

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – OCTOBER 17, 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 Gaines, District 2; Commissioner Satterfield, District 3; Commissioner Nix, District 4; County Manager Headley; Interim County Attorney Davis; County Clerk 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 November 7, 2019.

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on October 3, 2019. Satterfield/Nix

Motion passed 4-0 to approve the Minutes of the Voting Session held on October 3, 2019. Fausett/Gaines

APPROVAL OF AGENDA:

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

- Addition of No. 6 under New Business:
 - Public Defender Request to Use Surplus Funds to Cover Furlough Days for State Employees

Nix/Fausett

PUBLIC COMMENT:

Attorney Ethan Underwood of Miles Hansford & Tallant in Cumming, Georgia, representing the applicant of ZA 19-14, thanked the board for giving the applicant another 30 days to work with neighbors to address concerns regarding the proposed Toto Creek Park Road boat storage facility. He said there were two people who spoke in opposition during the public hearing for ZA 19-14. Underwood said, “One of the neighbors we spent a good bit of time with after the meeting” and the issue of preserving “more of the rural appearance on Price Road” was raised. Underwood said the applicant is committed to doing that, “to limiting his grading there” and supplementing it with additional planters. He said the “adjoining property owner, Ms. Dills, is still not in support of the application, and we appreciate that. We understand that sometimes you don’t get everyone in favor of an application.” Underwood requested the board consider that a significant portion of property is already zoned for boat storage. “It is going to be developed for a commercial use, and frankly there are very limited restrictions, if any, on the use in this CHB

(Commercial Highway Business) zoning,” he said. Underwood asked the board to consider “what is best for the area.” Based on a market study, Dawson County residents currently drive to different jurisdictions for boat and RV storage, according to Underwood. “They’d like to have that here in this area,” he added. He said the property’s current zoning has “very limited conditions, very few restrictions. This would clean up an outside zoning. It would provide a use for a piece of property that you have some predictability, the neighbors would have predictability. It would provide more protection in buffering and landscaping for Ms. Dills and it also would serve the people of Dawson County.” Underwood added that he thinks “we’ve done as much as we can. As I said, I’ve done zoning law for a long time. If we can get down to just a couple of people we think we’ve got a good project. We hope you all will support this...”

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 19-14 – 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). (Tabled from the September 19, 2019, Voting Session Following a Public Hearing)

Motion passed 4-0 to deny ZA 19-14. Fausett/Nix

ZA 19-17 – Dawson County requests a zoning stipulations update of property located at TMP 106-055-001 through 174 from CPCD (Commercial Planned Community Development) to CPCD (Commercial Planned Community Development).

VR 19-13 – Dawson County requests a variance of the Land Use Resolution Article No. 404, Section C.1 (Commercial Planned Community Development, CPCD, with a residential component must be a minimum area of 20 contiguous acres); Article No. 404, C.5 (CPCD shall have a minimum of two distinct types of land use. A minimum of 50 percent of the project shall consist of either commercial, office, public, personal service, restaurant or similar use); Article No. 404, Section C.7.c (Residential units may be developed up to a maximum density of six units per acre up to a maximum of 100 units); and Article No. 404, Section 11.a (The amount of open space or natural space required shall be no less than 30 percent of the development) for TMP 106-055-001 through 174.

Planning & Development Director Jameson Kinley said the application submitted by Dawson County updates stipulations based on conversations with legal counsel, Riley Place residents and the original applicant of ZA 18-01. He said the application is accompanied by a variance request to the zoning file, per legal counsel recommendations. Kinley said the primary portion of the application updates the site plan. Kinley said the Planning Commission recommends approval of the application.

Interim County Attorney Davis said, “This came to the board by way of complaints about some issues that were going on out there and, in order to be responsive to those complaints and ensure that the original conditions that were imposed on the property were being enforced, then the county got involved, the board’s gotten involved. We have an agreement with the parties that

they will do some things that they weren't doing that the citizens wanted to be done." Davis read aloud proposed stipulations that she said would "apply to the property to make it clear what their obligations are under the historical zoning and to fix some of these enforcement issues that we've had on the property."

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 against the application:

- Tom Camp, 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 4-0 to approve ZA 19-17 and the accompanying VR 19-13 with the following stipulations:

1. The project shall be developed to the standards set forth in the applicant / owner-provided letter of intent of ZA 18-01 and modified master designed site plan of Exhibit "A";
2. The size in square footage and physical appearance of the proposed clubhouse, pool and new townhomes shall be constructed as generally depicted in the applicant / owner-provided exterior elevations drawing of Exhibit "B";
3. All applicable stipulations from the original ZA 99-37 Tri-Vista zoning shall apply;
4. Any deviation of intent and / or plan design as set forth in this amendment shall be subject to review by the director of Planning & Development to include approval, denial or requiring further amendment to the CPCD (Commercial Planned Community Development) zoning;
5. { Intentionally left blank };
6. The applicant / owner shall finish the top of the roads within Riley Place upon completion of 75 percent of (150 of the 199) total townhomes approved for construction;
7. The applicant / owner shall post a road bond in an amount to be determined and shall be released upon completion of the roads within Riley Place being finished and topped to Dawson County Subdivision Standards;
8. { Intentionally left blank };
9. { Intentionally left blank };
10. Protective covenants shall be in place;
11. A minimum of 60 new off-street parking spaces shall be provided as shown in Exhibit "A";
12. Entrance landscaping of Riley Place shall be subject to approval by the Planning & Development department;
13. All stipulations of zoning shall be a part of any plats, plans or permits associated with this development;
14. Owner agrees to provide at least 40 percent masonry coverage for the front elevation of not less than 60 percent of the units in each residential building on the property;

15. Owner agrees that the exterior of all residential buildings on property shall be painted a neutral color such as beige, ivory, brown, tan, cream, etc.;
16. Owner shall construct a pool substantially in compliance with the construction drawings for the Riley Place amenity area attached hereto as Exhibit “B”; and
17. Neither the owner, nor any of its officers, employees or affiliates, shall post any signs, banners, flags, balloons or any other marketing materials referencing or in any way suggesting that units on the property are “For rent” or “For lease” or any synonymous phrase. Signage related to occupancy in townhouses on the property shall be limited to two signs, one at the subdivision entrance and one at the entrance to the amenity building, and shall be limited to the content shown in the attached Exhibit “C”.

Fausett/Satterfield

PUBLIC HEARING:

Proposed FY 2020 Budget (3rd of 3 hearings. 1st and 2nd hearings were held at 4 and 6 p.m., respectively, on October 3, 2019)

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on the FY 2020 Budget and, hearing none, closed the hearing.

Motion passed 4-0 to approve the Proposed FY 2020 Budget – all funds in the amount of \$45,402,720. Gaines/Fausett

UNFINISHED BUSINESS:

Proposed County Vape Shop Ordinance (Tabled from the September 19, 2019, Voting Session Following a Public Hearing)

Motion passed 4-0 to approve the Proposed County Vape Shop Ordinance. Satterfield/Gaines

NEW BUSINESS:

Consideration of Request to Use County Facility Parking Lots During Mountain Moonshine Festival

Motion passed 4-0 to approve the Request to Use County Facility Parking Lots During the Mountain Moonshine Festival. Nix/Fausett

Consideration of Intergovernmental Agreement Between Dawson County and Development Authority of Dawson County

Motion passed 4-0 to approve the Intergovernmental Agreement Between Dawson County and the Development Authority of Dawson County. Satterfield/Gaines

Consideration to Move Forward with a Public Hearing for Special Event Business License Ordinance Revision

Motion passed 4-0 to approve to Move Forward with a Public Hearing for a Special Event Business License Ordinance Revision. Fausett/Nix

Consideration of IFB #349-19 - Sale of Surplus Real Property Owned by Dawson County Board of Commissioners (Rebid)

Motion passed 4-0 to approve IFB #349-19 - Sale of Surplus Real Property Owned by Dawson County Board of Commissioners (Rebid); to accept the bids submitted and approve a Notice of Award to Robert Polatty and George Polatty in the amount of \$227,502 addressing the

requirement that 5 percent of the offer is to be remitted as a non-refundable cash deposit within two days of Notice of Award. The received funds shall be allocated as follows: \$100,000 for EnerGov software for the Planning & Development department and other county departments; \$75,000 for fire hydrants for Emergency Services; \$40,000 for air packs for Emergency Services; and the remaining funds, \$12,502, shall be placed in the General Fund's fund balance. Gaines/Satterfield

Consideration of Request for Additional Funds for Legal Fees

Motion passed 4-0 to approve the Request for Additional Funds for Legal Fees; \$150,000 will come from General Fund's fund balance. Satterfield/Fausett

Public Defender Request to Use Surplus Funds to Cover Furlough Days for State Employees

Motion passed 3-1 to approve the Public Defender Request to Use Surplus Funds to Cover Furlough Days for State Employees contingent on the request being for county funds; the board offers no objection if the request involves state funds, provided it is legal and acceptable to the state. Nix/Fausett- Commissioner Gaines opposed the motion

PUBLIC COMMENT:

None

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

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk