

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – SEPTEMBER 19, 2019
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
6:00 PM**

ROLL CALL: Those present were Chairman Thurmond; Commissioner Fausett, District 1; Commissioner Satterfield, District 3; Commissioner Nix, District 4; County Manager Headley; Interim County Attorney Davis; County Clerk Cloud; and interested citizens of Dawson County. District 2 Commissioner Gaines was not present.

Motion passed 3-0 to come out of Executive Session. Fausett/Nix

OPENING PRESENTATIONS:

*Recognition of Boy Scout Troop 422 and Blake Wood - Eagle Scout Project- Senior Services
Director Dawn Pruett*

Development Authority of Dawson County Update (DADC)- DADC Chairman Brian Trapnell

In addition to Development Authority of Dawson County (DADC) Chairman Brian Trapnell's DADC update, he introduced Corey and Christina Stalnaker. The couple announced that it planned to soon open Launch Trampoline Park in 30,000 square feet of the former Kroger building in the Dawson Village shopping center at highways 53 and 400.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed 3-0 to approve the Minutes of the Work Session held on September 5, 2019. Nix/Satterfield

Motion passed 3-0 to approve the Minutes of the Voting Session held on September 5, 2019. Fausett/Nix

APPROVAL OF AGENDA:

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

- Addition of No. 6 under New Business:
 - FY 2020 Legacy Link Contract for Nutrition Program Services Addendum No. 1

Nix/Satterfield

PUBLIC COMMENT:

None

ZONINGS:

Chairman Thurmond announced that if anyone had 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 19-12 – Jan Butterworth requests the rezoning of TMP 037-037 from RA (Residential Agriculture) to RSR (Residential Sub-Rural).

Planning & Development Director Jameson Kinley said the applicant wishes to rezone 10.03 acres at 105 Holcomb Road with the proposed use of giving her child four acres. Kinley said the rezoning request does not meet the county's Comprehensive Plan because "that area is zoned for Residential Agriculture." He added that now, under Residential Agriculture zoning, lots must be a minimum of five acres. "In order to give her child four acres, she has to rezone the property....," said Kinley. The Planning Commission recommends approval of the application.

Applicant Jan Butterworth said she gave her daughter four acres approximately two and a half years ago "before this rule was interpreted to be five acres." Butterworth said she now wishes to give her son an equal amount of acreage (four acres).

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 deny ZA 19-12. Fausett/Nix- Commissioner Satterfield opposed the motion and Chairman Thurmond voted in order for the item to pass

ZA 19-13 – Jim King on behalf of Charles Turner requests the rezoning of TMP 107-319-007 from CPCD (Commercial Planned Community Development) to CHB (Commercial Highway Business).

Planning & Development Director Jameson Kinley said the applicant requests to rezone 4.3 acres for the proposed use of a used car lot. The property is located at the corner of Highway 400 and Blue Ridge Parkway. Kinley said the proposed use is in line with the county's Comprehensive Plan. He said the Planning Commission recommends approval of the application.

Jim King of Ensite Civil Consulting in Dawsonville, Georgia, representing the applicant, said the applicant purchased the property in 2006 when "everything was thriving ... Mr. Turner is in the car business and that is the reason he bought the lot." King said, during the downturn, the applicant chose not to build at that time" but now wishes to move forward with building a "new corporate (car sales) facility there."

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 was made by Commissioner Nix, and seconded by Commissioner Fausett, to approve ZA 19-13.

Motion was made by Commissioner Satterfield, and seconded by Commissioner Nix, to amend the original motion to include the following stipulation:

- The applicant shall follow the Highway 400 Corridor guidelines.

The amended motion passed 3-0.

The original motion passed 3-0.

ZA 19-14 – Miles Hansford & Tallant LLC requests the rezoning of TMP L05-040, L05-041 and L05-097 from RSR (Residential Sub-Rural) and CHB (Commercial Highway Business) to CHB (Commercial Highway Business).

Planning & Development Director Jameson Kinley said the applicant wishes to rezone three properties, two of which currently are zoned Residential Sub-Rural and one which already is zoned Commercial Highway Business (CHB), to “one larger CHB property in order to construct a boat storage facility.” The property is located on the northeast corner of Price and Toto Creek Park roads. Kinley said “the property does not conform with the Future Land Use map in our Comprehensive Plan.” He noted that the CHB-zoned parcel was rezoned in 1999 for the use of a restaurant; in 2000, a variance was granted to allow for a boat storage facility under certain conditions. Kinley said the “Planning Commission does not have a recommendation for this property.” Kinley said there was a motion and a second to approve the application by the Planning Commission at its August 2019 meeting; however, one commissioner opposed the motion and the chairman abstained.

Attorney Ethan Underwood of Miles Hansford & Tallant in Cumming, Georgia, representing the applicant, said “there are a lot of unattractive boat storage facilities and I’m afraid that jades a lot of people’s perception of what that application would look like.” The applicant, Stuart Scruggs, looks to “set a new standard for Dawson County,” said Underwood. He said some neighbors of the proposed boat storage facility have expressed concerns, particularly regarding traffic, and the effect on their privacy and quality of life. Underwood said Scruggs is “adamant that he wants to protect his neighbors’ property value,” adding that the applicant, if the Board of Commissioners (BOC) desires, is “happy to postpone the decision tonight to meet more with the neighbors.” He invited the BOC to participate in any meetings. Underwood said 60 feet of buffering that includes a berm is proposed to protect neighbors’ interests,” adding that “with adequate landscaping, this can be done properly.” Underwood said a boat storage facility is a good use for the community; it’s a good use for complementing the Comprehensive Plan ... it’s a good use for getting rid of, frankly, a weak commercial zoning - and our folks are very, very adamant about trying to protect their relationship with the neighbors and to let them enjoy their property as we’re asking to be able to enjoy this property.” Underwood said the applicant is willing to meet all stipulations set forth by the Planning Commission in its motion and has proposed additional stipulations.

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:

- Gary Smith, Dawsonville
- Tim Costley, Dawsonville
- Terrence Sicilia, Dawsonville

The following spoke against the application:

- David Picklesimer, Dawsonville
- Pat Ebersole, Dawsonville

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

Motion passed 3-0 to table ZA 19-14 until the October 17, 2019, Voting Session. Satterfield/Nix

PUBLIC HEARING:

Proposed County Vape Shop Ordinance (1st of 1 hearing)

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on the Proposed County Vape Shop Ordinance.

The following spoke on the Proposed County Vape Shop Ordinance:

All speakers, representing vape shops and the overall vape community, expressed opposition to the Proposed County Vape Shop Ordinance as presented, citing numerous factors – including the proposed ordinance failing to address convenience store sales of vaping-related items, its ban on flavors and its 21-to-buy age restriction. Speakers noted that legitimate and law-abiding vape shops aim to help their customers quit smoking cigarettes by offering a safe alternative with lawful vape products. Speakers encouraged the Board of Commissioners to meet with vape community representatives to develop a “reasonable” ordinance.

- Nicholas Moore, Atlanta
- Jamie Wheatley, Dawsonville
- Bobby Lewis, Dawsonville
- Evan Cochran
- James Hyman
- Dieter Sellers, Lawrenceville
- Logan McQueen, Gainesville
- Patricia Chastain, Dallas
- Joshua Blain, Dawsonville
- Renee Richards, Dawsonville
- Brian McReynolds, Villa Rica
- Susan Stutzman, Dallas
- Tyler Gonzalez, Dawsonville
- Tara Alexander, Lula
- Jeffrey Smith, Dawsonville
- Aaron Shatney, Warner Robins
- Karen Norris, Gwinnett County
- Noah Richardson
- Sam Lachapelle, Woodstock
- Jon Alfred, Ringold
- Ryan Howard, Athens
- Beth Martin, Dawsonville
- Wayne Mitchell, Lawrenceville

- Nick Jebeles
- Cassie Jonas
- Juan Tirado

Chairman Thurmond asked if there was anyone else present who wished to speak on the Proposed County Vape Shop Ordinance and, hearing none, closed the hearing.

Motion passed 3-0 to table the Proposed County Vape Shop Ordinance until further information can be obtained. Nix/Satterfield

UNFINISHED BUSINESS:

Land Use Resolution Fee Schedule Update (Tabled from the September 5, 2019, Voting Session following the 2nd of 2 Public Hearings on the item.)

Motion passed 3-0 to approve the Land Use Resolution Fee Schedule Update (Option 1). Nix/Fausett

NEW BUSINESS:

Consideration of Funding Request for Fire Hydrants

Motion passed 3-0 to approve the Funding Request for Fire Hydrants. The amount of \$27,029 will come from General Fund Contingency. Satterfield/Fausett

Consideration of Request for Memorandum of Understanding with Georgia Emergency Management Agency Concerning New Grants Management System

Motion passed 3-0 to approve the Request for Memorandum of Understanding with Georgia Emergency Management Agency Concerning a New Grants Management System. Nix/Satterfield

Consideration of IFB #332-19 - Construction Services for the Senior Services Center - Community Development Block Grant

Motion passed 3-0 to approve IFB #332-19 - Construction Services for the Senior Services Center - Community Development Block Grant (CDBG); to accept the bid submitted and negotiated and award a contract to Diversified Construction of Georgia, not to exceed the amount of \$2,054,853 – which includes the addition of a \$10,000 contingency and \$75,000 for the addition of a metal roof for IFB #332-19. The motion includes the acceptance and utilization of a donation in the amount of \$945,014.90 and approval of the use of \$100,000 for an awning and furniture for the new senior center. Funding shall be approved from the donation fund, CDBG funds and the remainder \$686,556 from General Fund’s fund balance. Fausett/Satterfield

Consideration of 2019 County Surplus List

Motion passed 3-0 to approve the 2019 County Surplus List, to include three additional items - a 2006 Dodge Charger, Dollar General building steel and miscellaneous lot of old air-conditioning units from the detention center - that were added to the original list presented to the BOC on September 5, 2019. Satterfield/Fausett

Consideration of Annexation #C2-000024

This item was for information only; no action necessary.

Consideration of FY 2020 Legacy Link Contract for Nutrition Program Services Addendum No.

1

Motion passed 3-0 to approve the FY 2020 Legacy Link Contract for Nutrition Program Services Addendum No. 1. Fausett/Nix

PUBLIC COMMENT:

None

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk