

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – THURSDAY, JANUARY 19, 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; 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 3-0 to approve the Minutes of the Work Session held on December 15, 2022. Dooley/Gaines- Commissioner Stowers and Commissioner Bruce abstained

Motion passed 3-0 to approve the Minutes of the Voting Session held on December 15, 2022. Dooley/Gaines- Commissioner Stowers and Commissioner Bruce abstained

APPROVAL OF AGENDA:

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

- Addition of Nos. 3-9 Under New Business:
 - Request to Accept 2023 Criminal Justice Coordinating Council K9 Grant
 - Compensation of Court Bailiffs
 - FY 2023 Legacy Link Contract Addendum No. 1
 - Tennis and Pickleball Courts Renovation
 - Request to Submit Application for Local Maintenance & Improvement Grant (LMIG) Funding for FY 2023 to the Georgia Department of Transportation
 - Board Appointments:
 - **Industrial Building Authority**
 - Tony Passarello- *replacing Sherry Weeks* (Term: January 2023 through December 2026)
 - Carroll Turner- *replacing Calvin Byrd* (Term: January 2023 through December 2025)
 - **Parks & Recreation**
 - Audrey Goode- *replacing Spencer Wright* (Term: January 2023 through December 2027)
 - Tim Goodyear- *replacing Heather Tierney* (Term: January 2023 through December 2027)
 - Whitney Gravitt- *replacing Chris Conowal* (Term: January 2023 through December 2027)
 - Calvin Byrd- *replacing Tony Kellar* (Term: January 2023 through December 2027)

- Authorize the Chairman to Send a Letter to the Georgia Department of Public Health Requesting Funds for Furniture, Fixtures and Medical Equipment for a New Health Department Building

Gaines/Bruce

PUBLIC COMMENT:

None

PUBLIC HEARING:

Amendments to the Land Use Resolution (2nd of 2 hearings; 1st hearing was held at the December 20, 2022, Planning Commission Meeting)

Planning & Development Director Sharon Farrell reviewed proposed amendments to the Land Use Resolution.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on Amendments to the Land Use Resolution.

The following spoke on Amendments to the Land Use Resolution:

- Corey Guthrie, Dawsonville, Georgia, said, “A lot of these changes are for the betterment of Dawson County, and I work with whatever is presented to me. I’m a civil engineer and that’s my job and I don’t have a lot to say about your residential densities and lot requirements and whatnot, but there were a couple of sections that I had a particular interest in. One was about the home occupation section and basically,...when I read through it, I understood that home occupations and accessory structure is only allowed in RA zoning, more or less, and there’s a lot of language taken out of other residential zonings. I would love to see the board be more pro-business here in Dawson County and allow that home occupation that is allowed in RA in other residential zonings, maybe for lots that are one acre or larger because we don’t have a plethora of options for, say, white-collar jobs here in Dawson County. I think that would take away from some opportunities that we have,...and I live in RA so this really doesn’t affect me personally, but I do see an opportunity for Dawson County to be more welcoming to small businesses. Some of them are in the previous and the current Land Use, such as architects, brokers, counselors, clergy and so on. That’s in the current one. I can understand some hesitancy to allow some of these in residential zoning because it’s more of a commercial use, but we live in 2023 with better internet options moving in to Dawson County, finally. I think we can be more part of the greater community, not just in Dawson County, but we can reach more folks. So I, just basically, would love to see a chance to extend that to more folks to allow them the opportunity to operate a business at their residence.” Guthrie added, “The other big change that will affect a lot of folks, good and bad, are the increased buffers; the doubling of the buffers to 50 feet...”
- Michael Turner, Rowell, Georgia, said, “I’m here representing a significant amount of acreage in Dawson County as a land owner in the Turner Family Group and their land holdings, which represent thousands of acres here. We pay a lot of taxes and this is a lot of regulations, and there’s already a lot of land here that’s planned and divided up and you’re

adding regulations on those existing areas and it becomes even more difficult to try to sell those or utilize those. I had my engineer go through and analyze this. I'm not going to talk about nuts and bolts and parts and pieces..." Turner mentioned that he would like to connect with county staff to discuss the impact of the proposed amendments. "... You're taking our property by not allowing us to even use it in the density calculations ... These kinds of regulations kill housing. These kinds of regulations cause the value of the property to go down because, as a developer, as a property owner, I'm compensated based on what I can do on density and utilization of the property, and this kills those kinds of developments. Additionally, you expand the buffers, you take property away that can't be used. You expand the widths of the lots. It's OK to have the property in the development but, when you widen the lot, and I know you young folks are environmentally conscious, but if you talk about the carbon footprint, why do we add another 25 or 50 feet of street, sewer line, water line in a subdivision that doesn't have to be there because we've got some artificially constrained density requirement?"

- Warren Welch, Dawsonville, Georgia, said, "I think a lot of the changes are great, but there's a couple things that I do have questions or comments about. The constrained land in particular and, going to the net acreage, Mr. Turner hit on a lot of it already, but it's a big overstep of the property rights. ... The families that have built this county, and I'm not one of them, I'm a move-in and I'm proud I chose this as my home, but the families that built this county are getting bled dry and it's wrong, plain and simple. I don't think that was the intent of this, but we've got to take a really, really hard look at it because I think it's extremely unfortunate." Welch added, "As a private, tax-paying citizen, it concerns me with our litigation costs. I don't want to bear the burden of attorney bills. It's not fair. I don't want this." Welch said he owns 33 acres and he has chickens and roosters. "I don't think it's fair that I shouldn't be able to have roosters on my property," he said. "... Maybe there needs to be something but, if somebody shows up on our property to take our roosters, my little girl is going to cry. I think the intent there is good, too. There just needs to be some clarity." Welch noted that he is a real estate professional in the community, saying, "I think Sharon said 25-foot width for the townhomes, minimum, so we typically see 24- and 28-footers, so I think that 24 range would be advisable. Then lastly, the lot widths that are being pushed for - a lot of buyers don't want big lots. They just don't, plain and simple. Your young people with busy families, your older, active adults, they want to be on the road. They want to be on the go."
- Mark Byrd, Dawsonville, Georgia, said, "I just think we need to study this a little more. I know y'all have studied it. [The Board of Commissioners has] two new members; the other side here is land owners, and I ain't had time to study [all of this]. Anyway, that's the only thing I'd like for us to do. Maybe have group sessions with business owners or something. There is a lot of this that's good, don't get me wrong. But, somehow, we need to tweak this."

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

Motion passed 4-0 to table Amendments to the Land Use Resolution until March 2, 2023.
Gaines/Stowers

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

ZA 22-28 - Daniel Vargas-Hernandez requests to rezone TMP 095-146 from CHB (Commercial Highway Business) to CHI (Commercial Highway Intensive) for the purpose of moving his landscape and roll-off dumpster businesses.

Planning & Development Director Sharon Farrell said the zoning application was “a fairly unique case when it came in. Of course, the staff met with the applicant and, from my single-dimensional review and dealing with the applicant, [the property] had county commercial zoning and it’s fronting 53. [So we] took in the application and started working on it, and we’ve come to find out there are stipulations that went with the old zoning that the applicant did not have access to. Additionally, the GIS map will show the parcel, but it’s not been updated with the taper lane coming off of 53 and the property that the state purchased, so he doesn’t have access to 53. In working with Public Works, they can’t move the driveway down as he proposes in his application. So, as an applicant, he did everything right, but then this popped up and basically the zoning was for an antique shop.” Farrell added, “The home is to look residential in design and there was also a sunset clause, No. 4, that if it wasn’t constructed in two years, it doesn’t say the zoning is revoked, it just says ‘we’re not amending the classification for speculative purposes.’ So, for whatever reason, the parcel kept its zoning, but it has these stipulations.” Farrell noted the area has “grown into a nice, residential area. Clifton Drive - you climb the hill and you go back and there’s a lot of remodeling and a lot of construction going on, residentially speaking.” Farrell said the Planning Commission recommended denial of the application.

David Leffew, representing the applicant, said, “Quite honestly, we were shellacked in the [Planning Commission] meeting that we came to - not having all the information in front of us. We wrote a check for \$3,500 to Dawson County in good faith that ... this would be something that would be relatively non-consequential. In lieu of what we understand and taking into account the concerns of the community, we would just like to see if we could get our 3,500 bucks back and just say, ‘we understand.’”

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 to the application:

- Steven Mackler, Dawsonville, Georgia
- David Stewart, Dawsonville, Georgia
- Sarah Stewart, Dawsonville, Georgia
- Suzanne Peters, Dawsonville, Georgia
- Art Peters, 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 accept the applicant's request to withdraw the application, to refund a \$3,500 application fee to the applicant, and have staff work alongside the applicant to take remedial action concerning how the subject property needs to be zoned with a residential designation. Dooley/Bruce

NEW BUSINESS:

Ratification of Emergency Purchase of Main Breaker at Jail

Motion passed 3-0 to ratify an Emergency Purchase of a Main Breaker at the Jail at a cost of \$43,150; funds will come from General Fund's fund balance. Gaines/Dooley- Commissioner Stowers and Commissioner Bruce abstained

Ratification of Request for Authorization for the Chairman to Sign a Letter to be Sent to the Georgia Department of Transportation Requesting an Additional \$561,817 in Local Maintenance & Improvement Grant Funds

Motion passed 4-0 to ratify a Request for Authorization for the Chairman to Sign a Letter to be Sent to the Georgia Department of Transportation Requesting an Additional \$561,817 in Local Maintenance & Improvement Grant Funds. Bruce/Stowers

Consideration of Request to Accept 2023 Criminal Justice Coordinating Council K9 Grant

Motion passed 4-0 to approve a Request to Accept a 2023 Criminal Justice Coordinating Council K9 Grant. Gaines/Bruce

Consideration of Request of Compensation of Court Bailiffs

Motion passed 3-0 to approve a Request of Compensation of Court Bailiffs, increasing compensation from \$85 to \$100 a day, effective February 1, 2023. Bruce/Dooley- Commissioner Stowers abstained

Consideration of FY 2023 Legacy Link Contract Addendum No. 1

Motion passed 4-0 to approve a FY 2023 Legacy Link Contract Addendum No. 1. Dooley/Gaines

Consideration of Tennis and Pickleball Courts Renovation

Motion passed 4-0 to approve to proceed with Tennis and Pickleball Courts Renovation, not to exceed \$98,000; funds will come from remaining Special Purpose Local Option Sales Tax VI funds. Gaines/Bruce

Consideration of Request to Submit Application for Local Maintenance & Improvement Grant (LMIG) Funding for FY 2023 to the Georgia Department of Transportation

Motion passed 4-0 to approve a Request to Submit an Application for Local Maintenance & Improvement Grant (LMIG) Funding for FY 2023 to the Georgia Department of Transportation. Stowers/Gaines

Consideration of Board Appointments:

- **Industrial Building Authority**
 - Tony Passarello- replacing Sherry Weeks (Term: January 2023 through December 2026)
 - Carroll Turner- replacing Calvin Byrd (Term: January 2023 through December 2025)

• **Parks & Recreation**

- Audrey Goode- replacing Spencer Wright (Term: January 2023 through December 2027)
- Tim Goodyear- replacing Heather Tierney (Term: January 2023 through December 2027)
- Whitney Gravitt- replacing Chris Conowal (Term: January 2023 through December 2027)
- Calvin Byrd- replacing Tony Kellar (Term: January 2023 through December 2027)

Motion passed 4-0 to appoint Tony Passarello and Carroll Turner to the Industrial Building Authority for terms of January 2023 through December 2026 and December 2025, respectively, and Audrey Goode, Tim Goodyear, Whitney Gravitt Bennett and Calvin Byrd to the Parks & Recreation board for terms of January 2023 through December 2027. Dooley/Stowers.

Consideration to Authorize the Chairman to Send a Letter to the Georgia Department of Public Health Requesting Funds for Furniture, Fixtures and Medical Equipment for a New Health Department Building

Motion passed 4-0 to Authorize the Chairman to Send a Letter to the Georgia Department of Public Health Requesting Funds for Furniture, Fixtures and Medical Equipment for a New Health Department Building. Gaines/Bruce

PUBLIC COMMENT:

None

ADJOURNMENT:

EXECUTIVE SESSION:

Motion passed 4-0 to enter into Executive Session to discuss personnel and real estate. Gaines/Dooley

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

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk