

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – JULY 15, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
6:00 PM**

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

ROLL CALL: Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that the next Board of Commissioners meeting would be held on August 5, 2021.

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on July 1, 2021. Fausett/Dooley

Motion passed 4-0 to approve the Minutes of the Voting Session held on July 1, 2021. Satterfield/Fausett

APPROVAL OF AGENDA:

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

SU 21-02 - Robert Garner requests a special use of TMP 078-001-002 for the purpose of placing a mobile home on less than 5 acres in a RA (Residential Agriculture) zoning.

Planning & Development Director Jameson Kinley said the applicant purchased the property in April 2021 and would like to place a manufactured home on the property. He said the Planning Commission recommended approval of the application with the following stipulations: manufactured home shall be placed on a permanent foundation; the home shall be skirted with concrete, concrete block or brick; a power meter shall be placed on the structure and not on a

separate pole; the home shall be at least 1,200 square feet; and the home shall include variable façade, including offsets, window trims with shutters.

Applicant Robert Garner said he would like to put a new doublewide mobile home on his 2.64-acre property on Dollar Road near the Lumpkin County line. He said, "I'm getting a little older. I've owned three houses in my lifetime, and we have one right behind the outlet mall now, and there's a lot of big subdivisions going in. I'd like to be able to move away from the corridor and get over here a little bit where I grew up in the country."

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 Dooley and seconded by Commissioner Satterfield to approve SU 21-02.

Motion was made by Commissioner Dooley and seconded by Commissioner Satterfield to amend the original motion to include the following stipulations:

1. The home shall be placed on a permanent foundation;
2. The home shall be skirted with concrete, concrete block or brick;
3. A power meter shall be placed on the structure and not on a separate pole;
4. The home shall be at least 1,200 square feet;
5. The home shall include variable façade, including offsets, window trims and shutters; and
6. The home shall be set 300 feet from the right of way.

Motion passed 4-0 to approve the original motion. Dooley/Satterfield

Motion passed 4-0 to approve the amended motion. Dooley/Satterfield

VR 21-12 - Sal Rincione on behalf of Crave BBQ requests to vary from the Dawson County Alcohol Ordinance Chapter 6 Article II Section 6.31 - Poured alcoholic beverages shall be transported from point of dispensing to the customer by permitted employees only - for the purpose of operating a self-serving beer wall.

Planning & Development Director Jameson Kinley said Crave BBQ opened in 2018 and, at that time, "the county required him to construct a wall" by which an employee stands in front of the beer wall, dispenses the alcohol and then gives it to patrons. Kinley said the recent alcohol ordinance update allows variance requests and the applicant seeks to "vary from this specific regulation. He's not looking to vary from the intent of the regulation."

Applicant Sal Rincione said he is the founder of Crave Hot Dogs and BBQ. Rincione gave a history of the company and "how the wall works." He said the first Georgia store the Crave franchise built was in Dawsonville. He said a patron must have a credit card and a driver's license in order to use Crave's beer wall. "We have the same exact technology that the TSA has in airports, so we're going to scan your driver's license, said Rincione. "We're going to verify that it is you. We're going to put you into our system. Then we're going to scan your credit card and open a tab, just like any tavern would do ... Then we're going to activate an RFID wristband. That RFID wristband is activated with the equivalent of two pints of beer that you're able to pour. When you go up to the beer wall, we have a position called the 'tapologist' that is our beer expert and that's the person who watches the dining area and watches the wall. In order

to pour beer out of it you have to activate the tap handle ... The wristband activates the tap handle. Once it activates, your information comes up [and reports how many ounces can be poured].” Rincione added, “You only pay for what you pour ... Once you’ve exhausted two pints of beer, [the wall] will automatically cut you off. You cannot pour anymore beer. You’re done.” He noted the importance of the beer wall to the brand, calling it an attraction, an experience for the customer and a boon to sales. “Please allow us to utilize the wall for what it was intended for,” said Rincione. “We have all of the safety measures in place ... We’ve put a lot of thought, time and effort into this system, and I can assure you we are very keen to the safety of our guests that dine in our locations and the safety of everyone.”

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 VR 21-12. Satterfield/Gaines

ZA 21-08 - Jim King requests to rezone 30.48 acres of TMP 114-033-005 from RA (Residential Agriculture) to RMF (Residential Multi-Family) for the purpose of developing a 145 semi-attached residential neighborhood.

ZA 21-11 - Jim King requests to rezone 23.11 acres of TMP 114-033-005, 114-018, 114-033-001 and 114-046-001 from RA (Residential Agriculture) and CCB (Commercial Community Business) to CHB (Commercial Highway Business) for the purpose of building a retail/office/warehouse space. (Tabled from the June 17, 2021, Voting Session, at which time a first public hearing was held)

Planning & Development Director Jameson Kinley presented ZA 21-08 and ZA 21-11 in tandem since they concern a common project. Kinley said the project has access to Highway 53, a major arterial road for Dawson County, and Dawson Forest Road “matures as one of our major collector roads.” Kinley said, “The intersection of these two roads is slated for a traffic control improvement, which would actually help support the added traffic that this development would bring to that area.” Kinley added that the applicant will need Georgia Department of Transportation approval for these access points for this project, according to the Public Works department; the Sheriff’s Office would require additional positions as the 400 Corridor grows. “The Future Land Use map for this parcel is identified as Commercial Highway Business within the Comprehensive Plan, Residential Multi-Family is a sub-section of the Commercial Highway Business character area,” said Kinley. “With that being said, these two requests, when taken as a whole, would be better suited for zoning of Commercial Planned Comprehensive Development as requested by Planning & Development. A CPCD zoning would allow more control of the development by the Board of Commissioners and require a site-specific plan to be designed for the project.”

Applicant Jim King said the site plan makes arrangements for the commercial parcels, “so they can fit better...” King added it now provides for a “nice street front, streetscape.” He said the development will be a “live, work, play community.” The piece of property is “actually bordered on three sides by other apartment developments” and the other side by Walmart, according to King. “All these apartment developments were developed at six units per acre,” he said. “We are asking under five units per acre on this particular development. We worked very diligently with staff on trying to create some conditions that both control the aesthetic appearance of the development along with the interconnectivity with it, and also creating some things for the

county in the way of pedestrian access, which will fall in line with the county's new pedestrian trail plan..." He added, "One of the things we are doing is providing a multi-use trail that connects Dawson Forest through this development over to Farmington [apartment development]. We were unable to get Farmington to allow us to continue it through their property because they're funded by HUD..." King read aloud a list of stipulations.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the applications and, hearing none, closed the hearing.

Motion passed 3-1 to approve ZA 21-08 with the following stipulations:

The property that is the subject of this application has been proposed to be developed as a common project with development of property that is the subject of application ZA 21-11. As a result, stipulations attached to this property listed below includes stipulations that are applicable to application ZA 21-11 but are included for information purposes with respect to ZA 21-08. References to the residential portion shall refer to the development of this property while reference to the commercial portion shall refer to the development of the property that is the subject of ZA 21-11.

1. The development shall be developed in general accordance with the site plan approved with this rezoning;
2. Developer agrees to place restrictions on rentals within the residential portion of the development. These restrictions shall be made a part of the declaration of covenants;
3. Fully attached units/townhomes shall be prohibited within this development;
4. Developer agrees to use a minimum of six different residential building elevations to avoid a cookie-cutter look within the community. Similar front facades shall not be placed adjacent to or across the street from each other. Elevations shall be similar to the photos provided and must be approved by the Planning director prior to issuance of a building permit;
5. In lieu of a buffer, a 20-foot landscape strip shall be planted between the commercial and residential uses. This landscape strip shall include at least 1 3- to 4-inch-wide tree and 10 3-gallon evergreen shrubs per 20 linear feet of landscape strip;
6. Developer shall contribute \$125,000 (\$250,000 total concerning both ZA 21-08 and ZA 21-11) toward the construction of the intersection improvements at the intersection of State Route 53 and Dawson Forest Road. Funds shall be made available before the issuance of the land disturbance permit;
7. The development shall have 5-foot sidewalks along both sides of the street throughout the residential portion of the development per the Dawson County Land Use Resolution. The commercial portion shall have 5-foot sidewalks along at least one side of all connecting internal streets and an 8-foot sidewalk along Dawson Forest Road and Highway 53 across the entire frontage;
8. Developer shall construct and maintain a mulch trail connecting the development, Dawson Forest Road and the Farmington Apartments along the creek as shown on the approved site plan;
9. Developer shall construct a left turn lane on Dawson Forest Road and align its entrance with the center entrance of the Pendler apartment development on the opposite side;
10. In addition to the requirements of the Buffer, Landscape and Tree ordinance, street trees shall be required outside of the rights of way of both Highway 53 and Dawson

- Forest Road. In addition, street trees shall be required along all roadways within the multi-family portion of this development. Developer shall plant at least 1 3- to 4-inch-wide canopy-type (oak, maple, elm, etc.) street tree in each front yard (and side yard on corner lots) adjacent to residential streets;
11. All grassed areas on dwelling lots shall be sodded;
 12. All utilities shall be placed underground;
 13. Development shall have covenants that require maintenance of the landscaped entrance area, open space and amenity areas by a mandatory Homeowners Association;
 14. Homes shall have a minimum front setback of 20 feet and/or 24 feet minimum distance from the garage door to the sidewalk;
 15. Each home in the development shall not have less than a two-car enclosed garage. Garage doors shall have the appearance of “carriage-style” doors and be painted a medium/dark earth-tone color;
 16. Homes shall include a full front façade on the first floor and water table along the sides of brick or stone. The remaining façade must include a combination of at least two of the following: board and batten, shake, or lap fiber cement siding. There shall be no vinyl or aluminum siding. The facades should be earth tone in color that shall be determined by the Planning department staff;
 17. Homes shall be a minimum of 2,000 square feet of heated space. All homes shall have a minimum of two car garages and a driveway of sufficient width to provide for at least two parked cars side by side with a minimum of 24 feet between the garage and sidewalk;
 18. The commercial and residential land disturbance permit applications shall be submitted and approved simultaneously. For purposes of this stipulation, “pad ready” shall mean completion of grading to flat with all infrastructure such as connecting roads/drives, stormwater systems with stub outs for water and sewer connections;
 19. Upon the issuance of 72 Certificates of Occupancy for the residential development, actual “vertical” construction of at least one of the commercial outparcels A-J must be complete before any additional Certificates of Occupancy will be issued for residential development;
 20. Provide inter-parcel access between the building labeled “J,” which lies to the west of the detention pond and the Walmart/Home Depot complex via T.F. Hughes Road;
 21. A maximum two curb cuts along Highway 53 and three curb cuts along Dawson Forest Road shall be permitted;
 22. All stormwater infrastructure within the development shall be interconnected and utilize shared detention;
 23. Developer shall maintain a planted or natural buffer around the gravesites located on the far west portion of the property. Developer shall also erect or maintain a security fence around said gravesite to prevent vandalism;
 24. The residential portion of the development shall provide signage prohibiting parking in the street;
 25. Project shall be subject to all additional ordinances and regulations of Dawson County when requirements are noted during the civil review of said development; and
 26. All roads shall be paved up to standards as prescribed by the Public Works department of Dawson County with curb and gutter, which shall tie into the master stormwater system.

Satterfield/Gaines- Commissioner Fausett opposed the motion

Motion passed 4-0 to approve ZA 21-11 with the following stipulations:

The property that is the subject of this application has been proposed to be developed as a common project with development of property that is the subject of application ZA 21-08. As a result, stipulations attached to this property listed below includes stipulations that are applicable to application ZA 21-08 but are included for information purposes with respect to ZA 21-11. References to the commercial portion shall refer to the development of this property while reference to the residential portion shall refer to the development of the property that is the subject to ZA 21-08.

1. The development shall be developed in general accordance with the site plan approved with this rezoning;
2. Developer agrees to place restrictions on rentals within the residential portion of the development. These restrictions shall be made a part of the declaration of covenants;
3. Fully attached units/townhomes shall be prohibited within this development;
4. Developer agrees to use a minimum of six different residential building elevations to avoid a cookie-cutter look within the community. Similar front facades shall not be placed adjacent to or across the street from each other. Elevations shall be similar to the photos provided and must be approved by the Planning director prior to issuance of a building permit;
5. In lieu of a buffer, a 20-foot landscape strip shall be planted between the commercial and residential uses. This landscape strip shall include at least 1 3- to 4-inch-wide tree and 10 3-gallon evergreen shrubs per 20 linear feet of landscape strip;
6. Developer shall contribute \$125,000 (\$250,000 total concerning both ZA 21-08 and ZA 21-11) toward the construction of the intersection improvements at the intersection of State Route 53 and Dawson Forest Road. Funds shall be made available before the issuance of the land disturbance permit;
7. The development shall have 5-foot sidewalks along both sides of the street throughout the residential portion of the development per the Dawson County Land Use Resolution. The commercial portion shall have 5-foot sidewalks along at least one side of all connecting internal streets and an 8-foot sidewalk along Dawson Forest Road and Highway 53 across the entire frontage;
8. Developer shall construct and maintain a mulch trail connecting the development, Dawson Forest Road and the Farmington Apartments along the creek as shown on the approved site plan;
9. Developer shall construct a left turn lane on Dawson Forest Road and align its entrance with the center entrance of the Pendler apartment development on the opposite side;
10. In addition to the requirements of the Buffer, Landscape and Tree ordinance, street trees shall be required outside of the rights of way of both Highway 53 and Dawson Forest Road. In addition, street trees shall be required along all roadways within the multi-family portion of this development. Developer shall plant at least 1 3- to 4-inch-wide canopy-type (oak, maple, elm, etc.) street tree in each front yard (and side yard on corner lots) adjacent to residential streets;
11. All grassed areas on dwelling lots shall be sodded;
12. All utilities shall be placed underground;

13. Development shall have covenants that require maintenance of the landscaped entrance area, open space and amenity areas by a mandatory Homeowners Association;
14. Homes shall have a minimum front setback of 20 feet and/or 24 feet minimum distance from the garage door to the sidewalk;
15. Each home in the development shall not have less than a two-car enclosed garage. Garage doors shall have the appearance of “carriage-style” doors and be painted a medium/dark earth-tone color;
16. Homes shall include a full front façade on the first floor and water table along the sides of brick or stone. The remaining façade must include a combination of at least two of the following: board and batten, shake, or lap fiber cement siding. There shall be no vinyl or aluminum siding. The facades should be earth tone in color that shall be determined by the Planning department staff;
17. Homes shall be a minimum of 2,000 square feet of heated space. All homes shall have a minimum of two car garages and a driveway of sufficient width to provide for at least two parked cars side by side with a minimum of 24 feet between the garage and sidewalk;
18. The commercial and residential land disturbance permit applications shall be submitted and approved simultaneously. For purposes of this stipulation, “pad ready” shall mean completion of grading to flat with all infrastructure such as connecting roads/drives, stormwater systems with stub outs for water and sewer connections;
19. Upon the issuance of 72 Certificates of Occupancy for the residential development, actual “vertical” construction of at least one of the commercial outparcels A-J must be complete before any additional Certificates of Occupancy will be issued for residential development;
20. Provide inter-parcel access between the building labeled “J,” which lies to the west of the detention pond and the Walmart/Home Depot complex via T.F. Hughes Road;
21. A maximum two curb cuts along Highway 53 and three curb cuts along Dawson Forest Road shall be permitted;
22. All stormwater infrastructure within the development shall be interconnected and utilize shared detention;
23. Developer shall maintain a planted or natural buffer around the gravesites located on the far west portion of the property. Developer shall also erect or maintain a security fence around said gravesite to prevent vandalism;
24. The residential portion of the development shall provide signage prohibiting parking in the street;
25. Project shall be subject to all additional ordinances and regulations of Dawson County when requirements are noted during the civil review of said development; and
26. All roads shall be paved up to standards as prescribed by the Public Works department of Dawson County with curb and gutter, which shall tie into the master stormwater system.

Satterfield/Dooley

ZA 21-12 - Martin Labaca requests to rezone TMP 076-126 from RSR (Residential Sub-Rural) to RA (Residential Agriculture) for the purpose of down zoning the parcel.

Planning & Development Director Jameson Kinley said the applicant requests to downzone the property off Kelly Bridge Road for the purpose of constructing an “accessory structure without

primary structure” to store a “boat, jet skis and tools.” Kinley said the applicant purchased the property but, when a soil level analysis was performed, results indicated the property was not suitable for a septic system. Kinley said the Planning Commission recommended denial of the application.

Applicant Martin Labaca said he purchased the property in June 2020 and he “tried to actually get a permit for septic, did a soil test, soil base, everything.” He said the Environmental Health Department reported a septic system could not be installed on the property because the “water tables were too shallow.” Labaca said, “At least I want to use [the property] to actually store my vehicles, some tools, my personal stuff because I don’t know what else to do with that acre and a quarter.”

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 21-12. Gaines/Dooley- Commissioner Fausett opposed the motion

NEW BUSINESS:

Consideration to Move Forward with a Public Hearing for a Timber Harvest Ordinance Update
Motion passed 4-0 to approve to Move Forward with a Public Hearing for a Timber Harvest Ordinance. Fausett/Satterfield

Ratification of Emergency Purchase for Installation of a New Commercial Hot Water Heater at Fire Station 1 from K.E. Greene Mechanical/Hydronics for \$11,937.78

Motion passed 4-0 to approve to ratify an Emergency Purchase for Installation of a New Commercial Hot Water Heater at Fire Station 1 from K.E. Greene Mechanical/Hydronics for \$11,937.78. Satterfield/Fausett

PUBLIC COMMENT:

Candy Hewatt, Dawsonville, Georgia, said there are concerns regarding the apartment complex where she lives. She said she also speaks for some other tenants who are “scared to speak for themselves” who are “on the voucher program, the rural development program.” Hewatt said the landlord “is going up on the rent, no inspection, it’s unhealthy, it’s unsafe.” She added, “Something’s got to be done. Are there any type of stipulations that can be put on landlords - on how much they can raise your rent? People are going to be put out on the street.”

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk