / Urban Land Schedules, Permits Review and Appraiser LMC Inc. (McCormick Solutions) Agreement
 - RFP #410-22 - Insurance Broker Services

- Agreement with the Courts Concerning Use of American Rescue Plan Act Funds
- Intergovernmental Agreement with the City of Dawsonville and the Dawson County Board of Elections and Registration Relating to the 2023 Municipal Elections for the City of Dawsonville

Dooley/Fausett

PUBLIC COMMENT:

None

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 22-23 - Jim King requests to rezone TMP 111-116 from RSR (Residential Sub-Rural) and CHB (Commercial Highway Business) to CIR (Commercial Industrial Restricted) for the purpose of developing a 319,000-square-foot office/warehouse space.

VR 22-24 - Jim King requests to vary from the Dawson County Land Use Resolution Article VI, Section 607.1.A Reduction of minimum parking requirements of a gross floor area. Article IV, Section 400.A Setback reduction of 50 feet instead of 100 feet.

Planning & Development Director Sharon Farrell said, "...There are two zonings on this property - the total acreage of 32 acres" with 13.74 of those acres already zoned Commercial Highway Business. She said there were "some concerns expressed by Georgia Department of Natural Resources; however, we would take all of that into account at such time the design is presented to staff. Additionally, the transportation impact analysis was reviewed by a third-party transportation engineer and his comments were incorporated into the stipulations." Farrell said the Planning Commission recommended denial of the application.

Applicant Jim King said, "I purchased this piece of property in 2002. At that time, the Dawson County Land Use Plan had it designated at CHB, a commercial use, and I have paid taxes based on the commercial use for the past 20 years." He noted that, in 2009, he rezoned approximately half of the property for a shopping center to Commercial Highway Business. "At that time, I had the property under contract and that's all they needed at the time; all that was required by the contract was to rezone that portion," said King, who displayed a PowerPoint presentation. "This is the Future Land Use Plan, which shows the property's been designated as industrial as well as the property just south of it, which is currently already zoned for CIR, so this would just be a continuing use of the CIR. I might add that the property has been zoned as undesignated on the Future Land Use Plan, a comprehensive plan as industrial or commercial, since 2000. This is the existing Land Use Plan, you can see the portion of the property there, it's in red, is the 13 acres she mentioned that's currently zoned CHB. With the county's 2020 update and change of the ordinance, they created a CIR district, which took many of the uses that were normally allowed in CHB out of CHB and placed them in CIR, so part of the zoning request is to gain back the uses that were lost because of that county amendment."

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 in favor of the application:

- Carroll Turner, Dawsonville, Georgia

The following spoke in opposition to the application:

- Arlene McClure, Dawsonville, Georgia
- Mary Powell, Dawsonville, Georgia
- Fred Stowers, Dawsonville, Georgia
- Scott Wallace, Dawsonville, Georgia
- Doug Powell, Dawsonville, Georgia
- Ross Martin, Dawsonville, Georgia
- Mike Grabowski, Dawsonville, Georgia
- Mark Handy, Dawsonville, Georgia

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

King was allotted equal time for rebuttal/comments, taking into account time he used for his initial presentation.

Motion passed 3-1 to approve ZA 22-23 and VR 22-24 with the following stipulations:

Permitted Land Uses

All uses typically associated with a Business Park within the Commercial Industrial Restricted Land Use District, to include however not be limited to:

1. Professional, scientific, and technical services
2. Warehouse flex space
3. Office space
4. Medical manufacturing
5. Warehouse and storage
6. Assembly

Prohibited Uses

1. Superstores
2. Paper manufacturing
3. Petroleum and coal products manufacturing
4. Storage or production of hazardous materials
5. Used automobile sales lot
6. Home centers (Home Depot, Lowe's, etc.)
7. Warehouse clubs

Development Standards

1. Constrained (unbuildable) lands shall be placed in open space; constrained land includes the following categories: (a) Slopes over 45 percent of at least 7,500 square feet contiguous area; (b) The 100-year floodplain; and (c) Area of land in stream buffers as required by federal, state and local regulations.

2. Grading for stormwater detention ponds shall not encroach into any buffer.
3. Poured concreted retaining walls visible from public right-of-way must be faced with stone or brick.
4. Land leveling and grading activity cannot commence without an approved associated land development plan. Sculpting an area of land (i.e. pad grading) without approved plans for a specific project is prohibited.
5. The developer shall employ a third-party erosion control monitoring firm for the project. The firm shall be responsible for inspection of construction sites and implementation of stormwater and erosion control ordinances. The firm shall provide weekly reports on all active permits to Dawson County.

Transportation

1. The site plan is conceptual in regards to the implementation of entry and exit points (i.e. driveways, entrances or exits) along roadways. The exact locations of project's entry and exit points must be determined by the Georgia Department of Transportation and the county engineer or designee.
2. A maximum of two access points shall be permitted on Stowers Road.
3. The developer shall be responsible for all improvements and mitigation measures for the section of Stowers Road between a single driveway and State Route 400 as necessary.
4. Owner/developer shall dedicate right of way to accommodate required new deceleration lanes to improve the section of Stowers Road as determined by the department of engineering, or designee, prior to approval of any land disturbance permit.

Satterfield/Dooley- Commissioner Fausett opposed the motion

ZA 22-24 - Jim King requests to rezone TMP 113-043-043 from CHB (Commercial Highway Business) to CIR (Commercial Industrial Restricted) for the purpose of developing office/warehouse space.

VR 22-26 - Jim King requests to vary from the Dawson County Land Use Resolution Article IV, Section 400.A Setback reduction of 25 feet instead of 100 feet for a building setback of 75 feet.

Planning & Development Director Sharon Farrell said the property was zoned in 2019 for shopping, retail, office and warehouse flex space. "Jim's back with us today to add new warehouse space, more of a sub-storage project, and he does have to rezone to CIR to get that product in there," she said. Farrell said the Planning Commission recommended approval of the application with stipulations.

Applicant Jim King said, "...On this particular piece of property, it's part of an earlier zoning we had, ZA 19-22, and during this zoning we rezoned the entire frontage of this property to commercial. Unfortunately, we did that in 2019; in 2020, the county adopted the CIR zoning, changed the ordinance and removed a lot of uses from CHB and published them in the CIR and, therefore, took away the rights that we had just gotten less than six months earlier when we rezoned it. Tonight, we're seeking to go back and recapture those rights, rezoning this, and it's only a small portion of what it was before. This is only the portion that's south of the power line." King added, "During that rezoning, part of the opposition on Kilough wanted to limit the uses on the commercial properties, and what we ended up doing is kind of a mediation for the zoning - was limiting the uses on everything north of the power line, but everything south of the power line had no limits on the uses. I noticed on the staff's recommended conditions, they ended up picking up

the restricted uses from north of the power line, so it's much more restrictive than what we had in 2019. We're asking now just to rezone it to CIR."

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 3-0 to approve ZA 22-24 and VR 22-26 with the following stipulations (these include stipulations concerning related ZA 19-22):

1. The development shall be developed in general accordance with the site plan approved with ZA 19-22 zoning application and ZA 22-24 sketch plan;
2. Inter-connect shall be provided to Commerce Drive as found in the zoning stipulations of ZA 19-22 zoning application;
3. All utilities shall be placed underground;
4. The commercial area is to be developed in phases. If disturbed, vegetation must be replanted prior to the issuance of the first final plat;
5. In areas along the Highway 400 frontage where an undisturbed buffer is less than 50 feet between the edge of pavement and the development is not maintained, 6-inch caliper canopy trees (oaks, maples, elms, etc.) shall be planted a minimum of 30 feet on center along the right of way;
6. A minimum 24- to 30-inch-tall shrubs shall be planted a minimum of 4 feet off center in a double row; and
7. The development must meet the Highway 400 Corridor guidelines.

Satterfield/Dooley

ZA 22-25 - Perry Betterton requests to rezone TMP 104-058 from RA (Residential Agriculture) to CHB (Commercial Highway Business) for the purpose of opening a retail trailer sales business.

VR 22-27 - Perry Betterton requests to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height.

Planning & Development Director Sharon Farrell said, "Mr. Betterton, two or three years ago, came in to the department and had some agricultural intentions with the property. However, to continue to use the property for dump-style, pull-around trailers, he will need to rezone it. Because of the Future Land Use, the only zoning districts that are consistent are CRB and CCB. So, that's why the staff report is kind of a hybrid of approval with a lot of triggers. Our intent was, we had to recognize the Future Land Use designation, basically, from the Etowah River all the way to the limits of the city, are either residential or crossroads commercial, which is supposed to be kind of a scenic corridor. We also were concerned with preserving the travel capacity of 53 and not to establish retail uses. So that's why the staff report is kind of lengthy, as far as what we would like to prohibit." She said the Planning Commission recommended approval of the application with stipulations.

Applicant Perry Betterton said, "I'm requesting to rezone the 2.8 acres on Highway 53 to CHB in order to do trailer sales. It's dump-trailers, as Sharon mentioned, so the volume thing, I don't expect much traffic. He also said he would like to sell seasonal produce and boiled peanuts, perhaps during the fall. "I originally planned to do that, a produce stand," he said, "However, the County Marshal said that I have to grow the produce there in order to sell it, so selling produce from other

places would require rezoning. I figured if I was going to rezone it, I would do that and do both - the trailer sales and the produce.”

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 3-0 to table ZA 22-25 and VR 22-27 indefinitely. Satterfield/Dooley

NEW BUSINESS:

Consideration of Request to Set Budget for Radio System Upgrade Construction Services RFP

Motion passed 3-0 to approve to set a budget of \$3,000,000 for a Radio System Upgrade project, utilizing Special Purpose Local Option Sales Tax VII funds. Fausett/Dooley

Consideration of Request for Approval of FY 2023 State Public Defender Contract

Motion passed 3-0 to approve a FY 2023 State Public Defender Contract. Satterfield/Fausett

Consideration of Request for Approval of FY 2023 Public Defender Intergovernmental Agreement Between Dawson and Hall Counties

Motion passed 3-0 to approve a FY 2023 Public Defender Intergovernmental Agreement Between Dawson and Hall Counties. Fausett/Satterfield

Consideration of Request by Emergency Services to Use Remaining Special Purpose Local Option Sales Tax VI Funds

Motion passed 3-0 to approve a Request by Emergency Services to Use \$172,650 in Remaining Special Purpose Local Option Sales Tax VI funds for multiple capital projects that were requested in the 2023 budget. Satterfield/Dooley

Consideration of RFP #408-22 - A & E Services for an Emergency 9-1-1 / Emergency Operations Center Building

Motion passed 3-0 to approve RFP #408-22 - A & E Services for an Emergency 9-1-1 / Emergency Operations Center Building; to accept the offers received and award a contract to Jericho Design Group in the amount of \$271,000, utilizing Special Purpose Local Option Sales Tax VII funds. Fausett/Dooley

Consideration of Proposed Changes to the Dawson County Employee Handbook Concerning Merit and Longevity Adjustments for Employee Evaluations

Motion passed 3-0 to approve Proposed Changes to the Dawson County Employee Handbook Concerning Merit and Longevity Adjustments for Employee Evaluations. Merit increases will be based on employee evaluations, with merit increases in 2023 taking effect in January 2023 and longevity increases in 2023 taking effect on an employee’s anniversary date of hire. Beyond 2023, both merit and longevity increases will take effect on an employee’s anniversary date of hire. Satterfield/Dooley

Consideration of 2023 Board of Commissioners Vice Chair Appointment

Motion passed 3-0 to appoint District 2 Commissioner Chris Gaines as the 2023 Board of Commissioners Vice Chair. Fausett/Satterfield

Consideration of Board Appointments:

• **Development Authority**

- Brian Trapnell- reappointment (Term: January 2023 through December 2026)
- Carroll Turner- reappointment (Term: January 2023 through December 2026)
- Lynn Jackson- replacing Tara Hardwick (Term: January 2023 through December 2026)

Motion passed 3-0 to approve the appointments of Brian Trapnell, Carroll Turner and Lynn Jackson to the Development Authority of Dawson County for terms of January 2023 through December 2026. Fausett/Dooley

• **Joint Development Authority**

- Mandy Power- reappointment (Term: January 2023 through December 2026)
- Carroll Turner- reappointment (Term: January 2023 through December 2026)
- Kevin Herrit- replacing John Drew (Term: January 2023 through December 2026)

Motion passed 3-0 to approve the appointments of Mandy Power, Carroll Turner and Kevin Herrit to the Joint Development Authority for terms of January 2023 through December 2026. Satterfield/Fausett

• **Planning Commission**

- Steve Sanvi (Chairman Appointee)- reappointment (Term: January 2023 through December 2024)
- Jason Hamby (District 1)- reappointment (Term: January 2023 through December 2024)
- John Maloney (District 2)- reappointment (Term: January 2023 through December 2024)
- Shelton Townley (District 3)- replacing Tim Bennett (Term: January 2023 through December 2024)
- Neil Hornsey (District 4)- reappointment (Term: January 2023 through December 2024)

Motion passed 3-0 to approve the appointments of Steve Sanvi (Chairman Appointee), Jason Hamby (District 1), John Maloney (District 2), Shelton Townley (District 3) and Neil Hornsey (District 4) to the Planning Commission for terms of January 2023 through December 2024. Dooley/Fausett

• **Tax Assessors**

- Jo Ann Overstreet Hause- reappointment (Term: January 2023 through December 2027)

Motion passed 3-0 to approve the appointment of Jo Ann Overstreet Hause to the Board of Tax Assessors for a term of January 2023 through December 2027. Fausett/Satterfield

• **EMS Advisory Council**

- Don Patterson- replacing Danny Thompson (Term: Through June 2024)
- Justin Mitchell- replacing Robby Lee (Term: Through June 2023)

Motion passed 3-0 to approve the appointments of Don Patterson and Justin Mitchell to the EMS Advisory Council for terms through June 2024 and June 2023, respectively. Satterfield/Fausett

- **Parks & Recreation**

- *Chad Coefield- reappointment (Term: January 2023 through December 2027)*

Motion passed 3-0 to approve the appointment of Chad Coefield to the Parks & Recreation board for a term of January 2023 through December 2027. Dooley/Fausett

Consideration of Request to Approve an Emergency Management Performance Grant Memorandum of Understanding

Motion passed 3-0 to approve an Emergency Management Performance Grant Memorandum of Understanding. Fausett/Satterfield

Consideration of Request to Apply for an Emergency Management Performance Grant

Motion passed 3-0 to approve a Request to Apply for an Emergency Management Performance Grant. Satterfield/Dooley

Consideration Rural / Urban Land Schedules, Permits Review and Appraiser LMC Inc. (McCormick Solutions) Agreement

Motion passed 3-0 to approve a Rural / Urban Land Schedules, Permits Review and Appraiser LMC Inc. (McCormick Solutions) Agreement; to cancel the Rural / Urban Land Agreement, along with all contract amendments and approve a new agreement, including all previous work with new calendar year dates and new appraiser work for 2023, and to approve an additional \$43,000 budget for the new work (funding will be moved from the Tax Assessor's salary budget to the Tax Assessor's professional services budget. Fausett/Dooley

Consideration of RFP #410-22 - Insurance Broker Services

Motion passed 3-0 to approve RFP #410-22 - Insurance Broker Services; to accept the offers received and award a contract to Mark III, with no direct cost to the county. Satterfield/Fausett

Consideration of Agreement with the Courts Concerning Use of American Rescue Plan Act Funds

Motion passed 3-0 to approve an Agreement with the Courts Concerning the Use of American Rescue Plan Act Funds. Fausett/Satterfield

Consideration of Intergovernmental Agreement with the City of Dawsonville and the Dawson County Board of Elections and Registration Relating to the 2023 Municipal Elections for the City of Dawsonville

Motion passed 3-0 to approve an Intergovernmental Agreement with the City of Dawsonville and the Dawson County Board of Elections and Registration Relating to the 2023 Municipal Elections for the City of Dawsonville. Dooley/Fausett

PUBLIC COMMENT:

District 3 Commissioner Tim Satterfield thanked the chairman for his leadership, the board, staff and employees. He said Dawson County has the finest employees, and "I applaud this board for recognizing that and taking care of them and hope the future board does the same thing. We've got to take care of our employees." Satterfield added, "I've enjoyed sitting up there. I wanted to tell the public that I thank them for supporting me and being behind me. I know you've got some of those people that are going to complain; they're going to complain about everything. I just want to let those few know that I've looked under every table on this second floor and I haven't found the money yet. They accuse of us taking money under the table. I encourage some of those people,

... instead of accusing or attacking our families, our person, get involved with the government ... and see how the county works. We don't get rich. Our employees don't get rich. They do this for the love of the county or the city they work in."

District 1 Commissioner Sharon Fausett said, "I just want everybody to know that it has been an honor and a pleasure, privilege, and a great opportunity to be allowed to serve, but it's been a struggle, too." She added, "I leave here, it's bittersweet. You may not have seen the last of me. You may hope so, but I don't know where I might show up. It's been a pleasure to work with everybody, to meet so many new people. We've just got some jam-up, good employees - just the best." Fausett read aloud a poem about Dawson County by Carol Taylor that "expresses how I feel about Dawson County."

Fellow board members thanked Commissioners Fausett and Satterfield, and the outgoing commissioners were given a flower arrangement in an engraved vase and an engraved decanter, respectively, for their service.

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk