

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION AGENDA – THURSDAY, JUNE 18, 2020
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
TO IMMEDIATELY FOLLOW THE 4:00 PM WORK SESSION**

A. ROLL CALL

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ANNOUNCEMENTS

E. APPROVAL OF MINUTES

[Minutes](#) of the Work Session held on June 4, 2020

[Minutes](#) of the Voting Session held on June 4, 2020

F. APPROVAL OF AGENDA

G. PUBLIC COMMENT

H. ZONING

1. [ZA 20-01](#) - Roger Eubanks requests to rezone 8.09 acres of property located at Highway 136 East TMP 109-011-002 from RA (Residential Agricultural) to RSRMM (Residential Sub Rural Manufactured Moved) and RSR (Residential Sub-Rural).

I. NEW BUSINESS

1. Consideration to Move Forward with Public Hearings for Land Use Resolution Update to Residential Agricultural Lot Size Requirement
2. Consideration to Move Forward with a Public Hearing for Dawson County Minimum Standard Code Amendment to Include Mobile / Manufactured Homes
3. Consideration of Appointment of the Building Official as the Local Government Agent for the Purposes Defined in the Abandoned Mobile Home Act
4. Consideration to Move Forward with a Public Hearing for Updated Planning Commission Terms
5. Consideration of Board Appointments:
 - a. **Avita Community Partners**
 - i. Angelia Brown- *reappointment* (July 2020 through June 2023)
 - b. **Department of Family & Children Services**
 - i. Tina Brady- *reappointment* (July 2020 through June 2025)

J. PUBLIC COMMENT

K. ADJOURNMENT

****Executive Session may follow the Voting Session meeting.***

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.

**DAWSON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES – JUNE 4, 2020
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
4:00 PM**

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

NEW BUSINESS

1. Presentation of Georgia Department of Transportation / Federal Transit Administration 5311 - FY 2020-2021 Coronavirus Aid, Relief, and Economic Security Act Supplemental Agreement No. 1- Senior Services Director Dawn Pruet
This item will be added to the June 4, 2020, Voting Session Agenda.
2. Presentation of Land Use Resolution Update to Residential Agriculture Lot Size Requirement- Planning & Development Director Jameson Kinley
This item will be placed on the June 18, 2020, Voting Session Agenda for consideration to move forward with public hearings.
3. Presentation of Dawson County Minimum Standard Code Amendment to Include Mobile / Manufactured Homes- Planning & Development Director Jameson Kinley
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7. County Manager Report
This item was for information only.

8. County Attorney Report
This item was for information only.

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk

DRAFT

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APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk

DRAFT

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA 20-01 Tax Map & Parcel # (TMP): 109 011 001
 Submittal Date: 8.10.2020 Time: 8:27 am/pm Received by: uhg (staff initials)
 Fees Assessed: \$300 Paid: check Commission District: 2
 Planning Commission Meeting Date: March 17, 2020
 Board of Commissioners Meeting Date: April 16, 2020

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Rodger A. Eubanks
 Address: _____
 Phone: Listed Unlisted _____ Email: Business Personal _____
 Status: [Owner [Authorized Agent [Lessee [Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not _____ participated in a Pre-application meeting with Planning Staff.
 If not, I agree _____ /disagree _____ to schedule a meeting the week following the submittal deadline.
 Meeting Date: 1.24.2020 Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: Rodger Eubanks
 Street Address of Property being rezoned: Highway 136 E 109 011 002
 Rezoning from: R-A(A4) to: RSRMM Total acreage being rezoned: 8.09
 Directions to Property: Highway 136 Between Sheffield Rd and Ze Murphy

20 FEB 10 8:27 AM

Subdivision Name (if applicable): NIA Lot(s) #: _____

Current Use of Property: Vacant land

Any prior rezoning requests for property? NIA if yes, please provide rezoning case #: ZA _____

***Please refer to Dawson County's Georgia 400 Corridor Guidelines and Maps to answer the following:

Does the plan lie within the Georgia 400 Corridor? no (yes/no)

If yes, what section? _____

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North R-A South B-A East RSR West R-A

Future Land Use Map Designation: RSR

Access to the development will be provided from:

Road Name: Hwy 136 Type of Surface: _____

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: RSR + RSRmm Special Use Permit for: _____

Proposed Use: _____

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: 3 Minimum Lot Size: 1.62 (acres) No. of Units: 3

Minimum Heated Floor Area: _____ sq. ft. Density/Acre: 1

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: -; if yes, what? _____

COMMERCIAL & INDUSTRIAL

Building area: NIA No. of Parking Spaces: _____

20 FEB 10 8:27 AM

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature	<u>Rodger Embrey</u>	Date	<u>1/24/20</u>
Witness	<u>Gleamory Lee</u>	Date	<u>1/24/20</u>

WITHDRAWAL

Notice: *This section only to be completed if application is being withdrawn.*

I hereby withdraw application # _____

Signature _____ Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

20 FEB 10 8:27 AM

ZA 20-01

TMP#: 109-011-001

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and mailing address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map & Parcel (TMP) listing for any parcel(s) adjoining or adjacent to the parcel where a variance or rezone is being requested.**

	<u>Name</u>	<u>Address</u>	<u>Dawsonville, GA</u>
TMP <u>110004</u>	1. <u>Sheffield, James W + Kathy</u>	<u>4010 Hwy 136 E</u>	<u>30534</u>
TMP <u>110045</u>	2. <u>Campbell, Mayo N + Eury B</u>	<u>4522 Piney B</u>	<u>Cummins GA 30130</u>
TMP <u>110044</u>	3. <u>Slater, John + Claudia</u>	<u>122 Indian Springs Ln</u>	<u>Dawsonville GA</u>
TMP <u>109011003</u>	4. <u>Stites, Thomas</u>	<u>Hwy 136 E 6216</u>	<u>Dawsonville, Ga 30534</u>
TMP <u>109011005</u>	5. <u>Anthony Dill</u>		
TMP <u>109011009</u>	6. <u>Jackie + Jerry Townley</u>		
TMP _____	7. _____		
TMP _____	8. _____		
TMP _____	9. _____		
TMP _____	10. _____		
TMP _____	11. _____		
TMP _____	12. _____		
TMP _____	13. _____		
TMP _____	14. _____		
TMP _____	15. _____		

Use additional sheets if necessary.

20FEB10 8:27AM

NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: Rodger Eubanks

Applicant Printed Name: Rodger Eubanks

Application Number: 7A 20-01

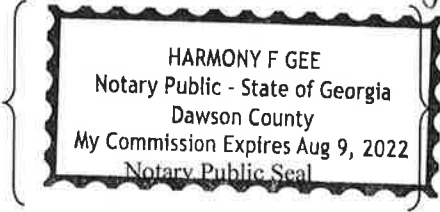
Date Signed: 1.24.2020

Sworn and subscribed before me

this 24 day of January, 2020.

Harmony Glee
Notary Public

My Commission Expires: August 9, 2022



20 FEB 10 8:27 AM

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
(APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

Pursuant to O.C.G.A. Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to whom campaign contribution was made:

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ _____ Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the two (2) years immediately preceding the filing of application for rezoning:

Signature of Applicant/Representative of Applicant:

_____ Date: _____

**BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO
DISCLOSURE IS REQUIRED**

This form may be copied for each applicant. Please attach additional sheets if needed.

20FEB10 09:27AM

PROPERTY OWNER AUTHORIZATION

I/we, Rodger Eubanks, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

TMP 109-011-001

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: Rodger Eubanks
 Signature of applicant or agent: Rodger Eubanks Date: 1/24/20

Printed Name of Owner(s): _____
 Signature of Owner(s): _____ Date: _____
 Mailing address: _____
 City, State, Zip: _____
 Telephone Number: Listed _____
 Unlisted _____

Sworn and subscribed before me
 this _____ day of _____, 20__.

 Notary Public
 My Commission Expires: _____

{Notary Seal}

(The complete names of all owners must be listed; if the owner is a partnership, the names of all partners must be listed; if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

20 FEB 10 9:27 AM

January 23, 2020

Dawson County Rezoning Application
Dawson County Board of Commissioners
Dawson County Government Center
25 Justice Way
Dawsonville, Georgia

In June of 2018, we purchased 8.9 Acres of Land off Highway 136 in Dawsonville. It was always our intention from the beginning to build three homes on the property. We were looking forward to retiring and growing old with our family around us.

When we purchased the land we were told that there would be no problem, and as we proceeded with each process, we made sure we could do this.

We began by having the driveway installed and approved by the State, because it is on Highway 136. We then began cleaning up the property and planning the home sites. We worked with the Water Authority and had three water meters installed in the Spring of 2019. We spoke with the Power Company and they are going to put in a transformer to serve both homes. We have cleaned and planted the area in front of the property, improving the curb appeal along Highway 136.

We are currently in the process of construction of our home, with Brown Haven Builders. At present the ground breaking should occur in March. My daughter and her husband have started the process of planning their home site to coincide with our building process.

We would like to have the land rezoned Residential Sub Rural to accommodate the future plans for our family.

Thank you for your help,

 / 
Rodger and Anita Eubanks

10 FEB 10 8:27 AM

Plat Doc: PLAT
Recorded 05/18/2018 12:14PM

JUSTIN POWER
Clerk Superior Court, DAWSON County, Ga.
Bk 00063 Pg 0258
Penalty: \$0.00
Interest: \$0.00

Participants: 7511394907



**APPROVED
FOR RECORDING**

DAWSON COUNTY, GA PLANNING

NOTES:

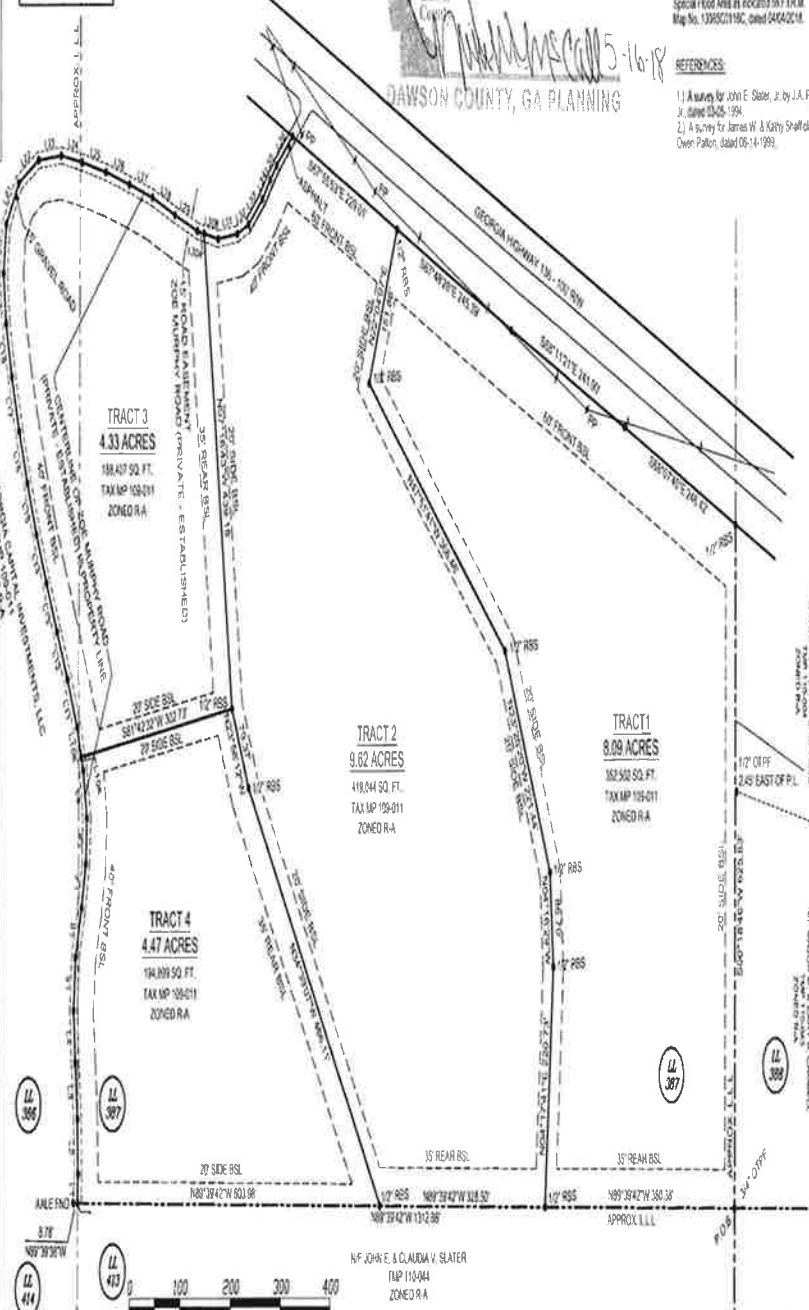
- 1) Field Date: Closure Precision - 1/12, 1/18. Angular Error - 38751A.
- 2) Measurements were taken with a Leica TS-02 on 04/15/2018 and were taken during the Complete Run.
- 3) Bearings are based on Reference 1.
- 4) Plat Precision - 1/100, 200'.
- 5) No portion of this property is located in a Special Flood Area as indicated on FIR III. Map No. 13950C119C, dated 04/02/14.

REFERENCES:

- 1) A survey for John E. Slater, et. by J.A. Poye, et. dated 03-28-1994.
- 2) A survey for James W. & Kathy Shaffold by Owen Patton, dated 06-14-1999.



Station	Bearing	Distance
1.1	N 81°52'30" E	266.71'
1.2	N 01°27'20" W	50.11'
1.3	N 05°12'10" W	51.58'
1.4	N 08°48'10" W	48.32'
1.5	N 04°25'24" E	48.63'
1.6	N 15°12'20" E	46.92'
1.7	N 11°38'50" E	45.14'
1.8	N 02°10'22" E	42.11'
1.9	N 20°39'40" W	44.08'
1.10	N 17°41'10" W	28.52'
1.11	N 23°34'40" W	47.41'
1.12	N 25°27'30" W	48.67'
1.13	N 28°12'30" W	49.54'
1.14	N 24°15'30" W	48.19'
1.15	N 21°24'30" W	52.20'
1.16	N 18°29'14" W	50.80'
1.17	N 16°48'40" W	52.21'
1.18	N 13°15'40" W	48.78'
1.19	N 09°21'20" W	46.83'
1.20	N 06°18'10" E	45.47'
1.21	N 10°41'10" E	45.32'
1.22	N 12°29'54" E	45.38'
1.23	N 15°05'54" E	46.89'
1.24	N 17°13'38" E	42.80'
1.25	N 19°15'20" E	47.26'
1.26	N 20°44'50" E	48.87'
1.27	N 22°11'30" E	47.50'
1.28	N 26°59'50" E	46.92'
1.29	N 27°39'54" E	46.87'
1.30	N 29°18'10" E	13.72'
1.31	N 29°58'20" E	29.47'
1.32	N 03°10'10" E	38.21'
1.33	N 08°12'20" E	25.22'
1.34	N 28°18'10" E	36.33'
1.35	N 41°39'10" E	22.33'
1.36	N 44°07'40" E	18.54'
1.37	N 58°39'10" E	41.28'



REVISED 05-15-2018 TO ADJUST PROPERTY LINE BETWEEN TRACTS 2, 3 & 4
REVISED 05-15-2018 TO ADJUST PROPERTY LINE BETWEEN TRACTS 2 & 4

SCALE: 1" = 100'

Landlec
Surveying
205 WILLIAMS BRIDGE ROAD,
TODD, GEORGIA 30677
PHONE: (770) 880-8832

BOUNDARY DIVISION SURVEY FOR:
JASON POWER
LAND LOT 386 & 387
N. HALF 13TH DISTRICT
DAWSON COUNTY GEORGIA
04/15/2018

CC: N/G
DRAWN BY: NUG
SCALE: 1" = 100'
PROJECT NO.: 1818-B.BOUNDARY
SHEET NO.: 1 OF 1

As required by subsection 10-1-1 of O.C.G.A. Section 15-4-41, this plat has been prepared by a licensed surveyor and approved by all applicable local jurisdictions for recording in accordance with applicable regulations, signatures, stamps, or statements in force. Such approvals or affirmations shall be combined with the appropriate governmental bodies by any purchaser or user of this plat as is intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the terms and conditions of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-4-41.

W.F. JOHN E. & CLAUDIA V. SLATER
PLAT 115-944
ZONED RA



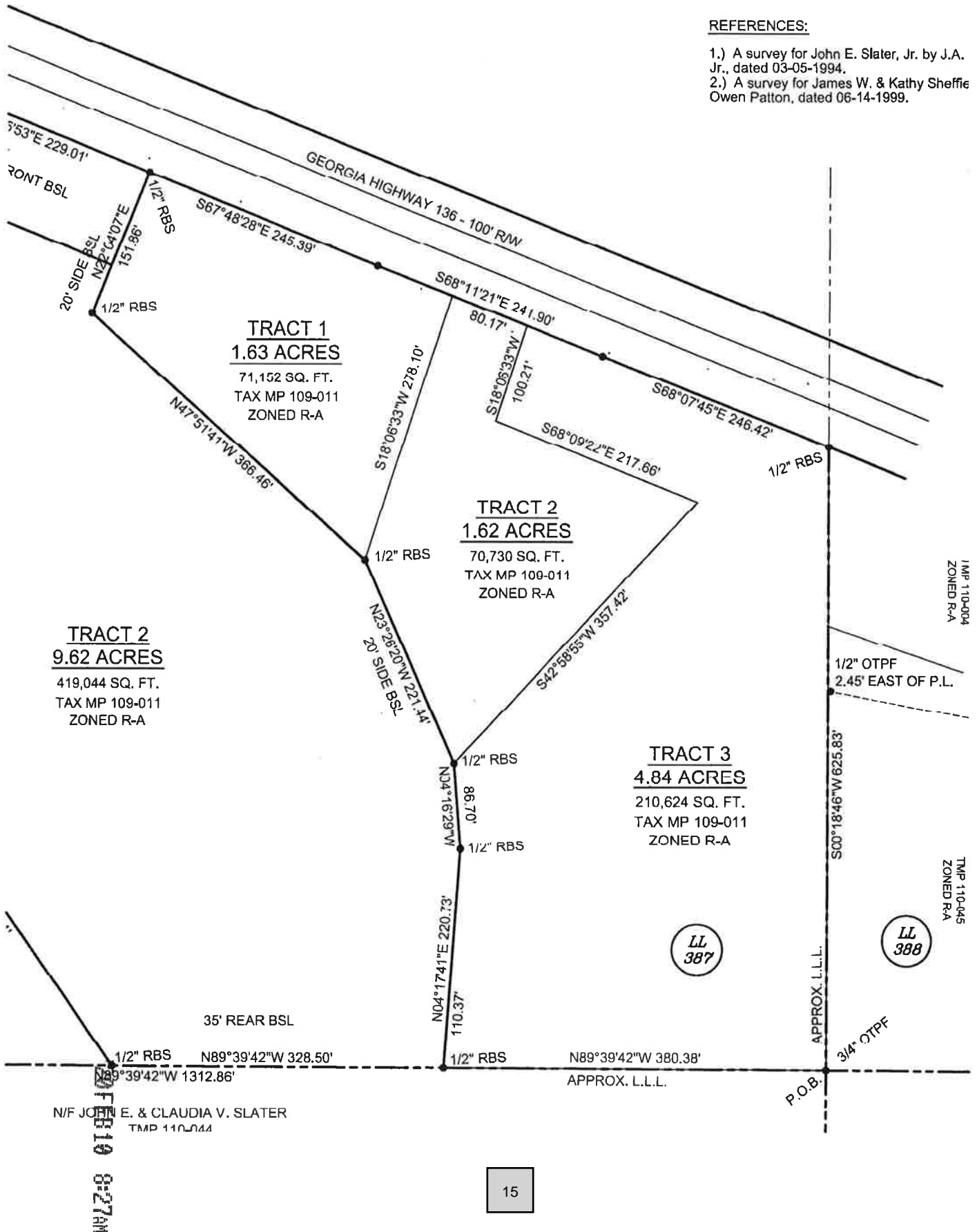
20 FEB 10 8:27 AM

Proposed Lots for Family

Special Use Map as indicated on the same.
Map No. 13085C0116C, dated 04/04/2018.

REFERENCES:

- 1.) A survey for John E. Slater, Jr. by J.A. Jr., dated 03-05-1994.
- 2.) A survey for James W. & Kathy Sheffie Owen Patton, dated 06-14-1999.



Owner Information

EUBANKS RODGER ALAN

Payment Information

Status	Paid
Last Payment Date	09/27/2019
Amount Paid	\$954.68

Property Information

Parcel Number	109 011 002
District	1 DAWSON COUNTY UNINCORPORATED
Acres	8.09
Description	LL 387 LD 13N
Property Address	HWY 136 E
Assessed Value	\$40,000
Appraised Value	\$100,000

Bill Information

Record Type	Property
Tax Year	2019
Bill Number	4679
Account Number	59528
Due Date	12/01/2019

Taxes

Base Taxes	\$954.68
Penalty	\$0.00
Interest	\$0.00
Total Due	\$0.00

Tax Breakdown

Entity	Adjusted FMV	Net Assmt	Exemptions	Taxable Val	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	100,000	40,000	0	40,000	0	\$0.00	\$0.00	\$0.00
COUNTY M&O	100,000	40,000	0	40,000	13.079	\$523.16	\$0.00	\$323.56
SALES TAX ROLLBACK	0	0	0	40,000	-4.99	\$0.00	-\$199.60	\$0.00
SCHOOL M&O	100,000	40,000	0	40,000	15.778	\$631.12	\$0.00	\$631.12
Totals					23.867	\$1,154.28	-\$199.60	\$954.68

20FEB10 8:28AM



Overview



Legend

-  Parcels
-  Roads

Parcel ID	109 011 009	Owner	TOWNLEY JACKIE & JERRY TOWNLEY	Last 2 Sales			
Class Code	Agricultural			Date	Price	Reason	Qual
Taxing District	UNINCORPORATED	Physical Address	n/a	8/23/2019	\$447200	FM	Q
Acres	104	Assessed Value		n/a	0	n/a	n/a

(Note: Not to be used on legal documents)

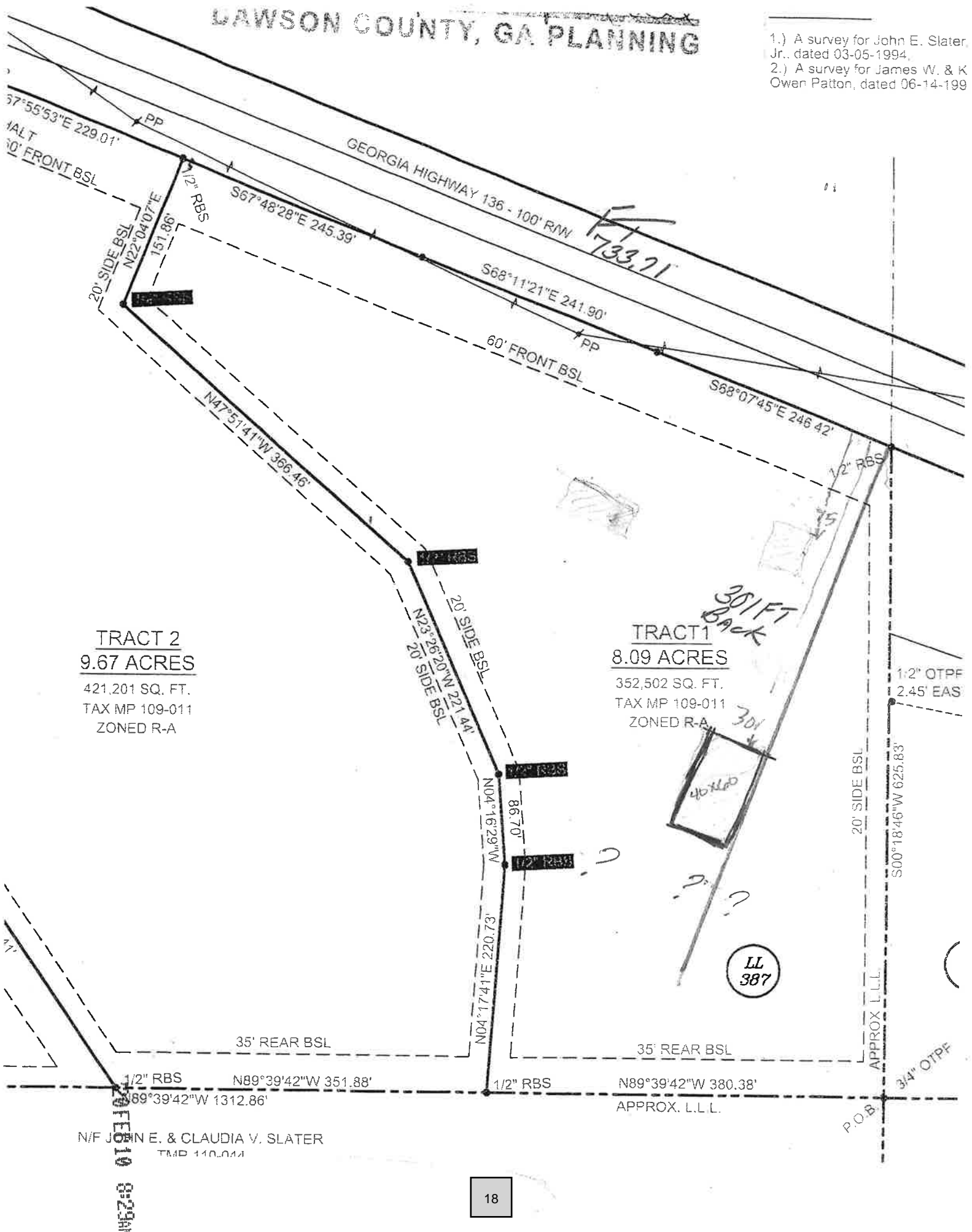
Date created: 1/24/2020
Last Data Uploaded: 1/23/2020 11:45:10 PM

Developed by  Schneider GEOSPATIAL

20 FEB 10 8:28 AM

LAWSON COUNTY, GA PLANNING

- 1.) A survey for John E. Slater, Jr., dated 03-05-1994.
- 2.) A survey for James W. & K Owen Patton, dated 06-14-199



TRACT 2
9.67 ACRES
 421,201 SQ. FT.
 TAX MP 109-011
 ZONED R-A

TRACT 1
8.09 ACRES
 352,502 SQ. FT.
 TAX MP 109-011
 ZONED R-A

N/F JOHN E. & CLAUDIA V. SLATER
 TMP 110-011

Dawson County, Georgia Board of Commissioners

Affidavit for Issuance of a Public Benefit

As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

RE

I am a United States citizen.

I am a legal permanent resident of the United States. (FOR NON-CITIZENS)

I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. (FOR NON-CITIZENS)

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. (See reverse side of this affidavit for a list of secure and verifiable documents.)

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), Georgia (state)

Rodger Eubank
Signature of Applicant

1/24/20
Date

Rodger Eubank
Printed Name

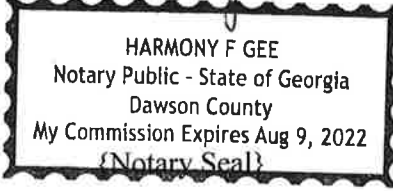
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 24 DAY OF January, 2020

Harmony Gee Notary Public

My Commission Expires: August 9, 2022



20FEB10 0:29AM

**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT AND RECOMMENDATION**

Applicant.....Roger Eubanks

Amendment #ZA 20-01

Request.....Rezone Property from R-A (Residential Agriculture) to RSR (Residential Sub-Rural) & RSRMM (Residential Sub-Rural Manufactured Moved)

Proposed UseSub divide the parcel amongst family, 2 parcels will be RSR & 1 parcel (the middle) will be RSRMM

Current ZoningR-A (Residential Agriculture)

Size.....8.09± acres

LocationHwy 136 East

Tax Parcel109 011 002

Planning Commission DateMarch 17, 2020

Board of Commission Date..... April 17, 2020

Applicant Proposal

The applicant is seeking to rezone the property from R-A (Residential Agriculture) to RSR (Residential Sub Rural) and RSRMM (Residential Sub Rural Manufactured Moved) for the purpose of dividing the property amongst family. Two parcels will be RSR for the purpose of building single residences while the parcel in the middle would be RSRMM so that their daughter can move a mobile home in. The intent is that the entire parcel will stay within the family.

History and Existing Land Uses

Mr. & Mrs. Eubanks purchased the property in June 2018 with the intentions of retiring and building a “family compound” on the parcel. Their intent is for their son and daughter to build homes and be close together.

Adjacent Land Uses	Existing zoning	Existing Use
North	R-A	Residential
South	R-A	Residential
East	R-A	Residential
West	RSR	Residential

Development Support and Constraints

Having the land zoned for a Residential Sub-Rural & Residential Sub Rural Manufactured Moved would allow the owner to divide the parcels so that the son and daughter may put their residences.

Relationship to the Comprehensive Plan and FLUP (Future Land Use Plan)

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Residential Sub-Rural.

Public Facilities/Impacts

Engineering Department –“The property is located off SR 136. GDot has approved the access point, and has jurisdiction for this area as this is a State Route. The property is located adjacent to tributaries and is in the Etowah River watershed.”

Environmental Health Department – “They have applied for a septic system construction permit for tract 3. There is a stream at the rear of the property, but setbacks to any septic system will be met. I have not evaluated tracts 1 or 2 to determine the feasibility of obtaining septic system construction permits for those parcels.”

Emergency Services – No comments necessary.

Etowah Water & Sewer Authority –“There is water available at this site, but no sanitary sewer.”

Dawson County Sheriff’s Office – No comments necessary.

Board of Education – No facility additions would be necessary.

Georgia Department of Transportation –No comments necessary.

Analysis

- It does conform to the Future Land Use Map and Comprehensive Plan. RSRMM is a subset of RSR.

The following observations should be noted with respect to this request:

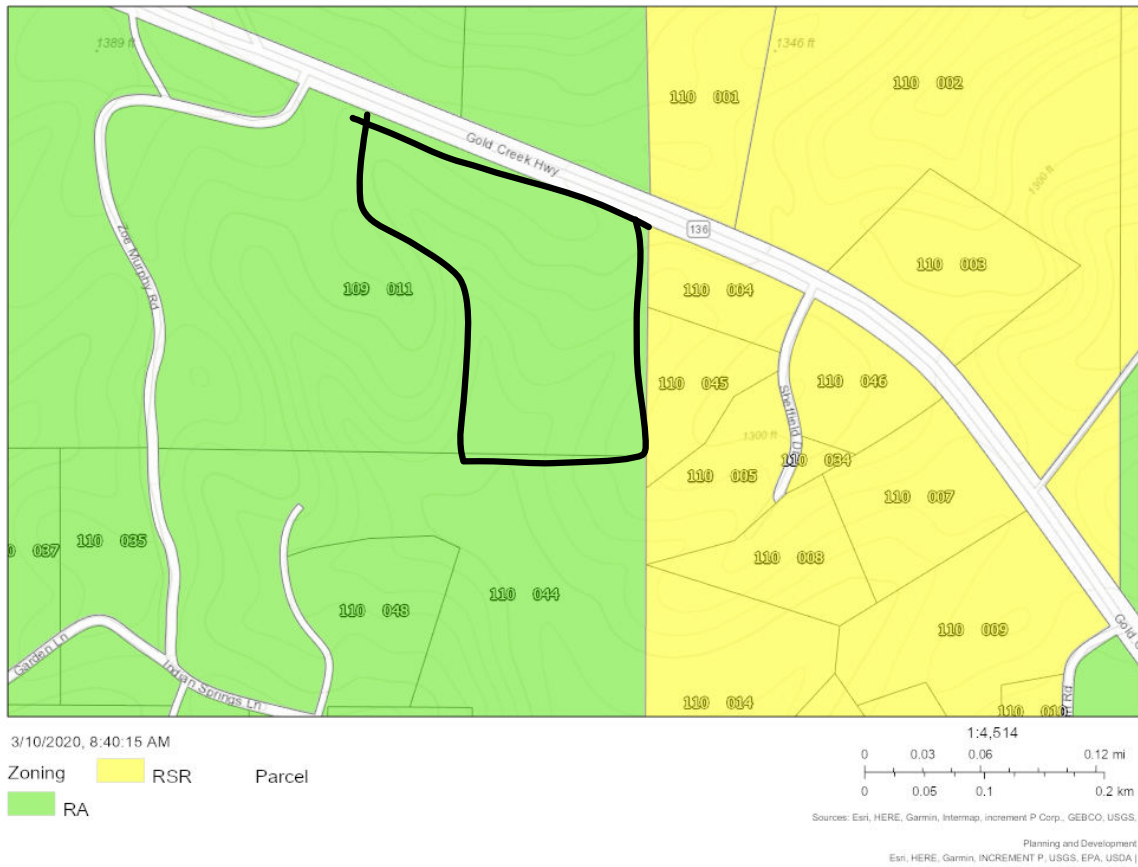
- A. The existing uses and classification of nearby property.**
Properties surrounding the parcel are zoned residential (R-A) most of which are larger tracts with single family residences or vacant land.
- B. The extent to which property values are diminished by the particular land use classification.**
There should be no diminishment of property values.
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.**
There should be no destruction of property values.
- D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.**
There should be no gain to the public if approved.
- E. The suitability of the subject property for the proposed land use classification.**
The property is suitable for the purposed land use classification and has been earmarked by the Future Land Use Map.
- F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.**
It is vacant land with the parcel located closest to Sheffield Drive being developed for a single family, stick built home currently.
- G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.**
The applicant will be retiring at the end of the year to with the intention of being surrounded by his son and daughter on a “family compound”.

Pictures of Property:



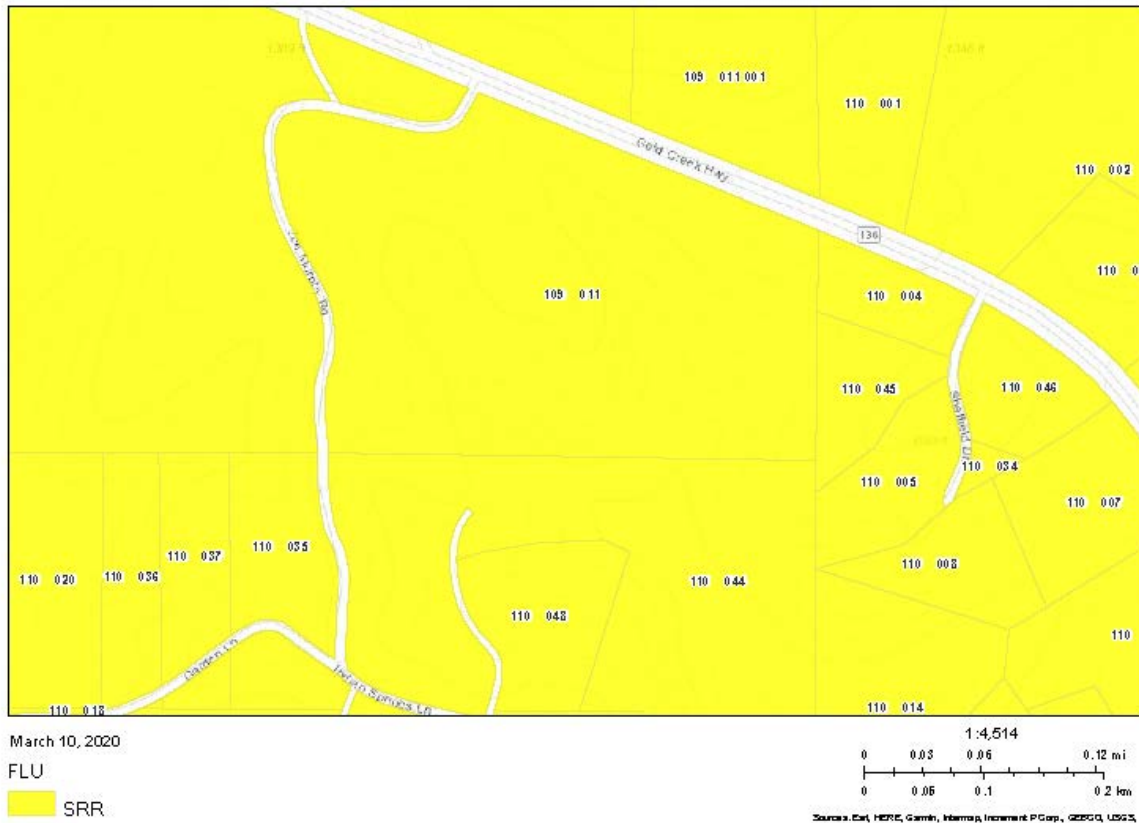
Current Zoning Map:

Dawson County Current Zoning



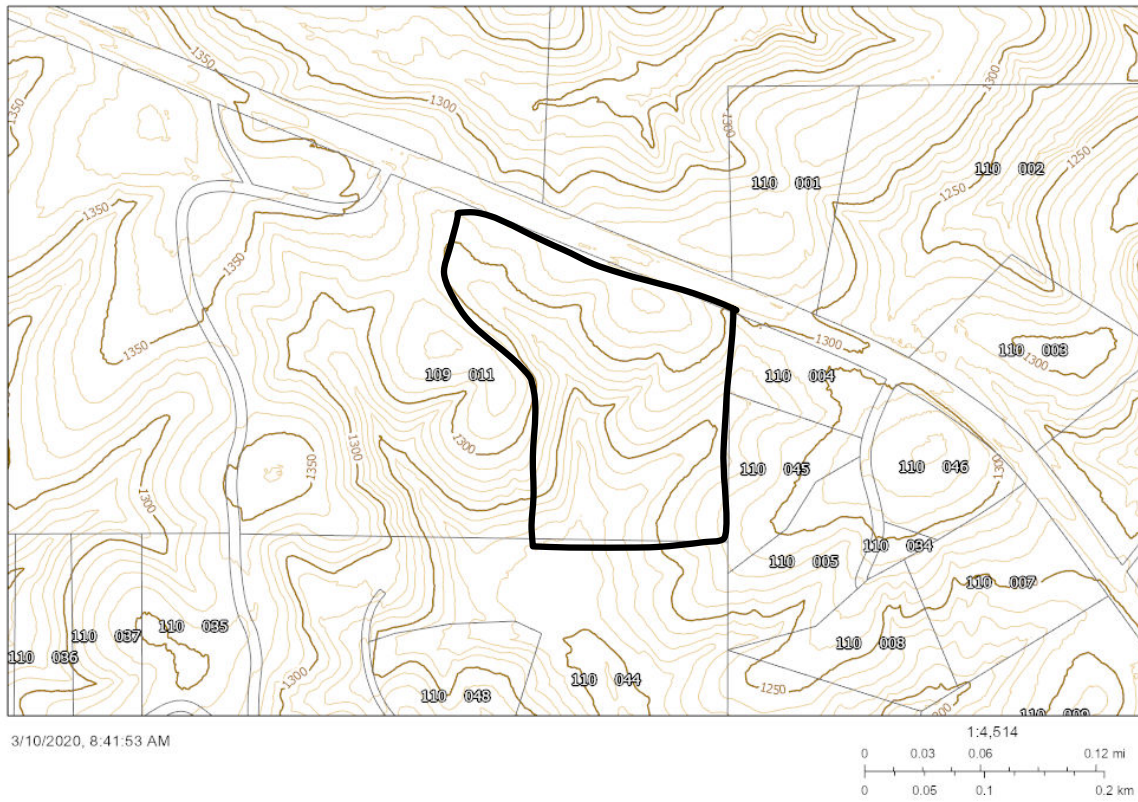
Future Land Use Map:

Future Land Use Map



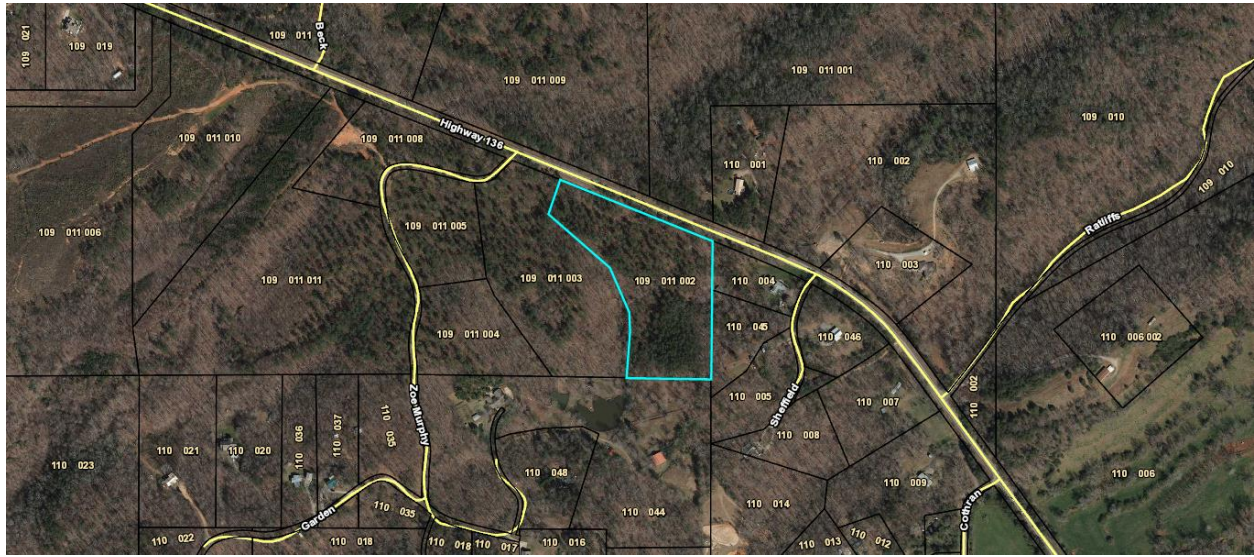
Topography:

Topo Map



Dawson County
The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Aerial:



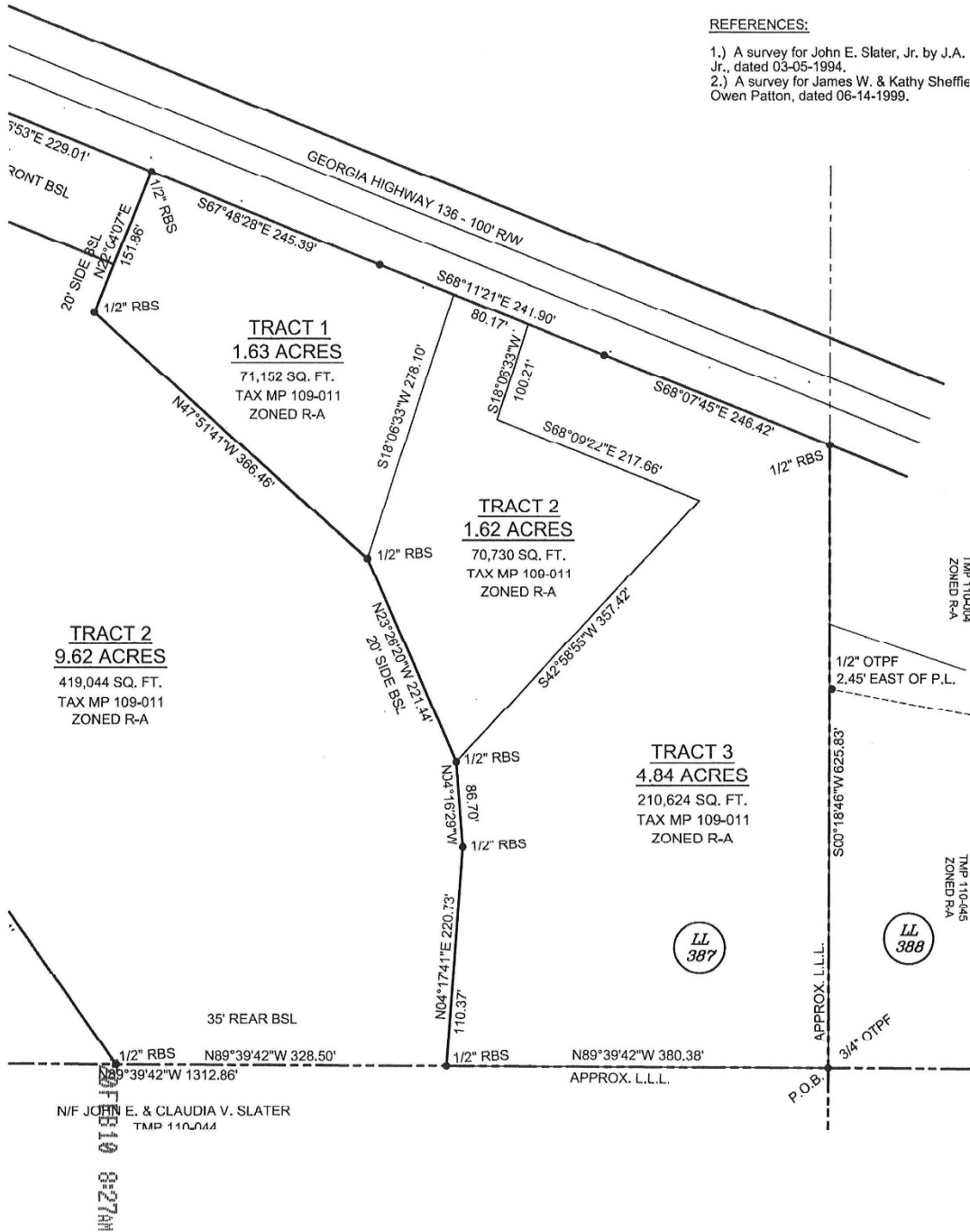
Site Plan:

Proposed Lots for Family

Special 1999 rules as indicated on the same.
Map No. 13085C0116C, dated 04/04/2018.

REFERENCES:

- 1.) A survey for John E. Slater, Jr. by J.A. Jr., dated 03-05-1994.
- 2.) A survey for James W. & Kathy Sheffield Owen Patton, dated 06-14-1999.



APPROVAL

Public Hearing of Rezoning Request

We, the Dawson County Planning Commission, do hereby recommend approval of the following rezoning request:

ZA 20.01

Date of Hearing: 3.17.2020

Applicant's Name: Roger Eubanks

Address: Hwy 136 E


Tax Map Parcel Number: 109.011-002 Parcel Currently Zoned: R.A

Rezoning Requested: RSR + RSRMM

This recommendation for approval is based upon the following which we feel will/will not:

- A. Affect the property values of surrounding property.
- B. Affect the health, safety or general welfare of the public.
- C. Impose special hardships on the surrounding property owners.

This recommendation for approval is, however, subject to the following stipulations and/or modifications:


Chairman Jason Hamby

3.17.2020
Date

Dawson County Planning Commissioner



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/20

Prepared By: Harmony Gee

Voting Session: 6/18/20

Presenter: Jameson Kinley

Public Hearing: Yes No

Agenda Item Title: Presentation of Dawson County Land Use Resolution Update to Residential Agriculture Minimum Lot Size

Background Information:

It has been requested of the Planning & Development department to revisit the change in this ordinance for the Land Use Resolution.

Current Information:

As it reads now, any subdivision of a RA-zoned parcel must be a minimum of 5 acres, as this was voted on by the BOC in 2019.

Budget Information: Applicable: Not Applicable: Budgeted: Yes No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

**AN ORDINANCE OF THE
BOARD OF COMMISSIONERS
DAWSON COUNTY, GEORGIA**

**TO AMEND THE LAND USE RESOLUTION TO REVISE THE
RESTRICTIONS ON THE SUBDIVISION OF A SINGLE PARCEL OF
PROPERTY INTO EXACTLY TWO PARCELS**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, the Board of Commissioners of Dawson County has determined that it is in the public interest to update the Land Use Resolution in order to coordinate harmonious for the public safety, health and morals of the citizens of Dawson County; and

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

- A. In Article III, Section 309 R-A Residential Agricultural/Residential Exurban, by deleting subsection 309(B)(1) in its entirety and replacing it with the following:

“1. Residential subdivisions where lots are less than five (5) acres in size. Notwithstanding the foregoing, this prohibition shall not prevent a “subdivision” resulting in the creation of exactly two lots from the original lot that is subdivided.”

- B. In Article III, Section 309 R-A Residential Agricultural/Residential Exurban, by deleting subsection 209(C)(1) in its entirety and replacing it with the following:

“1. Minimum lot size: 1.5 acres or such size as determined to be necessary for the protection of public health, safety and welfare by the Dawson County Health Department, whichever is greater. Notwithstanding the foregoing, the minimum lot size for residential subdivisions shall be five (5) acres unless the subdivision constitutes the subdivision of a single parcel into exactly two (2) parcels.

Minimum lot width at building line: 175 feet.

Minimum depth: 200 feet.”

Section II. All other provisions of the Land Use Resolution of Dawson County, Georgia shall remain the same.

Section III. If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed (1) to affect the portions of the ordinance not held to be invalid or (2) to affect the application of this ordinance to other circumstances. It is hereby declared to be the intent of the Board of Commissioners of Dawson County, Georgia to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

Section IV. All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

So Ordained, Resolved, Adopted and Approved this __ day of _____, 2020.

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST

By: _____

Billy Thurmond, Chairman

By: _____

Kristen Cloud, County Clerk

Dates of Public Hearings:

Dates of Advertisements:



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/20

Prepared By: Harmony Gee

Voting Session: 6/18/20

Presenter: Jameson Kinley

Public Hearing: Yes No

Agenda Item Title: Presentation of Dawson County Minimum Standard Code Amendment to Include Mobile / Manufactured Homes

Background Information:

Last updated in 2007, the Dawson County Minimum Standard Code holds our requirements for the building of all structures.

Current Information:

Amending of the code to include manufactured/mobile home compatibility within the county's standards. These codes address the minimum standards for moving mobile / manufactured homes into the county. They will set the standard for what is considered acceptable and provide each citizen with a documented list of requirements.

Budget Information: Applicable: Not Applicable: Budgeted: Yes No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

**AN ORDINANCE OF THE
DAWSON COUNTY
BOARD OF COMMISSIONERS**

**TO AMEND CHAPTER 105 OF THE MINIMUM STANDARDS CODE OF DAWSON
COUNTY: TO PROVIDE AMENDED LANGUAGE ADDRESSING THE DAWSON
COUNTY FEE SCHEDULE; TO ADDRESS COMPATIBILITY STANDARDS FOR
MANUFACTURED/MOBILE HOMES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, the Board of Commissioners of Dawson County has determined that it is in the public interest to update the Land Use Resolution in order to coordinate harmonious for the public safety, health and morals of the citizens of Dawson County; and

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

SECTION 1.

Chapter 105 Section 105-54 (C) of the Code of Dawson County, Georgia is deleted and replaced with the following :

“Upon notice from the building official and or code enforcement officer or designee, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official, code enforcement officer or designee shall not be required to give a written notice prior to stopping the work. Stop work orders apply to the entire scope of the development until corrective measures are approved. Re-inspection of corrections following placement of a stop work order incur an administrative fee per **Dawson County Fee Schedule** per violation.”

SECTION 2.

Chapter 105 Article II of the Code of Dawson County, Georgia is amended as shown in Exhibit A hereto.

SECTION 3.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 4.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5.

This ordinance shall become effective on _____, 2020, the public good demanding the same.

SO ORDAINED this ____ day of _____, 2020.

Dawson County Board of Commissioners

Billy Thurmond, Chairman

Sharon Fausett, Member

Chris Gaines, Member

Tim Satterfield, Member

Julie Hughes Nix, Member

Attest:

By: _____
Kristen Cloud, County Clerk

[COUNTY SEAL]

Exhibit A

Chapter 105 Article II of the Code of Dawson County, Georgia is amended by adding a new “Division 3 - MANUFACTURED/MOBILE HOMES” containing the following text:

Section 105-61 Manufactured/Mobile Home Compatibility Standards

Manufactured or mobile homes are allowed provided that only one such principal residence is permitted per lot and shall be subject to the following compatibility standards:

- (1) The home shall be attached to a permanent foundation; each home shall be provided with anchors and tie downs such as cast-in-place concrete dead men or other similar devices, which secure the stability of the home, approved by the Building Official.
- (2) There is no age restriction on a manufactured, mobile home or moved in house, however, any pre-owned manufactured, mobile home or moved in house proposed for setup and placement within Dawson County maybe subject to inspection at the discretion of the Building Official to determine sound condition and compliance with this resolution prior to permitting.
- (3) All towing devices, wheels, axles and hitches must be removed.
- (4) At each exit door there must be a landing that is a minimum of forty-eight inches (48") by forty-eight inches (48").
- (5) The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, or metals tiles, slate built up gravel materials, or other similar materials approved by the Building Official. All roofs shall have a minimum 3/12 pitch to approximate the traditional architecture within the county to protect the public health, safety and welfare.
- (6) The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite metal or vinyl lap or other materials of like appearance.
- (7) Each home shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Such skirting shall not be required for that home with a complete masonry or concrete perimeter foundation.
- (8) Each home shall be established in accordance with the installation instructions from the manufacturer, as appropriate.
- (9) All utility connections, including but not limited to water, sanitary sewer/septic tank, electricity and gas shall be made as required by all building codes of the county.
- (10) Said home shall compare aesthetically to site-built and other housing in the immediate general area within the same zoning or residential district or area.

Section 105-62 Inspection Checklist for Pre-owned Manufactured/Mobile Homes in the County

All pre-owned manufactured or mobile homes being located in the county or moved into the county under this division must meet the following regulations:

- (1) Electric:
 - a. All light fixtures must be in good condition to work properly;
 - b. Plugs and switches must be installed and have cover plates in place;
 - c. No loose wiring will be permitted;
 - d. Panel box must meet state-mandated electrical code requirements;
 - e. Manufactured or mobile homes must be checked underneath for any violations as to wiring or installation;
 - f. Smoke alarms must be installed and working properly;
 - g. All state-mandated electrical codes must be adhered to.
- (2) Plumbing:
 - a. Fixtures must be installed and working properly;
 - b. Water and drain lines must be free of leaks;
 - c. Water heater must be in good condition and installed properly;
 - d. Must meet all applicable state-mandated plumbing codes.
- (3) HVAC—Heating system:
 - a. Venting, if required on heat unit, must be properly installed and working properly;
 - b. Grills must be installed properly;
 - c. Only heating systems allowed by state-mandated energy code shall be acceptable;
 - d. Must meet all applicable state-mandated mechanical and energy codes.
- (4) Manufactured or mobile home unit:
 - a. Glass must be in doors and windows;
 - b. Doors must open and close properly;
 - c. No missing doors or windows will be allowed;
 - d. Roof must be in good condition with no leaks;
 - e. Floor must be in good condition with no holes or decay;
 - f. Ceilings must be in good condition with no missing drywall or other materials;
 - g. Outside of unit must not have missing metal sheets, panels, siding, etc.
 - h. Any major damage which occurs from removing decks and porches must be repaired;
 - i. Any kitchen appliances must pass applicable electric/plumbing codes and to installation and condition;
 - j. Floor coverings must be free from any damage that would cause possible injury or health problems, such as loose seams in vinyl or tile or loose seams or torn places in carpet;
 - k. All applicable standard building codes must be adhered to;
 - l. Must have the appropriate housing and urban development decal affixed.

Note: Newly manufactured units that have never been used must be verified as such by manufacturer.

Section 105-63 Inspections Outside the County

Manufactured or mobile homes can be moved into the county only after passing an inspection on all requirements hereinabove set out. These inspections outside the county shall be:

- (1) Limited to a 50-mile radius of Dawsonville, Georgia, with none accepted outside this radius;
- (2) Inspections to be conducted by the county building inspection department;
- (3) Scheduled by building inspector;
- (4) Subject to the following fees: \$500.00 inspection fee plus \$0.25 per mile. These fees are in addition to permit fees for manufactured or mobile homes, which includes inspection fees on manufactured or mobile homes after being located inside the county. If needed, one re-inspection may be performed by the building inspector outside the county at a cost of \$0.25 per mile; however, if other inspections are requested, another inspection fee of \$500.00, plus \$0.25 per mile, shall be required.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/20

Prepared By: Harmony Gee

Voting Session: 6/18/20

Presenter: Jameson Kinley

Public Hearing: Yes No

Agenda Item Title: Presentation of Appointment of the Building Official as the Local Government Agent for the Purposes Defined in the Abandoned Mobile Home Act

Background Information:

Effective May 1, 2019, Georgia Adopted Title 44 Chapter 7 Article 6 The Abandoned Mobile Home Act.

Current Information:

In order for Dawson County to utilize the aforementioned state code we must appoint a local government agent.

Budget Information: Applicable: Not Applicable: Budgeted: Yes No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

2018 Georgia Code

Title 44 - Property

Chapter 7 - Landlord and Tenant

Article 6 - Abandoned Mobile Home

- § 44-7-110. (Effective May 1, 2019) Short title
- § 44-7-111. (Effective May 1, 2019) Legislative findings and intent
- § 44-7-112. (Effective May 1, 2019) Definitions
- § 44-7-113. (Effective May 1, 2019) Government agent to assess abandoned mobile home; lien on intact mobile home; derelict mobile homes; notice; governmental immunity
- § 44-7-114. (Effective May 1, 2019) Hearing on findings of derelict mobile homes
- § 44-7-115. (Effective May 1, 2019) Foreclosure of liens on abandoned or intact mobile homes
- § 44-7-116. (Effective May 1, 2019) "Public sale" defined; procedure; penalty for noncompliance
- § 44-7-117. (Effective May 1, 2019) Clerk's role in management of proceeds
- § 44-7-118. (Effective May 1, 2019) Documentation for purchaser
- § 44-7-119. (Effective May 1, 2019) Appointment of local government agent not required

§ 44-7-110. (Effective May 1, 2019) Short title

This article shall be known and may be cited as the "Abandoned Mobile Home Act."

§ 44-7-111. (Effective May 1, 2019) Legislative findings and intent

The General Assembly finds that abandoned mobile homes are a nuisance that cause blight and depress property values. This article is intended to provide local governing authorities with the authority to appoint an agent to determine the condition of mobile homes in order for landowners to remove or restore abandoned mobile homes left on their property. It is the further purpose of this article to provide landowners with the guidance necessary to efficiently and properly identify and dispose of abandoned mobile homes in this state while protecting the rights of any owner, lienholder, or other interested parties by performing a due diligence search, notification, and hearing process.

§ 44-7-112. (Effective May 1, 2019) Definitions

As used in this article, the term:

- (1) "Abandoned mobile home" means a mobile home that has been left vacant by all tenants for at least 90 days without notice to the landowner and when there is evidence of one or more of the following:
 - (A) A tenant's failure to pay rent or fees for 90 days;

- (B) Removal of most or all personal belongings from such mobile home;
 - (C) Cancellation of insurance for such mobile home;
 - (D) Termination of utility services to such mobile home; or
 - (E) A risk to public health, safety, welfare, or the environment due to such mobile home.
- (2) "Derelict" means an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:
- (A) Inadequate provisions for ventilation, light, air, or sanitation; or
 - (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.
- (3) "Dispose" means to destroy, recycle, or repurpose for use not as living quarters.
- (4) "Intact" means an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of a local governing authority.
- (5) "Landowner" means the owner of real property upon which a mobile home is located.
- (6) "Local government agent" means a person appointed by a local governing authority who is qualified to inspect an abandoned mobile home by demonstrating that he or she is qualified to determine if the abandoned mobile home is derelict or intact.
- (7) "Manufactured home" shall have the same meaning as set forth in Code Section 8-2-160.
- (8) "Mobile home" shall have the same meaning as set forth in Code Section 8-2-160 and shall include a manufactured home.
- (9) "Responsible party" means any person with an ownership interest in an abandoned mobile home as evidenced by the last payer of record as identified by a search of deeds or instruments of title, and shall include any holder of a recorded lien or the holder of any type of secured interest in such abandoned mobile home or a local government with a claim for unpaid taxes.

§ 44-7-113. (Effective May 1, 2019) Government agent to assess abandoned mobile home; lien on intact mobile home; derelict mobile homes; notice; governmental immunity

- (a) At the request of a landowner, a local government agent shall be authorized to assess the condition of such abandoned mobile home. Upon inspection, the local government agent shall classify such abandoned mobile home as either intact or derelict and provide documentation citing such determination to the requesting landowner within 20 days of such request.
- (b) If a local government agent determines an abandoned mobile home to be intact, a landowner shall have a right to file a lien on such abandoned mobile home in the superior court for the circuit where such abandoned mobile home is located and in the amount of any unpaid rent as of the date on which such lien is filed and accrued fees. Such lien may be foreclosed pursuant to the procedure set forth in Code Section 44-7-115.

(c) If a local government agent determines an abandoned mobile home to be derelict, such agent shall post notice of such determination in a conspicuous location on such abandoned mobile home. Such notice shall include a date of issuance and shall be in substantially the following form:

"You are hereby notified that this mobile home (describe make, model, and color, if known) located at (address or description of location) has been deemed abandoned and derelict. You are entitled to a hearing in magistrate court to contest this determination. If you fail to request a hearing within 90 days from the date that appears on this notice or if it is confirmed by a court that this abandoned mobile home is derelict, the owner of the land upon which this mobile home sits shall be entitled to dispose of the mobile home."

(d)

(1) Upon receipt of a determination that an abandoned mobile home is derelict by a local government agent, and on the same date the notice required by subsection (c) of this Code section is posted, a landowner shall send notice, which notice shall include a listing of all responsible parties and last known addresses, to all responsible parties by registered or certified mail or statutory overnight delivery. Such notice shall contain a description of the abandoned mobile home, including the make of the mobile home, the location of such mobile home, and the fact that such abandoned mobile home has been deemed derelict. Such notice shall include a statement that such responsible party is entitled to request a hearing in magistrate court within 90 days from the date that appears on such notice to contest the determination that such abandoned mobile home is derelict and that failure to request such hearing within 90 days of receipt of such notice shall entitle such landowner to dispose of the derelict mobile home.

(2) If no responsible party can be ascertained, the landowner shall place an advertisement in a newspaper of general circulation in the county where such mobile home is located; if there is no newspaper in such county, shall post such advertisement at the county courthouse in such place where other public notices are posted. Such advertisement shall run in the newspaper once a week for two consecutive weeks or shall remain posted at the courthouse for two consecutive weeks. The advertisement shall contain a description of the mobile home, including the make of the mobile home, the location of such mobile home, and the fact that such mobile home has been deemed derelict. Such advertisement shall include a statement that such responsible party is entitled to request a hearing in magistrate court by a date certain and the advertisement shall state the specific end date to contest the determination that such abandoned mobile home is derelict and that failure to request such hearing by such date shall entitle such landowner to dispose of the derelict mobile home.

(e) Neither the local governing authority nor the local government agent shall bear any liability with respect to any lawful actions taken to make a determination that a mobile home is abandoned or derelict.

§ 44-7-114. (Effective May 1, 2019) Hearing on findings of derelict mobile homes

- (a) Within the 90 day period described in Code Section 44-7-113, a responsible party, or after the expiration of such 90 day period, a landowner shall petition a magistrate court to hold a hearing to confirm or deny the decision of a local government agent that an abandoned mobile home is derelict. If a petition is filed pursuant to this Code section, a hearing on such issue shall be held within ten days of the filing of such petition.
- (b) The court shall hear evidence of the condition of the abandoned mobile home, which may include introduction of a copy of the determination from the local government agent, and whether the notice provisions set forth have been met.
- (c) If, after a full hearing, the court determines the abandoned mobile home to be derelict, the court shall issue an order finding such mobile home to be derelict and authorizing the landowner to dispose of such derelict mobile home. A landowner issued such order shall dispose of such derelict mobile home within 180 days of the date of such order. Within 30 days of disposal of a derelict mobile home, the landowner shall notify the Department of Revenue and local tag agent of such disposal and such department shall cancel the certificate of title for such derelict mobile home, if such certificate exists.

§ 44-7-115. (Effective May 1, 2019) Foreclosure of liens on abandoned or intact mobile homes

Notwithstanding any conflicting provisions in Code Section 44-14-349, all liens acquired upon an abandoned mobile home or intact mobile home under Code Section 44-7-113 shall be foreclosed as follows:

- (1) Any proceeding to foreclose a lien on an abandoned mobile home determined to be intact by a local government agent shall be instituted in the magistrate court of the county where such mobile home is located within one year from the time the lien is recorded;
- (2) The person desiring to foreclose a lien on an abandoned mobile home determined to be intact by a local government agent shall, by certified or registered mail or statutory overnight delivery, make a demand upon the responsible party in the amount of the lien and for the payment of rent and fees accrued after the filing of the lien; provided that the amount of such rent shall not exceed \$3.00 per day. If the responsible party cannot be located, notice shall be published in a newspaper of general circulation for two consecutive weeks;
- (3) (A) If, within 30 days of delivery to the appropriate address of the written demand required by paragraph (2) of this Code section or within 30 days after the last publication in a newspaper, the responsible party fails to respond to such demand or refuses to pay, or if the responsible party cannot be ascertained, the landowner may move to foreclose such lien. The person asserting such lien may move to foreclose by making an affidavit to a magistrate court showing all facts necessary to constitute such lien and the amount claimed to be due. Such affidavit shall aver that the notice requirements of Code Section 44-7-113 have been complied with, and such affidavit shall also aver that a demand for payment has been made and refused or that the identity of the responsible party cannot be ascertained. The landowner shall verify the statement by oath or affirmation with a signature affixed thereto.

(B) In addition to the filing fees required by Code Section 15-10-80, the fee for filing such affidavit shall be \$5.00 per abandoned mobile home upon which a lien is asserted;

(4) (A) Upon the filing of such affidavit, the person asserting such lien shall give the clerk or judge of the court the address, if known, of all responsible parties and the clerk or judge of the court shall serve notice informing such responsible parties of a right to a hearing to determine if reasonable cause exists to believe that a valid debt exists; that such hearing shall be petitioned for within 30 days of receipt of such notice; and that, if no petition for such hearing is filed within the time allowed, the lien shall conclusively be deemed a valid one, foreclosure thereof allowed, and a public sale pursuant to Code Section 44-7-116 shall be authorized.

(B) Any notice required by this paragraph shall be by certified mail or statutory overnight delivery or, if the responsible party is unknown, by posting such notice at the county courthouse in such place where other public notices are posted;

(5) If a petition for a hearing is filed within the time allowed pursuant to paragraph (4) of this Code section, the magistrate court shall set such a hearing within ten days of filing of the petition. Upon the filing of such petition by a party defendant, neither the prosecuting lienholder nor the court may sell the mobile home. If, at the hearing, the magistrate court determines there is reasonable cause to believe that a valid debt exists, then the person asserting the lien shall retain possession of the mobile home or the court shall obtain possession of the mobile home, as ordered by the court;

(6) If no petition for a hearing is filed, or if, after a full hearing, the magistrate court determines that a valid debt exists, the court shall authorize foreclosure upon and sale of the mobile home subject to the lien to satisfy the debt if such debt is not otherwise immediately paid. The holder of a security interest in or a lien on the mobile home, other than the holder of a lien created by Code Section 44-7-113, shall have the right, in the order of priority of such security interest or lien, to pay the debt and court costs no later than 15 days after a magistrate court's order to authorize the foreclosure. If the holder of a security interest or lien does so pay the debt and court costs, such person shall have the right to possession of the mobile home, and that person's security interest in or lien on such mobile home shall be increased by the amount so paid. A magistrate court order shall be issued to this effect, and in this instance there shall not be a sale of the mobile home. If the debt owed is not timely paid by the holder of a security interest or an appeal of the magistrate court decision has not been timely filed pursuant to paragraph (8) of this Code section, the court shall issue an order authorizing the sale of such mobile home;

(7) If the magistrate court finds the actions of the person asserting the lien in retaining possession of the mobile home were not taken in good faith, then the court, in its discretion, may award damages to the mobile home owner and to any party which has been deprived of the rightful use of the mobile home; and

(8) Any order issued by the magistrate court shall be appealable pursuant to Article 2 of Chapter 3 of Title 5, provided that any such appeal shall be filed within seven days of the date such order was entered and provided, further, that, after the notice of appeal is filed with the clerk of the trial court, the clerk shall immediately notify the magistrate court of the notice of appeal. If the order of the magistrate court is against the responsible party and the responsible party appeals such order, the responsible party shall be required to pay into the registry of the court all sums found by the magistrate court to be due in order to remain in possession of the mobile home. The responsible party shall also be required to pay all future rent into the registry of the court as it becomes due in such amounts specified in paragraph (2) of this Code section until the issue has been finally determined on appeal.

§ 44-7-116. (Effective May 1, 2019) "Public sale" defined; procedure; penalty for noncompliance

(a)(1) As used in this subsection, the term "public sale" means a sale:

(A) Held at a place reasonably available to persons who might desire to attend and submit bids;

(B) At which those attending shall be given the opportunity to bid on a competitive basis;

(C) At which the sale, if made, shall be made to the highest and best bidder; and

(D) Except as otherwise provided in Title 11 for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 10:00 A.M. and 4:00 P.M., and the place of sale and shall briefly identify the goods to be sold.

(2) Upon order of the magistrate court, the person holding the lien on the abandoned mobile home shall be authorized to sell such mobile home at public sale.

(b) After satisfaction of the lien, the person selling such mobile home shall, not later than 30 days after the date of such sale, provide the clerk of the court with a copy of the bill of sale as provided to the purchaser and remit the remaining proceeds of such sale, if any, to the clerk of the court. Any person who fails to comply with the requirements of this subsection shall be guilty of a misdemeanor.

§ 44-7-117. (Effective May 1, 2019) Clerk's role in management of proceeds

The clerk of the magistrate court shall retain the remaining balance of the proceeds of a sale under Code Section 44-7-116, after satisfaction of liens, security interests, and debts, for a period of 12 months; and, if no claim has been filed against such proceeds by the owner of the abandoned mobile home or any interested party, then the clerk shall pay such remaining balance into the general fund of the municipality or county that employs the local government agent that made the determination that such mobile home was intact pursuant to Code Section 44-7-113.

§ 44-7-118. (Effective May 1, 2019) Documentation for purchaser

The purchaser at a sale as authorized by this article shall receive a certified copy of the court order authorizing such sale. Any such purchaser may obtain a certificate of title to such mobile home by filing the required application, paying the required fees, and filing a certified copy of the order of the court with the Department of Revenue. The Department of Revenue shall then issue a certificate of title, which shall be free and clear of all liens and encumbrances.

§ 44-7-119. (Effective May 1, 2019) Appointment of local government agent not required

Nothing in this article shall be construed to require a local governing authority to appoint a local government agent.

OCGA § 44-7-110

Abandoned Mobile Home Act

Intent of Resolution

Appoint the Building Official as the local government agent for the purposes defined in the Abandoned Mobile Home Act

Official Role

Intact

an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of a local governing authority

Derelict

an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:

- (A) Inadequate provisions for ventilation, light, air, or sanitation; or
- (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/2020

Prepared By: Harmony Gee

Voting Session: 6/18/2020

Presenter: Jameson Kinley _____

Public Hearing: Yes ___ No x ___

Agenda Item Title: Presentation of Adoption of a Revised Planning Commission Terms Resolution

Background Information:

In May 2009 Planning Commission terms were updated but, between that time and 2019, the appointments have gotten off schedule. It is our attempt to update the terms so that they will coincide with the respective Board of Commissioners District's term.

Current Information:

All Planning Commission members' terms are set to expire on December 31, 2020.

Budget Information: Applicable: _____ Not Applicable: x Budgeted: Yes _____ No n/a

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

**AN ORDINANCE OF THE
BOARD OF COMMISSIONERS
DAWSON COUNTY, GEORGIA**

**TO PROVIDE FOR THE MEMBERSHIP OF THE PLANNING
COMMISSION OF DAWSON COUNTY; TO PROVIDE FOR
SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND
FOR OTHER PURPOSES.**

WHEREAS, the current resolutions and ordinances regarding the Dawson County Planning Commission were approved on May 24, 1982; January 22, 1990; June 17, 1997; August 16, 1999; May 7, 2009 and

WHEREAS, the Board of Commissioners of Dawson County deem advisable amending the procedure by which members of the Planning Commission of Dawson County are appointed.

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

- A. In Chapter 101 Article II PLANNING COMMISSION, by deleting subsection 24(e) in its entirety and replacing it with the following:

“e. The amendment regarding how members and alternates are appointed to the Planning Commission in accord with the terms hereof shall become effective beginning with the next term for each current member and each current alternate of the Planning Commission. **As of December 31, 2020, the term for each member and alternate appointed in accord with this ordinance shall be two years, except that the initial appointments for District 1 and District 3 shall be for one year and thereafter shall be for two years, and shall be on the first day of the calendar year.** A member or alternate may be re-appointed.”

Section II. All other provisions of Article II Planning Commission of Dawson County, Georgia shall remain the same.

Section III. If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be

construed (1) to affect the portions of the ordinance not held to be invalid or (2) to affect the application of this ordinance to other circumstances. It is hereby declared to be the intent of the Board of Commissioners of Dawson County, Georgia to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

Section IV. All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

So Ordained, Resolved, Adopted and Approved this ___ day of _____, 2020.

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST

By: _____

Billy Thurmond, Chairman

By: _____

Kristen Cloud, County Clerk

Dates of Public Hearings:

Dates of Advertisements:

DAWSON COUNTY BOARD OF COMMISSIONERS
APPLICATION FOR APPOINTMENT TO COUNTY
BOARDS AND AUTHORITIES



The Dawson County Board of Commissioners accepts applications for appointments. Interested parties should submit this form and supporting documentation to the County Clerk.

Board or Authority Applied for AVITA Board of Directors

Name Angelia G. Brown (Angie)

Home Address 44 Kilough Ridge Drive

City, State, Zip Dawsonville, GA 30534

Mailing Address (if different) _____

City, State, Zip _____

Telephone Number L. 678-513-5204 WK. Alternate # _____

Fax Telephone Number 678-989-3008 FAX

E-Mail Address abrown2@laniertech.edu

Additional information you would like to provide:

I would greatly appreciate your vote of confidence to allow me to serve on the AVITA Board of Directors. I look forward to the chance to serve the community and the opportunity to represent Dawson County.

Signature Angelia G. Brown **Date** 1/19/18

Please note: Submission of this application does not guarantee an appointment.

Return to: Dawson County Board of Commissioners
Attn: County Clerk
25 Justice Way, Suite 2235
Dawsonville, GA 30534
(706) 344-3501 FAX: (706) 344-3889

DAWSON COUNTY BOARD OF COMMISSIONERS
APPLICATION FOR APPOINTMENT TO COUNTY
BOARDS AND AUTHORITIES



The Dawson County Board of Commissioners accepts applications for appointments. Interested parties should submit this form and supporting documentation to the County Clerk.

Board or Authority Applied for Department of Family & Children Services

Name Tina Brady

Home Address 1450 Nix Bridge Road

City, State, Zip Dawsonville, GA 30534

Mailing Address (if different) N/A

City, State, Zip N/A

Telephone Number _____ **Alternate Number** _____

Fax Telephone Number _____

E-Mail Address _____

Additional information you would like to provide:

Signature *Tina D. Brady* **Date** 2/10/2020

Please note: Submission of this application does not guarantee an appointment.

Return to: Dawson County Board of Commissioners
Attn: County Clerk
25 Justice Way, Suite 2313
Dawsonville, GA 30534
(706) 344-3501 FAX: (706) 344-3504