

Called Meeting Minutes - January 3, 2005

MINUTES

CALLED MEETING OF THE DAWSON COUNTY BOARD OF COMMISSIONERS

MONDAY, JANUARY 3, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2; Jim King, District 3; Julie Hughes Nix, District 4; County Clerk Dack and interested citizen were also present.

Motion passed unanimously to go into Executive Session to discuss personnel. Saling/King

Motion passed unanimously to come out of Executive Session. Saling/Nix

Chairman Berg advised the following:

-Motion passed by majority to appoint Joseph Homans as County Attorney for 2005. King/Craft.
Commissioner Saling opposed.

-Motion passed unanimously to appoint Bill Johnsa as County Manager for sixty (60) days. King/Craft

-Motion passed unanimously to appoint JoAnne Dack as County Clerk for 2005. King/Saling

-Motion passed unanimously for a contract to be created for all three positions with defined job responsibilities. Saling/King

Motion passed unanimously to adjourn. King/Craft

Regular Meeting Minutes - January 6, 2005

MINUTES

REGULAR MEETING OF THE DAWSON COUNTY BOARD OF COMISSIONERS

THURSDAY, JANUARY 6, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa; County Clerk Dack and interested citizens of Dawson County, Georgia. County

OPENING PRESENTATION

The Dawson Community Chorale opened the meeting by singing the National Anthem.

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg said he thought it was very important to start the New Year by stating vision and goals that are in line with the type of things the Board will be doing for the next four years. He said the vision statement for the county is where people can work, play, enjoy the rural tapestry of the county and also enjoy some of the urban benefits; to do this, he expressed the following five goals:

- Planned growth
- Balanced tax base
- Spend wisely
- Modernized government
- Training/Communications

In addition, Chairman Berg said he thought that the employees were the best assets the county had; and in that vein, the Board should make sure they are compensated adequately, and have the type of benefits they need in order to want to stay in the County and enjoy it. He also said the Board needed to look at some of the improvements to the County; i.e., IT, grants, water and sewer persons.

Chairman Berg said he planned on having town hall meetings during the year. He pledged to the citizens that he planned on be in the office on Monday and Thursday so the citizens could come in and talk. He challenged each Board member to get involved in civic associations and service organizations saying they are the life thread of the community.

He said the County had a lot of opportunities such as airports, toll-free phone exchange, the 400 overpass, river protection, roads and an animal shelter. He stated that he expects the citizens to want the Board to report to them every six months on how they are progressing.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting held December 16, 2004. King/Saling

OLD BUSINESS

Appointments:

December 2004 Tax Assessor's Board Appointment. Chairman Berg said he understood the Board of Commission had some paperwork submitted by Attorney Homans. He said that there is some investigation that needs to occur and didn't think the Board was ready to go forward. Attorney Homans recommended waiting. Chairman Berg said this would be placed on the agenda for February 3.

Don Roberts said that since this appointment involved him, he didn't understand the delay. He stated that Commissioner McCormick had informed the Chairman of the information that is contrary to the Counsel's legal opinion; and that any delay would cause him to miss the first meeting of the Board of Tax Assessor. Chairman Berg said that until, or if, the appointment was changed, Mr. Roberts was on the Board. He said it wasn't a delay of whether he was on the Board; but rather, whether a position was open at the time of appointment. Chairman Berg said that Mr. Roberts would still be attending the meetings while the issue was being resolved.

Mr. Roberts then asked whether the investigation should be done by county personnel or by the Department of Revenue. Mr. Berg said he would be glad to discuss this issue with him following the meeting.

Motion passed unanimously to appoint David McNally, in addition to his appointment of David Rhodes, to the Impact Fee Committee. King/Craft

NEW BUSINESS

Request for Qualifications (RFQ) for Consultants.

Chairman Berg said this involved the sewage issue of package plants and how they relate to zoning issues that have come up within the last three months; and, to look at the sewage system in order to evaluate how they will match up in future package plants. He said three RFQ's had come in and they were: Infratec Consultants, Inc., CH2MHill, and PBSJ. Chairman Berg stated the Board had also received an evaluation of these three companies.

Motion passed unanimously to enter into fee negotiations with CH2MHill; and for CH2MHill to work closely with Etowah Water & Sewer engineers. King/Nix

Motion passed unanimously to appoint Jim King as Vice-Chairman of the Board of Commissioners. Saling/Nix

PUBLIC COMMENT - None

EXECUTIVE SESSION - None

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Nix

Work Session Minutes - January 13, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, JANUARY 13, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg, Bill Saling, District #1; Frank Craft, District #2; Jim King, District #3, Julie Hughes Nix, District #4

1. 2004 Budget Revision - Ratification of Amended Fund Budgets Other Than General Fund - Lowayne Craig

This was a consented item for New Business - 1/20

2. Dawson County Board of Tax Equalization - Sidney Foster

Bill Johnsa to check with other boards to see if the amount of reimbursement for each is legislated.

This item was placed on the next Work Session- 1/27

3. County Manager's Report - Bill Johnsa

(a) Bids were opened for the Public Works Dept. Ford F-250 vehicle:

Chestatee Ford - \$25,990

Jacky Jones - \$25,500

Acme Auto Leasing - \$30,542.64

Bid will go to the lowest qualified bidder - consented to for New Business- 1/20

(b) County Manager sought direction on opening bids someplace other than in Work Session.

The County Manager will be permitted to open all bids in the Commissioners' Conference room in the presence of the County Clerk in an open advertised meeting.

4. County Attorney's Report - Joseph Homans

5. CPCD Regulation Changes - Lynn Tully

This item was consented to for New Business 2/3 and 2/17

6. Kiosk Signage Contract and Stipulations - Lynn Tully (removed)

7. Long Range Land Use Planning - Lynn Tully/Jerry Weitz

This item will be heard under Public Hearing on 2/3, Work Session on 2/10, and Public Hearing on 2/17.

8. Discussion of federal parks lease - Bill Johnsa

RFP's were opened and read. Two submittals were War Hill, LLC and Walter Lee & Gordon Pirkle

9. Dawson County Shotgun Shooting Park - Richard Becker

Two Commissioners, Bill Saling and Frank Craft, to accompany two Park Board members to the site. County Manager will set up the meeting.

10. Letter to Governor Perdue requesting assistance in securing additional water.

Commissioner Saling's letter to be sent ASAP.

Regular Meeting Minutes - January 20, 2005

MINUTES

REGULAR MEETING OF THE DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JANUARY 20, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa; County Clerk Dack and interested citizens of Dawson County, Georgia. County

OPENING PRESENTATION: Boy Scouts of America- Etowah Group - Tom French

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS: None

APPROVAL OF MINUTES:

-Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on January 6, 2005. Saling/King

-Motion passed unanimously to approve the Minutes of the Called Commission Meeting Held on January 3, 2005. Saling/King

PUBLIC HEARINGS:

Leasing park property to the Humane Society for the purpose of constructing an Animal Shelter

Chairman Berg explained the process of the hearing and asked whether there was anyone present to speak.

Ms. Jean Schilling, Vice President of the Dawson County Humane Society, came forward to speak. She stated that for the past 20 years, she had been educating children in the Midwest and in Dawson County on animal care and safety issues. For the past 2-1/2 years she has been in the Dawson County schools educating the youth. She said the main goal of the Humane Society was education. She said they would like to find the optimum place for several reasons: more accessibility for adoption; educate the youth by having an education room with videos and educational books; get junior and high school volunteers. If the shelter is located too far away, the big concern is how the young people can get to the facility. She said they had a person from the State Dept. of Agriculture who is in attendance and would speak regarding the state rules and regulations.

Mr. Ray DeLuca, Supervisor for the Georgia Department of Agriculture - Animal Protection Section, came forward and handed out the Animal Protection rules and regulations to the Commission. Mr. DeLuca stated that his department regulates the entire pet industry for the State of Georgia. Anyone who breeds, sells, adopts, barter, trades or does any kind of business with companion animals must be licensed and registered through this department. They also regulate the rescue animal shelters, all animal controls and Humane Societies throughout the state. Records are kept as to where they came from and where they went. He said he has been working with the Dawson County Animal Control and understands something has to be done. Animals are now being taken to Hall County and they are disposed of either by adoption or euthanasia. He said that education is a main part of the Humane Societies. The Animal Control purpose is to protect people from animals that can be dangerous to health, property and to the livestock. He further stated that the purpose of the Humane Society is to provide services for the animals and find a home for them. Mr. DeLuca said he has worked with several people involved in the Dawson County Humane Society, and he knows they are trying to do something good for Dawson County and the entire State. He said that out of 159 counties only 60 counties have animal control, and probably 75% of the counties have a humane society. Unfortunately, humane societies do not have the authority to pick up stray animals on the side the road. Only Animal Control has this authority.

Chairman Berg asked whether there was a chance the state would have a statute stating that all counties would have to have something to take care of the animals. Mr. DeLuca answered that they cannot do anything because there are no funds.

Ms. Schilling said the Humane Society would like to say they have a Humane Society that is adjacent to the park that it is functioning; they have a good adoption rate, and have good conscientious people that are doing this for them. She asked the Board to consider this. She then introduced Ms. Claire Lewis.

Ms. Lewis came forward and put up two poster boards on tripods. Prior to speaking she gave Chairman Berg a copy of the Animal Control website to show there was no phone number to call Hall County or to show where the animals were taken. She wanted Mr. Berg to give this to Mr. Tanner to add to the website. She then told about the two poster boards: one, activities in Dawson County; and the other one is, activities in Big Canoe. Ms. Lewis then spoke mostly to Commissioner Saling, mentioning that his wife is on the Big Canoe Shelter, that the Big Canoe paper recently devoted six pages to its animal shelter, that before becoming a Dawson County Commissioner he was very active politically in Big Canoe and when they needed a shelter he was 100% behind it. She said that lost animals in Big Canoe go to a shelter where they can be fostered until an owner is located, whereas in Dawson County they do not go to a shelter and are killed within six days. Ms. Lewis said that people are standing in line in Dawson County to become foster parents, but there is no way it can happen. Once they are taken to Hall County the only way to get them help is via adoption.

Ms. Lewis said that both the animals and owners are in deep pain, missing their loved ones they will never see again. By the time the animal is picked up from the Sheriff's website the rush to make the flyer, contact the mail carrier from the location where the animal was found and get the flyers out to the neighborhood, it is too late because the animal is dead. It is too late because the county does not have a shelter. A shelter is the only stop gap to reuniting lost animals with their owners. She then showed an example on the poster board where an animal was being loaded for transportation to Hall County before any contacts could be made or flyers handed out. She asked Commissioner Saling how this compared to his neighborhood. She then said that most of the animals in Big Canoe were reunited where in our county they were put to death.

Ms. Lewis then pointed to the other poster board that showed numerous articles from the Big Canoe animal rescue that has a physical shelter with no time limit, where Dawson County has a time limit.

Ms. Lewis said everyday delayed is another day where the animals are destroyed and children and families are in tears. She said the need is now. She then told about three lost, dumped animals. The mail carrier told her that she knew the animals were dumped because there was a dish of food and dog toys in the middle of a dirt road in the middle of nowhere. There have been over twenty dogs dumped on this route and the mail carrier has taken in twelve of them. Ms. Lewis, her husband and friends have taken several animals to PetSmart to be adopted, after nursing them to health.

Mr. Kurt Krattinger came forward to speak. He said he would like to help the Board make a decision. His perspective on the matter is, 'Is it the right thing to do?' 'Is it the right place?' He said it was obvious there were a lot of impassioned people in the room. He said that they had heard from Rick Aiken in December. There was no doubt the facility would be safe and healthy and would work perfectly. He said the Society had asked for a place in the park that sounded unusual, but his thought was that Dawson County is unusual and the Commission had an opportunity to think out of the box. He further said that this could set the bar high for anyone else in the state to help the animals be repatriated into society. He

said that friends and neighbors are working together. The focus should be if it could be done. Mr. Krattinger gave a hand-out to the Board showing the Humane Society's assets, and said he was concerned they would lose people and contributions if action were not taken now.

Ms. Angie Huber came forward to speak. Ms. Huber said she and her husband lived just down the street from the park. She said they have been residents and taxpayers for over six years, moving to Dawson County with their two children - Bubba and Scooter. They now have five children, by adding Dixie, Dukie and Rubin. They found Dixie and Dukie in the Dawson Forest Wildlife area. The puppies had been thrown out, half starved babies. Rubin was left on their doorstep by a neighbor moving, knowing they would take care of him. She said they used Rock Creek Park for their recreational purposes and couldn't understand the objection for the Humane Society to be located in it.

Chairman Berg asked whether there was anyone else present to give new information.

Mr. Jay Foster came forward to speak. He said that in his opinion the past commissioners had made some bad decisions, citing schools with more than one ballpark and basketball goals and churches with the same facilities. He also spoke about the roads within the county - saying no money was being put in maintaining the roads - all the money is being put in recreational facilities.

Ms. Jane Galvin, President of Big Canoe Animal Rescue came forward to say that she had been so misquoted and couldn't believe what she had been hearing. She told the assembly that everything in Big Canoe had been done with hard work from volunteers and funds. She said they do not foster any animals. They have only eight runs. They also have school educational programs.

Mr. John Swartz, Director of Dawson County Humane Society came forward to speak. He said they were in attendance to request the Board approve its request for a small parcel of land adjacent on the north side of Rock Creek Park to build the animal shelter. He asked the Board to please help them.

Chairman Berg asked for Phil Anderson to come forward and give a breakdown of the properties from a technical view. Mr. Anderson said they were looking at four sites and invited Mr. Pete Hill, the architect who assisted in the evaluation to come up as well. Mr. Anderson cited the criteria used in evaluating the sites. The criteria added up to 100 pts. in the evaluation. Based upon the combined efforts, the site that earned the most point is the site behind the park off the sewage plant road on the other side of the creek that borders the Park property.

Mr. Hill said they were being as subjective as possible. He said that he and Phil Anderson were in agreement for each site.

Chairman Berg said the main goal is to do something now. He said that all the Board saw the value of an animal shelter. He said it came down to properties and where the Commission thought the best fit is. He then asked for discussion.

Commissioner Saling said he wanted to take this opportunity to first say this is a great turn out for democracy and this was a healthy discussion. He said the Board had been wholeheartedly in support of a Humane Society. Commissioner Saling said we have a fundamental cultural challenge; a lot of folks do not see dogs as pets. The Humane Society has a real role to play in the community. He said one of the concerns he has is that the public has an implied trust in the Board to correctly handle the Splost funds. The Park was purchased by Splost funds for long-term development and that was his reservation with a site location within the Park. However, the Board will do everything they can do to facilitate because it is the right thing to do.

Motion passed unanimously for the County to endorse Site Location D, the property adjacent to the Rock Creek Park. Saling/King

Chairman Berg directed County Manager, Bill Johnsa, to get together with the Humane Society and work out the details.

ZONING:

ZA 04-23: Ransom Development Corporation has made a request to rezone 82-54 acres of TMP 97-99 from RA (Residential Agricultural) to CPCD (Commercial Planned Community Development) to construct mixed-use development. Currently showing 283 lots at 8,000 square feet lots. Also, plan shows a day care center and a church. Density proposed at 3.75 units per acre. Plan shows amenity area of clubhouse, pool and trail. Location: Dawson Forest Road.

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED APPROVAL WITH STIPULATIONS

Chairman Berg explained the procedure of hearing this request and then asked Lynn Tully, Planning Director, to announce the zoning request. Ms. Tully read the request and Mr. Berg then asked if the applicant was present.

Mr. Sid Ransom came forward to speak. He said the seller of the property had something he would like to say to the Board. Mr. George David came forward and said he represented a 1/4th interest in the

property and said he hoped this zoning could go forward without further delay. His concern was that there would be no specific date and it could go on for a year. He said he hoped the Board would look favorably upon the property and not have any more long delays.

Mr. Sid Ransom said he had been before the Commission regarding this request, but the Board now had new members and asked Mr. Berg if he wanted him to present the request again. He stated he had the approval of the Planning Commission and had agreed to all its stipulations; however, there was a question regarding one entrance between the church and day care property, saying it was the insurance factor of going from one private property to another. He said if that if this could be resolved he would gladly agree to the stipulation. Mr. Ransom said he didn't see any problem in zoning the property and moving forward. He also said that if there was to be a sewage treatment plant in the basin, he ought to know what the rezoning would be. He said he would hope the Board would rezone the property tonight, but if not and wanted to delay another thirty days, he would like to think they could come to an agreement within the next thirty days as to what is going to happen so they could move forward.

Chairman Berg asked whether anyone was present to speak in opposition to the request. No one came forward.

Commissioner Saling said the Board had tabled this request twice and it was his understanding that Etowah Water & Sewer cannot provide sewer. He said that Mr. Ransom had proposed to provide sewer. He said several other people had proposed package plants as well.

Commissioner King since they had approved a development in December and had this development request and several others coming up, the Commission had hired an engineer to study this basin. Commissioner King said they wanted something built to their standards. He said it would take about 30 days to get the sewer study back from the engineers. He stated he wanted to table this request until a thorough study could be done.

Motion passed unanimously to table this request for sixty days. King/Saling

ZA 04-26: Keith Young has made a request to rezone 75.86 acres of TMP 107-15 & 86 from RA (Residential Agricultural) to RPCD (Residential Planned Comprehensive Development) in order to develop 398-lot subdivision. Location: Red Rider Road

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED DENIAL

-With appealed VR 04-32: Keith Young has made a variance request to density per acre referencing ZA 04-26. Request to allow 5.5 units per acre. REQUEST DENIED

Planning Director, Lynn Tully, read the request.

Chairman Berg asked whether anyone was present to be heard in favor of the request.

Attorney Shelly Martin, representing the applicant came forward to speak. Ms. Martin said this development had 32 percent of green space and is consistent with the future Land Use plan.

Chairman Berg said the a letter had been received from Etowah Water & Sewer stating they had given approval for water as wells and wanted to know if a study had been made. Attorney Martin said Etowah Water & Sewer had expended quite a bit of money on this study and had found out this development lies in a tertiary (inaudible) and there will be quite an excess of water. She further stated that Etowah Water & Sewer is interested in taking over the wells and they have been drilled.

Chairman Berg has if there was a second backup person for the wells. Ms. Martin said they have a company out of Dahlonega interested, but didn't feel they would need a secondary person.

Commissioner Saling asked how they could provide fire hydrants per the County regulations. Ms. Martin said they were 300 feet away from hooking into Etowah and had discussed a valve being put in place allowing them to get the water from Etowah in case of fire.

Commissioner King said the County would still have a sewer issue; the same issue discussed in the previous zoning. He said a solution should be provided before approving the zoning request.

Chairman Berg asked whether anyone was present to speak in opposition to the request.

Mr. Donald Smith came forward to speak. He said his property abuts the land of the zoning request. He said his subdivision contained seven streets, and that the catch basin is set for surface water and drainage for the proposed Land Lots 429 and 430. Mr. Smith said all the drainage channels would cause the water to backup on the land, creating retaining ponds. He said the land is really mushy and when it rains, ponds appear. He also said a lot of creeks run everywhere through the property. Mr. Smith said he

couldn't believe anyone would want to build on this mushy land. He said he was concerned also about the five-foot setbacks, saying if there were a fire, everything would catch on fire.

Mr. Doug Schlote came forward to speak. He said his property also abuts the proposed development. He said he had water from eighteen homes that drain through his property into a small ditch and then runs through the back of his area into the woods. He said he didn't see any provisions for any drainage. He said any water that would drain from the development would end up in the back of his property. He said he also had concerns with the increased density. Mr. Schlote said he didn't believe the Dawson Junction Homeowners Association was in favor of the request.

Ms. Peggy Hilton came forward to speak. She said she objected to the two sewers in less than five miles from her home. She said they don't have water, roads or facilities to take care of that many new homes.

A short discussion was held regarding the storm water and retention ponds.

Motion passed unanimously to table the zoning for sixty days. King/Saling

Motion passed unanimously to table the appeal for sixty days. King/Saling

ZA 04-27: Dave Davis has made a request to rezone 14 acres of TMP 106-80 from RA (Residential Agricultural) to CPCD (Commercial Planned Comprehensive Development) in order to develop 99-lot residential development with commercial frontage. Location: 3278 Dawson Forest Road

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED DENIAL

-With un-appealed VR 04-30: Dave Davis has made a variance request to density per acre referencing ZA 04-27. Request to allow 7.1 units per acre AND reduce 20 acre minimum acreage required to zone to CPCD. REQUEST DENIED

Ms. Tully read the rezoning request.

Chairman Berg asked whether anyone was present to be heard.

Attorney Ethan Underwood representing Mr. Dave Davis came forward to speak. He said this was a mixed-use development with affordable housing, and also 19,000 square feet of office and retail space. He said this would help to bring businesses into the county.

Chairman Berg asked whether anyone was present in opposition to the request.

Mr. Doug Schlote came forward and objected to a variance on the density.

A discussion was held with reference to advertising the variance request.

Motion passed by majority to approve the request with the following stipulations: King/Craft

Saling opposed

- Must meet GA 400 Corridor Guideline

- Must meet the new CPCD requirements once approved

- Sewer service provided through existing Etowah sewer line that bisects the property

- Land Disturbance Development permit for the retail portion must be obtained prior to issuance of a development permit for the residential portion

- The entrance must be designed to meet the requirements of the Dawson County Department of Public Works

A discussion was held with reference to approving the zoning for CPCD based on less than twenty acres. Chairman Berg said the new CPCD guideline states it has to be 50-acre minimum, so that part would have to be removed. Commissioner Saling said the Board could not mandate hookup to Etowah Water & Sewer.

Motion passed by majority to remove the CPCD stipulation from the previous motion. King/Craft

Saling opposed.

Motion passed by majority to approve the request with the remaining stipulations. King/Craft

Saling opposed.

ZA 04-28: Kurt Krattinger has made a request to rezone 12.2 acres of TMP 97-148 from R2 (Residential Single Family) to RA (Residential Agricultural) in order to farm land and protect historic areas on the site. Location: 243 Blacks Mill Road

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED APPROVAL

Planning Director, Lynn Tully, read the zoning request.

Chairman Berg asked whether anyone was present to be heard in favor of the request.

Mr. Krattinger came forward and said he would like to have the property rezoned in order to keep it whole and pristine.

Chairman Berg asked whether anyone was present to be heard in opposition to the request. No one came forward.

Motion passed unanimously to approve the zoning request. King/Saling

ZA 04-29: Kurt Krattinger has made a request to rezone 7.024 acres of TMP 97-99 Split from R1 (Residential Single Family Restricted) to CRB (Commercial Rural Business) in order to develop a small show room for woodwork sales and landscape idea sales. Location: 243 Blacks Mill Road PLANNING STAFF & PLANNING COMMISSION RECOMMENDED APPROVAL

Planning Director, Lynn Tully, read the zoning request.

Chairman Berg asked whether anyone was present to be heard in favor of the request.

Mr. Krattinger said this property was the portion that had the most historic value on it. He said this is the Blacks Mill Creek basin that is being talked about for the sewer system. He said he wanted to be able to protect the land and still be able to function off it. Mr. Krattinger showed photos of small businesses close to his property. He said the he wanted the property to be zoned commercial in order to buy liability insurance to protect people coming onto the property.

Commissioner Saling said he hoped Mr. Krattinger would designate a specific site as a historic designation and that would preserve it.

Ms. Pam Schlessinger came forward and said she wanted to thank Krattinger for asking for this request. She said her concern was that they could not take care of everything in this vicinity now.

Mr. Berg asked whether anyone was present to speak in opposition to the request. No one came forward.

Motion passed unanimously to approve the request. Nix/King

OLD BUSINESS:

Tax Assessors Appointment. Chairman Berg said an appointment to the Tax Assessors Board had been done last year and the Tax Assessor and/or Board had asked the County Attorney to render an opinion as to whether that appointment was valid. He asked the County Attorney, Joseph Homans, if he had a report on it.

Mr. Homans said he did and said he had given the opinion to both the Board and the Board of Assessors that said he did not believe the appointment was valid on December 16, 2004. He cited O.C.G.A. 48-5-292(a), any elected official, state or county, was not authorized to serve on the Board of Tax Assessors. He said obviously Mr. Roberts was Chairman of the Board of Commissioners on December 16. He stated that the question arises can you delay the appointment to another day, to Jan. 1, for example. He said the answer is, "No," under the Attorney General opinions. He cited the case of Madden vs. Bellew if you have three new commissioners coming in, that's binding a subsequent board, so therefore any attempt to delay the effective date of the appointment until after the first of the year would usurp the Board's authority of 2005. He further stated the term would not have expired because Ms. Halstead was on the Board until someone else was named to succeed her.

Mr. Homans said he had asked Attorney J. Tom Morgan for a written opinion as well. Mr. Morgan concurred with Mr. Homans that the December 16th appointment was invalid.

Motion passed unanimously for a position on the Board of Tax Assessors to be open. Nix/Craft

Motion passed unanimously for Sara Halstead to be appointed to the Tax Assessors Board. Nix/Craft

Motion passed unanimously for Jim Barkley to be appointed to the Library Board/ Saling/Craft

Motion passed unanimously for JoAnn Goodroe and Sheri Crumbley as an Alternate to be appointed to the Georgia Mountains Service Board. Saling/Craft

NEW BUSINESS:

Motion passed unanimously to approve the 2004 Budget Revision as submitted in the January 6 Work Session. Saling/Nix

Motion passed unanimously to approve the Public Works Vehicle Lease Purchase to Jacky Jones in the amount of \$25,500. Nix/Craft

PUBLIC COMMENT:

Mr. Don Roberts came forward to speak about opening bids in a public forum. He said that in the last Work Session management had proposed that the bids no longer be opened in public. He told the assembly that in the past a commissioner was engaged in the county doing county road projects without bids or permits. He said that was the reason the Commission had wisely, in the year 2001, unanimously passed opening bids in public. Mr. Roberts said opening bids did not exceed over one hour last year. He admonished the Board to open all bids in public.

Commissioner Saling said the bids would be opened in public at an advertised meeting.

EXECUTIVE SESSION:

Motion passed unanimously to go into Executive Session to discuss land acquisition, personnel and potential litigation. Saling/Craft

Motion passed unanimously to come out of Executive Session. Saling/King

Motion passed unanimously to reject the Walter Lee proposal regarding the federal parks due to the proposal being deemed non-responsive. Saling/King

Motion passed unanimously to accept the War Hill, LLC proposal and enter into negotiations with them regarding War Hill Park. Saling/King

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting.

Called Meeting Minutes - January 26, 2005

MINUTES

CALLED MEETING OF THE DAWSON COUNTY BOARD OF COMMISSIONERS

MONDAY, JANUARY 26, 2005

Those present were Chairman Berg; Bill Saling, District 1; Jim King, District 3; Julie Hughes Nix, District 4; County Clerk Dack and interested citizens were also present. Frank Craft, District 2, was absent.

Motion passed unanimously to go into Executive Session to discuss potential litigation. Saling/Nix

Motion passed unanimously to come out of Executive Session. Nix/Saling

Motion passed unanimously to adjourn. Nix/Saling

Work Session Minutes - January 27, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, JANUARY 27, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg, Bill Saling, District #1;

Frank Craft, District #2; Jim King, District #3, Julie Hughes Nix, District 4

1. Chamber of Commerce Quarterly Report - Linda Williams

(a) Economic Development Budget Request

(b) Tourism Budget Request

The Chamber requested continuation of the agreement to disburse hotel/motel tax collections for the promotion of Dawson County tourism. They requested an additional \$28,307.

This item placed on the Work Session of 2/24

2. Amicalola Scenic Byway Presentation - Linda Williams/John Edwards

A resolution is needed by April

3. Approval to apply for a Bullet Proof Vest grant through the U.S. Dept. of Justice. Also approval for Major Tanner to submit application, grant award and reimbursement requests electronically.

This item was mistakenly heard on 1/26 and will be placed on the Work Session Agenda of 2/10

4. County Manager Report - Bill Johnsa

The County Manager met with Mr. Larry Toney of Pickens County with reference to the Big Canoe emergency services and an intergovernmental agreement. They will meet again January 31 and will then submit a draft of the contract to be hopefully finalized by March 1.

5. County Attorney Report - Joseph Homans

The County Attorney asked the Board to be prepared to discuss the BHW Investment lawsuit on 2/3

Mr. Homans asked the Board to be prepared to discuss the Chestatee sign application permit on 2/3

Along with his report Attorney Homans presented the Fire Safety Ordinance. He said the Fire Marshall would be present to speak regarding the Codes he has now updated.

This item was consented to for Old Business 2/3

6. Dawson County Board of Tax Equalization - Bill Johnsa

This item placed on the Agenda for New Business 2/3

7. American Legion Request for Transfer of Property - Steve Wilson

Chairman Berg requested a facilities management plan from the County Manager before making a decision. Also, the County Attorney is to give a legal opinion regarding the deed transfer language.

8. Approval/Authorization/Discussion Regarding Lease/Upgrade of New Vehicle for County Manager Position - Lowayne Craig

This item consented to for New Business 2/3

Regular Meeting Minutes - February 3, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, FEBRUARY 3, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa; County Clerk Dack and interested citizens of Dawson County, Georgia. County

OPENING PRESENTATION - Rape Response - Terri Strayhorn

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced there would be a tackle football game Saturday at 4:00 p.m. between the Sheriff, EMS Fire Safety Group and Forsyth. The proceeds will be divided evenly between the Children's Fire Safety House and Sheriff's youth homes.

Commissioner Saling spoke to the assembly regarding the legal notice in the newspaper with reference to road classifications. He said it was not properly reported and he wanted to clarify some points to ease some of the angst on some calls he had gotten recently regarding why roads were classified in one category versus another. He said the County has designated the roads as Class I, Paved Roads; Class II, Gravel Roads; and Class III, Historic. Commissioner Saling said the intent was to indicate what roads were designated, but instead, the notice gave the classified roads. He clarified the designation as follows: Paved roads, regardless of the conditions, are considered Class I. Historic roads are those that were previously 'no longer maintained by the county.' He said the Commissioners felt this would denigrate the value of property, so they classified them as Historic. These roads primarily do not serve homeowners for the most part. The County did not want to close these roads or abandon them, so they

chose the Historic designation, which means the County will keep the road open. If a tree falls across it, the tree will be removed, a pothole will be fixed, but the road will not be enhanced. The Gravel roads are designated as Class II. The County will be responsible for bringing the roads up to its standards. He said a corrected list would be printed within the next couple of weeks.

Chairman Berg said there would be a Work Session to bring the new Commissioners up to speed regarding this issue.

APPROVAL OF MINUTES:

-Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on January 20, 2005. Saling/Craft

-Motion passed unanimously to approve the Minutes of the Called Commission Meeting held on January 26, 2005. King/Craft

PUBLIC HEARING:

The Board of Commissioners of Dawson County shall conduct a public hearing regarding a resolution authorizing the transmittal of a major amendment to the Dawson County-Dawsonville Comprehensive Plan 2010 to the Georgia Mountains Regional Development Center

Mr. Berg introduced Planning Consultant Jerry Weitz, who presented the Plan. He said two major elements were under the Comprehensive Plan rewrite: i.e., Land Use element of which he presented copies along with a map called the Future Land Use Plan; the other element is Community Vision that includes statements that the County and City want to see in the future. Mr. Weitz told the Board and assembly that where we go from here would be up to the Board. He said they could now make amendments to the plan before the plan is finalized.

Planning Director, Lynn Tully, added there were opportunities now for 'tweaking' and responding to some of the challenges that had been laid out before them. She said they had received comments since the first introduction of the Plan and had been working with the citizenry to try to make changes to the Plan, to respond to the comments and the vision. She said they had time for additional changes.

Chairman Berg said the public was invited to make comments.

Don Roberts came forward and stated the first presented Plan mentioned 135,000 units or people; then the next presentation Mr. Weitz said 100,000 units. He said that by the year 2025 there would be a good

chance of having 175,000 people living here. He said it was a great plan, but was too aggressive. He stated there was no way the County could keep up with the traffic, let alone the other infrastructure improvements. He felt the plan should be stretched out to 2050.

Dan Simpson came forward and said he was coming before them to advocate the creation of a Thompson Creek Watershed protection overlay district. He said that whatever happens in the watershed directly affects the water quality in Lake Lanier. He presented a map showing a corner of Corridor 400 and 53 wherein he merged Highway Commercial, Light Industrial, Business Parks, Multi-Family and Office Parks and came up with a new overlay. The new overlay of these high-use, high-density, high-impervious surface development styles in the Thompson Creek Watershed is frightening to a lot of people and can be seen as overwhelming, and that's the basic reason why a protective overlay district could be called for at this time. He also stated the Land Use Element authorizes environmentally sensitive and special protection areas. Mr. Simpson said that if any watershed in the County is threatening it is this watershed because of all the heavy development.

Ms. Arlene McClure came forward and said she had been looking at the responses to a questionnaire as it relates to GA 400. She said that Question 2 says the type of development that now exists and is occurring along GA 400 south of Hwy 53 near the Outlet Mall is appropriately extended north along GA 400 to the Lumpkin County line. She said the total percentage that agreed or strongly agreed was 51.3, which led her to believe that the majority of people would like to see all of GA 400 as commercial highway business development as it is around the Outlet Mall. Ms. McClure said she understood that in a meeting at McKees Chapel the overall feeling was that, 'you go ahead and develop GA 400 but don't dare to come to my part of the County.' She said she was assuming that meant keep your development at GA 400. She further stated she would like the Commission to talk with the Consultant, Jerry Weitz, and re-look at the result of 51.3% agreeing that development north of Highway 53 should be the same type of development that is south of Highway 53.

Mr. Kurt Krattinger came forward to speak regarding the Thompson Creek Watershed. He said that there was now a push for the Etowah River to be designated as the Etowah Scenic River. He stated the Board might want to call on the various watershed committees and the University of Georgia to help them at no cost.

Mr. Jack Euler came forward and stated that Dan Simpson is quite an expert in water quality and was amazed and surprised that all the development was on top of the Thompson Creek Watershed. He said if you have 30% impervious surfaces in a watershed area there would be a lot of pollution. Mr. Euler said he was simply seconding Mr. Simpson's request in the protective overlay of the watershed.

Ms. Terry Tragesser came forward and spoke about land use. She said she was concerned about the traffic moving through the GA 400 corridor. She stated that the GA 400 Corridor was identified as the main commercial corridor going from Lumpkin and back. Ms. Tragesser said the County wanted to move

a lot of cars, with a lot of retail and commercial on the same road. She said there was limited access all the way up from Atlanta and then in Dawson County there is a lot of retail and curb cut. She said she wanted to know how this could all work and still move all the people through the County.

Commissioner Saling asked whether there was a map model? He said when you took a look at the available land that could be applied for commercial use and then extrapolate it out to get to a 40% commercial tax base, was there a way to achieve the goal? He wanted to know if they needed to look at a larger footprint for the commercial corridor to meet the goals they are setting out. He also asked if it would be permissible to go ahead and not have specific parcels designated for use, but rather restrict it to a percentage of types of uses. Mr. Weitz answered that even though the Corridor is more detailed than the rest of the County, it is not at a parcel level. He said that, "yes" if the Board does not want to have so many commercial categories, they could be collapsed or combined into one or a few, rather than the four or five they now have.

The second hearing will be held February 17.

The Board of Commissioners of Dawson County shall consider an ordinance amending Section 404 of the Land Use Resolution of Dawson County to provide for the zone to be known as UC-PCD (Urban Commercial Planned Comprehensive Development District); to provide for severability; to repeal conflicting ordinances; and for other purposes.

Chairman Berg invited Ms. Tully to come forward and give a brief update as to what had taken place at the Work Session. Ms. Tully said that some changes had been made at the Work Session to the original draft that included a specific requirement for open space of approximately 20%; defining a maximum density for residential that allows for mixed units within a 300 unit cap; a ratio of commercial to residential and require public water and sewer; in addition the changes included a minimum size for CPCD project that is only commercial as 20 acres, and if a residential component is included, it would be up to 50 acres.

Amenities require a homeowners or property owners association; also sidewalks are included and/or pedestrian access throughout the project so there is continuity in linkages of pedestrian and vehicular.

Commercial uses are allowed in a four- area ratio, which is a different type of density mix and an overall square footage. No single user shall be allowed more than 50,000 square feet with a maximum of 225,000 square feet for commercial use for this type of mixed, village type concept.

It requires pre-application conference with a staff member and includes more specific standards for roads designed. Public and private roads will be allowed in this type of development.

Chairman Berg asked whether anyone was present to be heard. No one came forward. He then declared the hearing closed.

Commissioner King said he had some concerns, one of which is the 50 acres requirement. Ms. Tully said it took more acreage to achieve the density; also the urban areas are intended to be larger.

The second hearing will be February 17.

OLD BUSINESS:

Clarification for Variance 04-30. Requesting a reduction in the minimum size for CPCD and an increase in density.

Attorney Elliott Smith came forward, representing the applicant. Chairman Berg asked whether the commercial would be started before the residential. Ms. Tully said the stipulation was that the land development permit for the retail be issued and applied for before the residential. The permit for commercial is to be issued first. Chairman Berg said the site plan showed it did go into buffers and setbacks, and asked if this had been corrected? The attorney said that the construction plans would have to comply with all the requirements for setbacks and buffers. Ms. Tully said the plan was site plan specific zoning and they had to meet all the guidelines.

Attorney Underwood said they would prefer the Board consider this as a mixed-use project that would be developed in phases. He said that if the commercial had to be completed before a permit is issued for residential they would object and appeal as being unreasonable. A short discussion was held with regard to not having any information regarding this Variance in the Commissioners' notebooks. The Clerk let them know it was contained within the minutes.

County Attorney Homans said the minutes needed to be clear that this is being considered as Old Business; and the Board was not considering any new information, in the sense that this was either a zoning hearing or an appeal from a variance that was heard two weeks ago. It is merely an attempt to clarify under Old Business a condition placed on the zoning that was approved two weeks ago.

Commissioner Saling asked how many acres were involved. Mr. Jerry Keesler came forward and said the acreage was 14.4 acres.

Attorney Underwood said he understood that the zoning had been approved and that he was there to discuss the density. There was some discussion regarding whether the variance had been advertised, although it was not appealed. Attorney Homans said they were getting into zoning and variance and it was not advertised as a public hearing. He said the Board was not considering a variance. It was considering a condition of the rezoning already approved.

Attorney Homans told the Board they had approved the requested zoning and as a condition, reduced the number of acres; but the density was not changed or made as a stipulation.

Motion was passed unanimously to Table this issue until February 17. Saling/King

Fire Safety Regulations Ordinance

County Attorney Homans requested the Fire Marshall come to the next Work Session. Motion passed unanimously to Table this issue until February 17. Craft/Nix

NEW BUSINESS:

-Chin Chin Dawson, Inc. & Tom Y.C. Huang - Alcohol License - Beer, Wine & Distilled Spirits

The County Attorney said the Sheriff had not yet signed the application because the fingerprints had not come back yet. He had run the Georgia Criminal History and Mr. Huang has no record. If approved it would be with the condition the fingerprint record come back clear. Also, Ms. Tully had not completed her portion of the application because the structure is not complete. The permit, if issued, would have to be conditioned upon all appropriate certificates having been obtained. Mr. Huang resides in Fulton County and has numbers where he can be reached at all times.

Motion was passed unanimously to approve the application pending receipt of the necessary paperwork in the Planning Department and Sheriff's Department and the phone numbers are satisfactory.
Saling/Craft

-Appeal to Planning Decision. - K. K. Turner

Mr. Turner came forward and said he would appreciate them giving his wife a variance. He said there was an old house trailer on the land; his wife was born there, and she was now 71 years old. He said his wife has cancer and the doctor had suggested that it would be helpful if she had somewhere quiet to live. He said he bought a new modular home and wanted to bring it onto the land so she would be able to live there.

County Attorney Homans said that so the minutes were clear, a variance was again mentioned and this was an appeal of an administrative decision, which is a very, very different situation.

Ms. Tully came forward and said a variety of things had happened on this property. She said there were three separate parcels. It had come to their attention that there was some work being done on the property. The enforcement officer went out to see what was going on. Silt fencing was needed and Mr. Turner put it up. Mr. Turner was asked to go into the Planning Department for a grading permit. He went into the Planning Department and requested a grading permit and a mobile home permit at the same time. He said there had been a mobile home on the property. The property is zoned for VCR that specifically disallows mobile homes. However, he stated it had a mobile home on it previously, so they issued it in accordance with nonconforming rules which did allow for placement of a mobile home if a mobile home had been there a year prior. Upon further investigation it was found a mobile home had been on the property, but it had been many, many years ago. Therefore, it was felt a permit had been issued invalid, so the permit was revoked. She said the solution other than appeal is to rezone the property.

Commissioner Saling asked how much land was involved. Ms. Tully said the total parcels amounted to 5 or 6 acres. She said the lots were platted separately. Chairman Berg said that at some time the land was altogether.

Mr. Turner said he had a deed that called for four acres more or less as a unit. He explained that in 1953, his wife's dad died suddenly without a will. Mrs. Turner's mother became ill, and her granddaughter began to sell off some of the lots without the Turner's knowledge. The parcels have now been deeded back. Mr. Turner said the property has been in the family since 1830.

Motion passed unanimously to appeal the Planning Department's decision. Nix/Craft

-Approval of Pond & Company, consulting engineers for designing the Afton Road Bridge, in an amount not to exceed \$47,000

Motion passed unanimously to approve Pond & Company for designing the Afton Road Bridge.
Saling/Craft

-Board of Equalization Request for Pay Increase From \$50 to \$75

Motion died for lack of a second to approve the increase. Nix

Motion passed by majority to keep the pay at \$50. Saling/King. Nix opposed

-Property Lease for Gun Range

Chairman Berg said Commissioners Craft and Saling, together with the School Board and Etowah Water & Sewer representatives, went out and viewed the gun range. Commissioner Saling said they went out around 9 a.m. on a very cold and windy morning, which was ideal for sound carrying. He said the site location is by the Power Station on Highway 9. You go up on top of the ridge and down in the hollow to where the gun club is going to put their facility. Commissioner Saling said that some of the group stayed behind while the others went to the place where shotgun rounds were fired in all four directions. The group that stayed behind did not hear any noise whatsoever.

Motion passed unanimously to recommend that Etowah Water & Sewer endorse the property lease, and after all parties agree, the County Manager enter into Lease negotiations. Saling/Craft

-Approval of New Vehicle Lease for County Manager Position

Motion passed unanimously to approve the New Vehicle Lease for County Manager Position. Saling/Nix

-Approval for CJCC K-9 Reimbursement Claims and Designate the County Manager to Execute Future K-9 Claims

Motion passed unanimously to approve the CJCC K-9 Reimbursement Claims and Designate the County Manager to Execute Future K-9 claims. Saling/Craft

-Appointments

1. Jail Appointment.

Motion passed unanimously to replace Mr. King with Mr. Saling. King/Craft

2. Planning Commission

Motion passed unanimously to Table Commissioner Saling's District #1 appointment for thirty days. Saling/Nix

Motion passed unanimously to appoint David Rhodes. King/Nix

PUBLIC COMMENT:

-Lori Clark-McCormick: Tax Assessor Board Appointment

Ms. McCormick came forward and said she was there to discuss the appointment previously made by the prior Board of Commissioners. She told the Board they had just approved the minutes on page 7 of eight, which discussed the Tax Assessor appointment. She gave the Board an E-mail from Mr. Mr. Larry Driggers, who validated the appointment of Mr. Don Roberts. Mr. Larry Driggers was over the Georgia Tax Department for fifteen years. Ms. McCormick also gave the Board a Memorandum of Law of J. Tom Morgan. She included the O.C.G.A. §48-5-290, which is the Georgia State Law, the Tax Assessor's appointment and the two Sworn statements to perform the duties of Tax Assessor. Ms. McCormick then read the letter she submitted to the Board of Commissioners.

-Don Roberts: Criteria Used to Hire County Attorney and County Manager

Mr. Roberts came forward and said he wondered whether the Commissioners were provided two studies that Mr. Johnsa prepared about 1-1/2 years ago with relation to a County Attorney.

One study showed that Dawson County is spending a lot more money than other counties. The other subject was the ACCG has always recommended that Dawson have its own staff attorney in order to circumvent a conflict of interest, such as Etowah Water & Sewer. Mr. Roberts said Mr. Johnsa did a really good job on behalf of the Commission analyzing this from a cost standpoint; i.e., how much money would be saved for the citizens of Dawson County. Mr. Roberts said he didn't think the new Commissioners had been given these reports and had been asked to rush to a decision by January 1. He said they should take that up with the Chairman. He further stated that if the County was not going to make these reports public, that he would do so.

Mr. Roberts said the County had gone to great lengths to hire a County Manager. He said they had brought Cobb County's Manager up here, because Cobb County had already gone through the growing pains that Dawson County was having. The Cobb County Manager came up, spent the entire day with the Board and gave them all their policies and procedures. He said, "Anything over \$5,000 has to come to the Board at Cobb County. However, Dawson County's is \$15,000. Another thing is that the Cobb County Manager cannot hold or run any other businesses. Right now, our County Manager does that." (Mr. Johnsa denied this.) Mr. Roberts went on and said, "You are about to hire another County Manager. Let's make sure that County Manager gives us 24/7, 100% undivided attention."

EXECUTIVE SESSION:

Motion passed unanimously to go into Executive Session for the purpose of personnel and litigation.
Nix/Craft

Motion passed unanimously to come out of Executive Session. Saling/Nix

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Nix

Work Session Minutes - February 10, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, FEBRUARY 10, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg, Bill Saling, District #1;

Frank Craft, District #2; Jim King, District #3, Julie Hughes Nix, District 4

1. Long Range Land Use Planning

This Item placed on the Agenda for Public Hearing - 2/17

2. Request approval/authorization to apply for a Bullet Proof Vest grant through the U.S. Dept. of Justice and approval for Kevin Tanner to submit reimbursement requests electronically - Kevin Tanner/Lowayne Craig

This Item placed on the Agenda for New Business - 2/17

3. County Welcome Center Sign - Jim King

Lynn Tully and Bill Johnsa to meet with property owners in proximity to Dawson-Forsyth county lines on GA 400

4. Ratification of the following contracts: - Randy Bowen

(a) Abbot Creek Road - \$54,740. Young Equipment Services

(b) Landrum Road - \$21,385. TW Philips Grading Co.

(c) Mill Creek Road - \$36,440. Young Equip. Services

(d) Bailey Waters @ Poverty Creek - \$162,371. TW Philips Grading Co.

(e) Bailey Waters @ Unknown Creek - \$63,423. Young Equip. Services

(f) Amicalola Church Road @ Rock Ford Creek - \$36,622. TW Philips Grading Co.

(g) Debris Removal Afton Bridge - \$5,990. Townley Const. Co.

(h) Debris Removal Steve Tate Hwy - \$2,640. Townley Const. Co.

These items to be placed on the Agenda for New Business - 2/17

5. Overview of Road Classifications - Randy Bowen

Commissioners are to take a look at the roads in their districts. A new class of roads will be published at a later date.

6. Fire Safety Regulations Ordinance - Ken Grosch

Mr. Grosch brought the new commissioners up to speed regarding the ordinance. This item to be placed on the Agenda for Old Business - 2/17

7. Approval/Request for two new full-time positions - Judge Holtzclaw

This Item to be placed on the Agenda for New Business - 2/17

Regular Meeting Minutes - February 17, 2005

MINUTES

REGULAR MEETING OF THE DAWSON COUNTY BOARD OF COMISSIONERS

THURSDAY, FEBRUARY 17, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa; County Clerk Dack and interested citizens of Dawson County, Georgia. County

OPENING PRESENTATION - Mentoring Program - Bindy Auvermann

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced that the attorney for the applicant of Variance 04-30 had written a letter withdrawing their opposition; therefore, the request needed to be removed from the Agenda.

Motion passed unanimously to remove Variance 04-30 from the Agenda. King/Craft

APPROVAL OF MINUTES:

-Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on February 3, 2005. Nix/Saling

PUBLIC HEARING:

The Board of Commissioners of Dawson County shall conduct a public hearing regarding a resolution authorizing the transmittal of a major amendment to the Dawson County-Dawsonville Comprehensive Plan 2010 to the Georgia Mountains Regional Development Center

Chairman said this was the second hearing and asked whether anyone was present to speak. No one came forward. He then asked Ms. Tully to give the Commission an update.

Planning Director, Lynn Tully, came forward and said there was one major revision made to the plan. In order to maintain unity and collaboration with the visioning process, it states there is to be special attention paid to the northern 400 Corridor. The intent is to remove some of the commercial and expand some of the planned residential. The commercial will be placed in another area. The plan is to add additional commercial along Dawson Forest in the area of Intersection Highway 9. Additional minor recommendations will be made as well. Ms. Tully will be updating with new maps and revisions within the near future.

Motion passed unanimously to place this item on the Regular Meeting Agenda of March 3. King/Saling

The Board of Commissioners of Dawson County shall consider an ordinance amending Section 404 of the Land Use Resolution of Dawson County to provide for the zone to be known as UC-PCD (Urban Commercial Planned Comprehensive Development District); to provide for severability; to repeal conflicting ordinances and for other purposes.

Chairman Berg said this was the second hearing and asked whether anyone was present to speak. No one came forward.

Commissioner King said that at the last Public Hearing it was determined this item was to be discussed at the next work session.

Motion passed unanimously to place this on the Agenda of the February 24, 2005 Work Session.
King/Saling

OLD BUSINESS:

Fire Safety Regulations Ordinance

Motion passed unanimously to approve the Ordinance. King/Saling

Dawson-Pickens County Intergovernmental Agreement

County Attorney Homans said this agreement had started back in 1997. The Board had received a request from Big Canoe and Pickens County regarding providing fire services for the Big Canoe area. At that time, Lanier Swafford met with the folks of Big Canoe regarding the difficulties of providing fire service in that area for Dawson County with what equipment and firehouses we had in the area. Big Canoe was running a fire department and agreed to provide equipment, some manpower and land for a fire station in the area if Dawson County could provide the services, and an appropriate agreement could be worked out. As a part of the mutual aid agreement with Pickens County, the County drafted an agreement as it applied to the Big Canoe Property Owners Association. Mr. Homans said it is now time to update this agreement with Pickens County and what will be provided through the Big Canoe Property Owners Association to Pickens County. Pickens County has sent a rough draft agreement of what they will pay or provide in connection with the mutual aid agreement.

Mr. Johnsa said that Mr. Billy Thurmond was in the audience and would answer any questions the Board had. He said he had the task of negotiating the terms of the Intergovernmental Agreement with Pickens County. He stated he had met with Mr. Larry Tooney of Pickens County for the past 4-5 weeks negotiating this contract. Mr. Johnsa said that they had looked at the actual expenses incurred for the Pickens side of Big Canoe for the past year in providing emergency services. He said the cost was \$103,000 or \$8,622 monthly that will be remitted from Pickens County.

Chairman Berg said his understanding was that Station 6 was owned by Big Canoe and manned by Dawson County. He asked Emergency Services Director, Billy Thurmond, if the contract was not approved and Big Canoe decided to take back Station 6, would our services then go to Station 4. Mr. Thurmond answered in the affirmative. Chairman Berg asked if moving to Station #4 would mean a longer response time for Dawson County Big Canoe residents for both Fire and EMS. Mr. Thurman answered that it would and would cost more since some equipment housed at Station #6 was Big Canoe's.

Commissioner Saling said the renegotiation of the contract was necessitated in order to clarify the chain of command; and that up until this time, Dawson County has not been compensation for services provided to Pickens County. He said Pickens County is not structured nor able to assume the responsibilities for EMS coverage in Big Canoe, so it is a life and death issue to assure we have the continuity for the EMS. He said this is an annual program that should be renewed every year.

Motion passed by majority to adopt the Dawson County-Pickens Intergovernmental Agreement in draft form to provide EMS and fire services for all of Big Canoe for the period March 1, 2005 through February 28, 2006. Saling/Craft. King opposed

NEW BUSINESS:

Appealed Denial of Variance:

VR 04-33: Amburgy Homes, Inc. (Todd Amburgy) has made a variance request to the section 302.C.1 of the Dawson County Land Use to reduce width at building line to less than 125 feet required in order to construct single family home on lot. TMP: 98-17 Split: Lot 20 Bethany Trace Subdivision, Zoned R1; Location: 28 New Christopher Court off of Goodson Road

Ms. Tully came forward and said the property owner had asked for consideration to reduce the minimum width of the building line so that he could build in front of the creek. She said the creek bisects the lot; the building line is set on top of the creek, so the home would have to be built behind the creek in order to meet the Dawson County regulations.

Chairman Berg asked if the two other lots have the same issue. Ms. Tully said that one lot was already built on behind the creek. The other lot would have the same problem.

Mr. Amburgy came forward and stated the home would have to be build approximately 175-200 feet back from the road versus other homes in the subdivision that are approximately 40 feet off the road.

Motion unanimously denied. Nix/Saling

Motion passed unanimously to ratify the following contracts: Saling/King

- (a) Abbot Creek Road - \$54,740. Young Equipment Services
- (b) Landrum Road - \$21,385. TW Philips Grading Co.
- (c) Mill Creek Road - \$36,440. Young Equip. Services
- (d) Bailey Waters @ Poverty Creek - \$162,371. TW Philips Grading Co.
- (e) Bailey Waters @ Unknown Creek - \$63,423. Young Equip. Services
- (f) Amicalola Church Road @ Rock Ford Creek - \$36,622. TW Philips Grading Co.
- (g) Debris Removal Afton Bridge - \$5,990. Townley Const. Co.
- (h) Debris Removal Steve Tate Hwy - \$2,640. Townley Const. Co.

Motion passed unanimously for a Bullet Proof Vest Grant through the U.S. Dept. of Justice and approval for Kevin Tanner to submit reimbursement requests electronically. Nix/Craft

Motion passed unanimously to approve \$21,940 for the Magistrate Court: Temporary Accountant I - \$13,930 and \$8,010 Additional Operating Expenses. Saling/King

PUBLIC COMMENT:

Carolyn Cantrell: Road Classification

Ms. Cantrell came forward and stated most residents in the County did not care what their roads are classified as. She said Commissioner Saling had commented in the newspaper that the road classification had absolutely nothing to do with the shape of the road. She took exception to this, stating the classification determines when the roads will be fixed. Ms. Cantrell commented the Commission spent money on other things instead of fixing the roads.

EXECUTIVE SESSION:

Motion passed unanimously to go into Executive Session for the purpose of personnel and litigation. Saling/Craft

Motion passed unanimously to come out of Executive Session. King/Nix

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Nix

Work Session Minutes - February 24, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, FEBRUARY 24, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg; Frank Craft, District #2; Jim King, District #3; Julie Hughes Nix, District #4; Bill Saling, District #1, absent.

1. Overview of Dawson County Extension Service
2. General Presentation Regarding the Library System
3. Bid Opening for New Ambulance

Chairman Berg opened the bids and Billy Thurmond, ESD Director read them. The bids were as follows:

Emergency Vehicle Sales - No bid

Dukie Auto Sales - No bid

Peach State - \$125,881

Ten-8 - \$129,588.98

Mr. Thurmond and the County Manager will evaluate the lease purchase option to determine most advantageous to the county.

This Item will be placed on the Work Session Agenda of 3/10

4. Impact Fees Update on Policy Directions Report for New Commissioners and Update as to Next Steps With the Advisory Committee

Mr. Ross brought the new Commissioners up-to-date regarding this issue. Mr. Ross is to get proposals for roads and storm water and present those additions plus his costs to ensure the Board has the right list of level of services. Lynn Tully is to get requests from all department heads.

Mr. Johnsa will get the original estimates for the levels of service.

This Item will be visited again on Thursday, March 31 at a Commission Planning/Training Session

5. Revision to Charges and Fees for Commercial Mechanical Permits

Ms. Tully will get Dawson comparisons.

This Item to be placed on the Agenda for Public Hearing - 3/17

6. Kiosk Signage Program Negotiation Update

Lynn Tully is to get negotiations update with Lang.

This Item to be placed on the Work Session Agenda - 3/10

7. Dawson County-Dawsonville Comprehensive Plan 2010 Update

Items 7, 8, 9(b) are to be amended and/or have more specificity - then presented to the Board at the Work Session of 3/10

8. Watershed Assessment

Tyler Hewitt is to represent Dawson County and EWSA for the Watershed Assessment Project to the Army Corps of Engineers and Sponsors. Mr. Hewitt to provide written reports to the Board. Bill Johnsa to draw up the contract. The County Clerk will transmit a letter, requesting Dawson County be charged per capita divided by two as recommended by the Commission.

This Item to be placed on the Agenda for New Business - 3/3

9. CPCD -

Lynn Tully and Jim King to work on this issue and present to the Board at a later date.

10. Alltel Utility Encroachment Request for Goswick Road and Joseph Lane

This Item to be placed on the Agenda for New Business - 3/3

11. TDS Telecom Utility Encroachment for Cowart Road

This Item to be placed on the Agenda for New Business - 3/3

12 County Manager's Report:

County Manager, Bill Johnsa gave a brief report on the ACOE proposed plan. He met with Mr. Bagwell and discussed in detail. He recommends moving forward. He asked for an appointment from the Board to meet with him and the Corps. Mike Berg volunteered.

Mr. Johnsa said he had drafted a RFQ regarding the Parks & Rec master plan. He will advertise in the paper and will go before the Park Board and staff at which time they will make the recommendation to the Board to use the firm for planning services only.

Phil Anderson said he was working with Randy Bowen - Splost IV project. He said they have a list of roads and bridges improvements in draft form. They have also come up with a proposed solicitation process to bring in consultants on board in order to prepare construction drawings and have them on the shelf. He said the next step would be to go to GDOT and make sure everything is proper so the county can get \$.75 on every eligible Splost dollar. A formal presentation will be forthcoming.

County Manager asked for permission to sign a document allowing Etowah Water & Sewer to perform a groundwater study within the boundaries of Rock Creek Park. It was given.

13. County Attorney's Report:

The County Attorney, Joseph Homans told the Board he had two Annexation requests and had filed objections.

This Item to be placed on the Agenda for New Business - 3/3

Mr. Homans has received a request to abandon Stowers road. This will come before the Board within the next 30-45 days.

Meeting adjourned at 7:07 p.m.

Motion passed unanimously to go into Executive Session to discuss litigation and personnel. Craft/King

Motion passed unanimously to come out of Executive Session. Craft/King

Chairman Berg made announcement to enter into a professional services contract with Mr. Bill Johnsa for a period of sixty days, starting March 1, 2005.

This Item will be placed on the Agenda for New Business - 3/3

Regular Meeting Minutes - March 3, 2005

MINUTES

REGULAR MEETING OF THE DAWSON COUNTY BOARD OF COMISSIONERS

THURSDAY, MARCH 3, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa, and interested citizens of Dawson County, Georgia. County. Commissioner Craft, District 2, and County Clerk Dack, absent

OPENING PRESENTATION - None

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg said he wished to change the Agenda for one item: Encroachment Application for Dawson Forest Road by Atlanta Gas Light Company for the New Middle School. The purpose is to provide heat to the building so they can work more efficiently.

Motion passed unanimously to change the Agenda and add the Encroachment Application to New Business. Saling/Nix

APPROVAL OF MINUTES:

-Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on February 17, 2005. Saling/King

RATIFICATION OF FRIENDSHIP FORCE DAY PROCLAMATION

Motion passed unanimously to ratify the Proclamation. Nix/Saling

PUBLIC HEARING - None

OLD BUSINESS-

Dawson County Dawsonville Comprehensive Plan 2010 to the Georgia Mountains Regional Development Center.

Chairman Berg reported the following changes were presented at the February 24, 2005 Work Session: Approve: Items 1, 2, 3, 5, 9a, 9c and 9d. Deny: Items 4 and 6. Delay for Further Discussion: Items 7, 8 and 9b.

Chairman read Item 1, and said the Commercial designation was not removed. He said the approval designation was for all of 400 and Highway 9 West from Dawson Forest to the Forsyth County line.

Chairman Berg read Item 2: Change intersection of Highway 9 and Highway 136 from Crossroads Commercial to Village Activity Center. He then asked Ms. Tully to point it out on the map. A short discussion was held regarding whether this was in keeping with the rezoning classification. Ms. Tully assured the Board that it did.

Chairman Berg read Item 3 and said this item had to do with Dawson properties bordering Pickens property that was commercial as well as other border areas that might be a different land use.

Chairman Berg read Item 4 and said this was denied.

Chairman Berg read Item 5 and said this was the upper corridor road. Ms. Tully said Bailey-Waters and Kauffman had not been included but the latest route did include them.

Chairman Berg read Item 6 and said this would be included in the discussion of Phase II.

Chairman Berg read Item 7 and said this would be delayed for further information as part of the City recommendation.

Chairman Berg read Item 8 and said this would be delayed for further information as part of the City recommendation.

Chairman Berg read Item 9a and said this item was a City issue and the Board had agreed to it.

Chairman Berg read Item 9b and said this item would be delayed for further information.

Chairman Berg read Item 9c and said this item had been approved.

Chairman Berg read Item 9d and said this item had been approved.

Motion passed unanimously to adopt the recommendation as amended for the 2010 Comprehensive Land Use Plan as submitted with the exception of those areas that are still being reviewed by the City.
Saling/King

Commissioner Saling asked when this Plan would be sent to DCA. Chairman Berg said the Board would have to sit down with the City and figure out whether the DCA requirements matched which would necessitate the City having to re-assess their needs. It could take six to eight weeks or longer. No additional zoning classifications can be done until the approval is made by DCA.

NEW BUSINESS -

Annexations

County Attorney Homans reported that because of time constraints and meeting schedules, he had filed objections for 757 Hwy 9 South, and 674 Hwy 53 East, on February 10th on behalf of the County, and updated the objections on February 17, to provide specific information to the City on February 22. The primary issues for the property located at 757 Hwy 9 South, involve traffic safety and sidewalk issues for a residential and commercial development. He said he had received a letter dated March 2, 2005, from City Attorney Miles stating that the City has already addressed some of these issues.

Regarding the property located at 674 Hwy 53 East, which is the Georgia Farm Bureau Office, statute and the County/City agreement requirements for particular information has not been provided as part of the notice to the County. Once that information is provided Mr. Homans said he understood that the Board would withdraw their objection to this annexation.

Mr. Homans will provide a reply to the City on Monday, March 7. The City Planning Commission will hear this on March 7 and then in April the City Council will hear it as well.

Chairman Berg asked whether the things the Board had talked about in the Work Session had been agreed to or were a part of what the City planned to do through the Planning Commission or City Council. Mr. Homans said the only exception was a discussion about a contribution of any traffic light that may be installed at the intersection of Highway 9 and Perimeter Rd. As to the traffic safety road and sidewalk issues, the City had agreed to these as they are required as part of its development regulations.

Motion passed unanimously to approve the Annexation with the condition that the City or development provide at least fifty percent of the cost of a traffic light at Highway 9 and Perimeter Road, the cost of which will be provided upon issuance of development permits. King/ Saling

Turner Appeal (Savula vs Dawson County)

Chairman Berg said the issue was to vote whether to have a hearing on this appeal. County Attorney Homans said he had appeared for a hearing before the judge, but Mr. Turner had not been served as of that date. The judge directed plaintiffs' counsel and Mr. Homans to see what issues, if any, could be resolved. Mr. Homans said he discussed with plaintiffs' counsel their procedural and substantive objections. In order to resolve the procedural objections, the plaintiffs have agreed that if the Board would recommence the administrative hearing on March 10th at 6:00 p.m., to allow the applicant and adjoining landowners to present any additional information, this would be resolved. Once the substantive decision is rendered then we may proceed from there.

Motion passed unanimously to conduct an additional hearing to get all information available to make a judgment on this issue. Saling/King

Appointments

Motion passed unanimously to reappoint Jason Hamby for a two-year term to the Planning Commission. Saling/King

Motion passed unanimously to appoint Jeff Skorich to the Development Board, replacing Chip Pearson. King/Nix

Chairman Berg brought to the attention of the Commissioners that Commissioner Nix has two appointments to the Impact Fee Committee.

Approval of Contract for Infratec to represent Dawson County and EWSA for Watershed Assessment Project to the ACOE

Chairman Berg explained that in the last Work Session, it was suggested that the County have an outside consultant to represent the County since Commissioner King and Ms. Tully had reported the meetings were becoming very lengthy and technical. Since Tyler Hewitt of Infratec is already attending the meetings, it was felt he could represent both entities and the cost would be split. In determining the cost per county for this study to go forward it was recommended that the cost should be per capita, divided by two. Mr. Johnsa provided a Professional Services Agreement.

Mr. Johnsa said the dispute resolution of the agreement calls for the two parties to try to settle; if settlement could not be reached, it would then it go to mediation. He said this was sufficient, since this is what Dawson County desires.

Motion passed unanimously to approve the Infratec Professional Services Agreement as submitted.
Saling/King

Ratification of Alltel Utility Encroachment Request for Goswick Road and Joseph Lane

Motion passed unanimously to ratify the Alltel Utility Encroachment for Goswick Road and Joseph Lane.
King/Nix

Ratification of TDS Telecom Utility Encroachment for Cowart Road

Motion passed unanimously to ratify the TDS Telecom Utility Encroachment for Cowart Road. Saling/Nix

Ratification of Contract with County Manager for professional services for a period of sixty days, starting March 1, 2005

County Attorney Homans said he had changed the term, "Employer" to "County" and under TERM, he added, "County may renew this contract by giving Consultant a ten-day notice of intent to renew the terms hereof."

Motion passed unanimously to ratify the Contract with County Manager. King/Saling

Approve Utility Encroachment Request of Atlanta Gas Light for Dawson Forest Road - New Middle School

Motion passed unanimously to approve the Atlanta Gas Light Utility Encroachment for Dawson Forest Road - New Middle School. Nix/Saling

PUBLIC COMMENT - None

EXECUTIVE SESSION -

Motion passed unanimously to go into Executive Session for the purpose of personnel and litigation. King/Saling

Motion passed unanimously to come out of Executive Session. Saling/Nix

ADJOURNMENT -

Motion passed unanimously to adjourn the meeting. Saling/King

Called Meeting Minutes - March 10, 2005

MINUTES

SPECIAL CALLED MEETING OF THE DAWSON COUNTY BOARD OF COMISSIONERS

THURSDAY, MARCH 10, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa, County Clerk Dack, and interested citizens of Dawson County, Georgia.

Chairman Berg asked the County Attorney Joseph Homans, to explain the procedures for the hearing. Mr. Homans stated this was a reconvening of the Appeal hearing of K. K. Turner. He said the reconvening was by agreement of counsel that was subsequently come out in the form of a court order as well as to address certain procedural issues that have been raised in a lawsuit filed by Savula and Lee vs. Dawson County and Turner, in CV File Action No.: 05CV85-C. Mr. Homans stated this is an Administrative Appeal hearing. On February 3, 2005 the Board considered an appeal to revoke a grading permit and mobile home relocation permit that had initially been issued on November 30, 2004. He said the Board was being called upon to render a quasi-judicial decision as opposed to a legislative decision. Mr. Homans said there was a court reporter for the proceedings.

Mr. Homans provided each Board member, plaintiffs' counsel and court reporter with 10 Exhibits. He then discussed the Exhibits, one by one.

Attorney Homans said this hearing was to determine whether there was proper grandfathering as asserted by Mr. Turner. He said there was no need to present cumulative evidence or information.

Attorney Homans asked whether Mr. Turner was present. Rev. Joel Embry of the United Methodist Church came forward and said Mr. Turner was one of his parishioners and he was there on his behalf.

Mr. Mike Turner, son of Betty Turner, came forward and said he was there to represent his mother. Mr. Turner said the property had been in the family for a long time. It belonged to his grandfather. He said

the property referred to is not a part of the subdivision and it is one continuous piece of property divided by a road. The property has been in the ownership of his mother after the passing of his grandmother. Additionally, there was a permit taken out for the location of a pre-fabricated home and this property has had a mobile home on it on two different occasions. He said his uncle, Tony Gassaway, had a small mobile home on the property many years ago and he remembered staying there as a boy. He stated there had been a mobile home on the larger piece of the property on the eastern side of the road that passes through the property. He said if anyone needed any deed records or backup information he had it with him. He showed a picture of the two pieces of property and told the Board if they had any questions he would welcome them. Attorney Homans told Mr. Turner that he had referenced documents for the Board to see. He said Mr. Turner was entitled to let the Board see them, but he was not required to. Mr. Turner said he would like for the Board to review them. Mr. Turner pointed out an easement, saying it was originally given to allow access to the lots by the subdivision created by Mr. Fuller, that adjoins the lot on either side.

Mr. Turner asked if there were any questions. Commissioner Saling asked if Mr. Turner had any photographs or permitting showing a trailer had been on the property several years ago. Mr. Turner stated no permitting was done back in the early 60's. He said as best as he could remember it would be prior to November of 1963. The trailer stayed there for a long time, and they would go there and camp and play. Later on that piece of property was divided up and it stayed until it got in a condition of disrepair. There was another mobile home on a larger piece of the parcel there later on. Commissioner Craft asked if Mr. Turner had any tax bills. Mr. Turner stated that he didn't have any with him. Chairman Berg asked if Mr. Turner knew approximately when the mobile home was placed on the larger piece of the property. Mr. Turner said he had no idea, but he believed it was sometime in the very early 70's.

Attorney Homans asked whether anyone else was present to speak on behalf of the Appellant, Mr. Turner. No one came forward.

Attorney Homans asked whether anyone was present in response to the Appeal that is being requested.

Attorney Rick Campbell came forward on behalf of the Lees and Savulas. He presented a copy of all Exhibits the plaintiffs had put together. Mr. Campbell then proceeded to go through the exhibits and made the following comments:

Exhibit 1: Building Occupancy Permit Application, dated November 30, 2004 Mr. Campbell stated that Mr. Turner filed an application for a permit on Tax Parcel L17-206, stating on the application the reason was to replace an old mobile home. There was an accompanying map that showed Lot 1- about 1 acre, and next to it there was parcel 5, the other parcel. Mr. Campbell said the lot that Mr. Turner had stated there had been a mobile home on, was on the south end of parcel 5. On January 19, 2005, Mr. McCurdy wrote a letter to Mr. Turner saying tax records indicated that there had not been a mobile home located

on the property for several years, therefore the permit was revoked; the permit would have to be rezoned before a mobile home could be moved in.

Exhibit 2: January 19, 2005 letter from Attorney Homans to Mr. Turner citing he had met with the Planning Department and Bill Johnsa concerning the permit revocation. Mr. Homans said the basis for revocation was because the mobile home was on another lot, therefore he was not grandfathered in.

Exhibit 3: Appeal Application. The application states there are four acres more or less with the Tax Map as L17-026. The L17-026 is that Lot No. 1 in the Heard Subdivision before Oak Grove Subdivision 1-9. The current use is, 'house trailer.' Obviously, we take issue with this since there never has been a house trailer on that specific lot. On the bottom of the application it states, "this did not go through due process because of no time."

Exhibit 4: Warranty Deed, dated April 2, 1981. The deed shows that three separate pieces of property were acquired from Linda Wilson. The bottom piece of property states, "all that tract or parcel of land being in land Lot 384." This is the one-acre lot in Oak Grove Subdivision. Mr. Turner acquired that lot at the same time, but it is not the same piece of property being talked about.

On January 16, 2005 a letter from Dave & Beverly Savula to the Planning & Zoning Department which specifically states they are property owners at the property next to the Turners. The Savulas stated in the letter that they have owned the property for 24 years and there had never been a trailer or any other structure on the Turner property.

Exhibit 5: Letter from Attorney Homans to the Commission regarding grandfathering of the land, saying the Turners insist they have treated the lots as one.

Exhibit 6: Dawson County Board of Commissioners Meeting Minutes of February 3, 2005, wherein Mr. Turner said, "... there was an old house trailer on the land... In the minutes, Ms. Tully said it was found that there had not been a mobile home on the land for many years, thus the reason for revoking the permit. Mr. Turner also stated he had a deed that called for 4 acres more or less as a unit.

Exhibit 7: Warranty Deed from Wilson to Betty Jo Turner on the three properties talked about before.

Exhibit 8: Oak Harbor Subdivision Restrictions and Covenants. Properties 1 through 9 are all properties contained in the Oak Harbor Subdivision that were basically all of the Heard property, divided into

separate parcels. These were filed on August 21, 1980, less than a year before Mr. Turner acquired the property in 1981. The Restrictions and Covenants state: "The following restrictions and covenants are to one of the land and shall be binding on developers, his heirs and assigns and all the parts and persons claiming under him until August 18, 1990, at which time set of restrictions shall be automatically extended for ten years unless..."

Paragraph 3 states, "No trailer, basement, tent, shack or mobile home or anything else that resembles a mobile home shall be placed or erected on the tract temporarily or permanently, nor shall any structure or temporary trailer be used as a residence.

The 1- acre tract was restricted by the covenants; the 3-acre parcel to the right was not.

Exhibit 9: Land Use Resolution of Dawson County, Georgia. Specific sections were included only. Section 302, Restricted Single-Family Residential District says, "The Restricted Single-Family Residential Districts are areas where substantial investment and permanent residence has been and will be made. Uses, which will devalue investment and undermine environmental quality, are prohibited. The size of the lot should be large and pleasing to the environment and should be located away from intensive or commercial development. Manufactured, industrialized relocated or temporary housing is not permitted. Section 506 states, "That any structure or use of land existing before the enacted of the Resolution, unless in violation of subdivision regulations..." You can grandfather it in unless it is in violation of subdivision regulations. The grandfathering for this one-acre tract could never be grandfathered in because it is in violation of the subdivision regulations." Under (b), "...nonconforming use shall not be re-established after discontinuance of a period of one year. Under (e) "...except the replacement of an old or destroyed manufactured housing with new manufactured housing, with the manufactured housing being the primary residence and occupied by the owner."

Section 1102. Planning Commission Review and Recommendation. If, in fact, Mr. Turner wanted to consider all this piece of property as one and wanted the County to remap the tax districting, there is a procedure that requires notice of hearing and publication, which has not been done.

In summation:

(1). You cannot treat two separate lots as one for grandfathering purposes. In order to establish grandfathering in a nonconforming use, it is necessary to show the land was used for a nonconforming purpose prior to the map and zoning ordinance.

(2). In *Thurmond's Auto Parts & Wrecker Service v Cobb County*, a property owner cannot move a grandfathering use from one location to another.

Attorney Campbell stated he didn't believe Mr. Turner had intended to use the property for a mobile home.

Exhibits 11, incorporated a number of photographs. Mr. Campbell circulated the photographs for the Board to review.

County Attorney Homans asked whether there was anyone else who wanted to be heard.

Mr. Dave Savula came forward and thanked the Commission for giving him the opportunity to speak. He said he has lived on the property since 1981, and there has never been a road cut through, to even get access to the property. What really took place was Mr. Turner tried to trespass from one subdivision into another subdivision by crossing over Hatteras on Lanier into his piece of property. He created such a problem that a letter had been sent to him saying it was a private drive. He refused and bulldozed across. He showed pictures taken in 2000. In 2000 there was not even a road to come down to the property on the lake. This has been cut through within the last six months or so. Mr. Savula said he saw the trailer that was brought onto the site in the 1980's, of which Mr. Campbell was talking. The wheels were left on and it was never occupied, nobody has ever been there. Ms. Savula had to visit the Sheriff on two different occasions, plus a letter was written, explaining to Mr. Turner that he couldn't cross over. As a homeowner he asked for the Commission to recognize they wanted to protect their investments.

Mr. Ron Wiley came forward and said he lived on Lot 4. He has been there about ten years. He stated he had a lot of pictures of the mobile home he has on the property. Mr. Wiley said he had talked to Bernice Reeves who has lived in the area for over 45 years. He asked her about the abandoned trailer. She said as far as she knew nobody had ever lived there - she had never seen anybody. He said he was appealing his own property taxes and had taken pictures to the Board of Equalization. The Board was appalled and consequently his tax appraisal had been reduced by \$50,000. Chairman Berg asked Mr. Wiley when he had approached the Tax Appraisal Board. Mr. Wiley said about 2-3 weeks ago and got his response within five days.

Chairman Berg asked whether the existing mobile home is on the land now. The answer was in the affirmative.

Attorney Homans concluded the evidence being presented. He said there were a couple of matters: (1) The deed said four acres, and the intent as was explained were three acres in one tract and one acre in another, as opposed to being four acres, three acres and one acre. (2) With regard to subdivision regulations, he cross referenced restrictive covenants, that are not necessarily the Oak Grove Subdivision regulations; also the way the Dawson County tax department does it, there was a reference to Parcel L17-026, there were two grantees listed: one Heard and one Turner. The Tax Assessors office lists the grantees as they come up, it doesn't mean Betty transferred to Heard or Heard to Betty. It is just listing two grantees and deed references.

Mr. Mike Turner raised his hand to give the Board additional information. County Attorney Homans said the Board would have to reopen for rebuttal.

Motion passed unanimously to reopen for rebuttal. Nix/Saling

Mr. Mike Turner said this is not a mobile home. This is a modular home in a fixed position that was constructed there. Also, approximately 20 feet to the right of this property is a similar type of construction. He reiterated this was his mother's birthplace and her request is to have a place at the home of her birth so she can relive some of her joys as a child. Additionally, the property had a property line issue that was part of the deed process that Attorney Campbell talked about, where they made some deeds back to Mr. Heard so that he could correct the property line issue, but it was never a part of the subdivision in any fashion. His mother has owned the property prior to any of the regulations.

Commissioner Saling asked Mr. Turner if any member of his family had ever lived there on a permanent year round basis. Mr. Turner said that his mother had lived there in her early years. He was asked if anyone had lived in the purported grandfather trailer, of which Mr. Turner answered yes, but not recently.

Chairman Berg instructed the Board that they could either affirm the approval of the appeal, or deny the approval of the appeal. If legal information is needed the Board could recuse itself to another room in which they could ask specific legal information from their attorney.

Motion passed unanimously to go into Closed Session for the purpose of legal questions. Saling/Craft

Motion died for lack of a second to deny the approval of the appeal. Saling

Motion passed by majority to affirm the approval of the appeal. Craft/King Saling opposed

ADJOURNMENT

Motion passed unanimously to adjourn the appeal hearing. King/Nix

Work Session Minutes - March 10, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, MARCH 10, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg; Bill Saling, District #1; Frank Craft, District #2; Jim King, District #3; Julie Hughes Nix, District #4

1. Discussion Regarding the Kiosk Contract Agreement - Lynn Tully

Ms. Tully said she had been in contact with the Attorney and Owner of Lang Signs. They will make the changes as requested in the contract, including the termination fee. However, they would like the Board's attorney to draft a letter to DOT requesting a formal declaration of opinion regarding the Kiosk program, since all public roads in the State come under the purview of the Georgia DOT. There is a fear that DOT can possibly come back and say all signs have to be permitted as billboards.

The contract will not be executed until this matter is resolved. The Board requested County Attorney Homans to draft a letter to DOT, citing the County's intention.

This Item will be placed on the Regular Meeting Agenda of 3/17.

2. Recommended Road & Bridge Improvements for 2005 - Randy Bowen/Phil

Anderson

Messrs. Anderson and Bowen presented the Board with a list of road and bridge improvement projects for 2005. This included resurfacing, constructing/widening roads, intersection improvements, capital improvements and City sidewalk project.

The Board requested that a total dollar amount for roads and bridges, plus design cost, together with the budget figures for each, be given to them.

This Item will be presented at the next Work Session - 3/24

3. County Manager's Report - Bill Johnsa

County Manager Johnsa requested Public Works Director, Randy Bowen, give a current update on the road and bridge projects. Mr. Bowen reported that:

Abbot Creek is complete except topping out with asphalt;

Bailey Waters complete, waiting for surfacing;

Amicalola-Church Road complete, waiting for paving;

Landrum Road complete, waiting for paving; He said it has been too wet lately and they are waiting for drying time.

Plans for the Afton Road Bridge will be reviewed by the end of next week. Then, they will go ahead and take out the old bridge, salvaging 163 feet of the bridge for future use. Work on the Afton Road Bridge should be started around the first of April. It will take 4-6 months to construct.

Mill Creek culvert work will be started next week.

Chairman Berg requested a list of the above, detailing the dates and work accomplished on each.

4. County Attorney's Report - Joey Homans

(a) County Attorney Homans presented the Board with a Intergovernmental Agreement between Dawson County and Pickens County, Georgia to Provide Fire Protection and Emergency Medical Services to Big Canoe.

This Item will be placed on the Agenda under Old Business - 3/17

(b) Weldon Sheriff trial will be starting next week.

(c) Received Court Order ruling against the County regarding Zachary Johnson case. Mr. Homans recommends appeal.

This Item will be placed on the Agenda under - 3/17

Regular Meeting Minutes - March 17, 2005

MINUTES

REGULAR MEETING OF THE DAWSON COUNTY BOARD OF COMISSIONERS

THURSDAY, MARCH 17, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Johnsa; County Clerk Dack and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Challenged Child & Friends - Maggie Garriott

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the following:

-At the Etowah Water & Sewer Authority meeting Monday night, Attorney Homans presented the lease to their Board and it was approved. The lease is between the Humane Society, EWSA and the Dawson County Board of Commissioners. The Commission will review the lease and a vote will be taken at the next Regular Meeting, April 7.

-On March 31st there will be Work Session on Impact Fees meeting, starting at 9:00 a.m.

APPROVAL OF MINUTES:

-Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on March 3, 2005. Saling/Craft

PRESENTATION OF LAW ENFORCEMENT CENTER AND RECOMMENDATION

Splost Project Manager, Phil Anderson, together with John Eisenlau and Mike Graham of HOK, principal architect of the project, gave a power point presentation representing the Jail Committee's recommendation for the design and construction of the Sheriff's Office and the Adult Detention Center. Mr. Anderson said that in the way of background, in March of 2004, the voters approved a referendum for Splost IV amount of \$11,500,000 for the pre-funded design and construction of the facility. The budget was based on a January 2003 presentation of a conceptual design prepared by POH and Turner Construction. This design called for a 71,000 sq. ft. facility at a projected cost of approximately \$8,950,000. Also, at that time, the proposed location was off of Burt Creek Road. The Board of Commissioners then selected HOK to verify the existing program, to complete the design, assist in the bidding and participate in the construction supervision. A contract was then awarded in October 2004 to HOK in the amount of \$595,000. Mr. Anderson then turned the presentation over to John Eisenlau.

Mr. Eisenlau said there were a number of challenges; one of which was the topography at Burt Creek Road. He said there were some significant site access challenges. When designing a jail facility you want to have easy movement for the general public, staff and detainees. With the slope of the road and property there are significant costs associated with entry and access points onto the property. There are also some grading issues associated with it. The location also doesn't have the utilities that are normally necessary for a project of this complexity. The American Correctional Association standards also have an impact on the cost of a facility. Another challenge is that construction material cost has increased quite significantly, increasing the cost of a building by 12 to 13% over the course of a year. All these factors caused them to look at another way of building the facility for a more cost effective dollar. One of the suggestions was to look at alternate site possibilities. After quite a bit of discussion with the Sheriff and the Jail Committee, HOK 's proposal is for the Sheriff, Commissioners and citizens to rethink the idea of building a facility adjacent to the existing jail. He said by building this way, site costs would be avoided and cost for utilities would be reduced. Also, the Sheriff's Department could utilize the existing housing as storage. Mr. Eisenlau then explained Phase I concept in detail and said the overall cost would be approximately \$12,500,000.

Phil Anderson explained the revenue equation, attached as Exhibit "A."

Mr. Mike Graham said concerning the rendering, that there is a particular type of regulation actually on this building and they will be very sympathetic that this building has a look, has an image, has a color of the reg. Also, they want to ensure that from Tucker Avenue, this building does not look like a jail, but as a good neighbor. As the process moves forward they are looking at a number of things to save costs on the project.

Chairman Berg said there had been some discussion concerning parking and this would be addressed within the immediate future. He thanked all the staff from HOK for coming in mid-stream and doing such a terrific job. Mr. Eisenlau thanked the Sheriff's Department for assisting them so effectively. Chairman Berg also thanked all the Committee members: Billy Carlisle, Kevin Tanner, Lake Gibson, Jim

King, Bill Saling, Kurt Vilendrer, Phil Anderson and Bill Johnsa. He said the next step would be to vote on the three recommendations. He asked Commissioner Saling to read the recommendations.

Motion passed unanimously to modify the HOK Contract to reflect and address the new site location recommendation. Saling/King

Motion passed unanimously to proceed with a design - bid - build delivery method for this project. Saling/Craft

Motion passed unanimously to develop a new schedule that will combine the design development with the construction drawings and contract documents to advertise for construction as soon as possible. Saling/King

Commissioner Saling said he would like to take a moment to recognize the tremendous contribution of Ms. Lowayne Craig. The Jail Committee had stated the budget would not be supplemented, so Ms. Craig and Phil Anderson spent a great deal of time to creatively meet the project without shaving any corners, to meet all the obligations put forward with the Splost project without any additional funding from taxpayers or debt.

ZONING:

ZA 05-01: Don Stephens has made a request to rezone 3.046 acres of TMP 113-44.002 Split from RA (Residential - Agricultural) to COI (Commercial Office Institutional) in order to construct doctor's office building. Location: Kilough Church Road & Ga. 400 South & proposed Prominence Court

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED APPROVAL WITH STIPULATIONS

Chairman Berg explained the procedure for hearing this request. Ms. Tully said the Planning Commission heard this request at the February 15, 2005 meeting. The request was approved with stipulations. Ms. Tully said Mr. Stephens had chosen to grant an easement for the buffer, understanding in the future, the property adjoining will more than likely be zone commercial, and it is all owned by Mr. Stephens. Mr. Stephens has granted an easement from himself to himself.

Chairman Berg stated that Prominence Court has a 60-foot right-of-way and he thought it would be nice to have more road. Ms. Tully said if this would be a four-lane road, additional right-of-way would be necessary.

Mr. Don Jones of Moreland & Altobelli came forward on behalf of the Applicant, to answer any questions the Board may have. Commissioner Saling asked if an 80-foot right-of-way would encumber the planning for the road right-of-way. Mr. Jones said it could create a little bit of hardship on the site plan. The parking at this point is adequate but it would push back into the slope to widen the right-of-way creating the necessity of retaining walls and impact the provisions made for parking at this point. The road is now under construction and would necessitate some re-engineering of a project already approved and about 70% constructed. Widening the driveway was a factor discussed. Mr. Jones said the slope would be the main impact of widening the driveway. Commissioner Saling asked Mr. Stephens whether 80 feet would make a difference where you start from, since he owned both sides. Mr. Stephens said that it would make a difference. The access part on the south side is 60 ft. or less and he felt that 80 feet was totally unfair to change at this stage.

Chairman Berg asked how much of the road was done. Mr. Jones said the whole road is currently in the grading phase and the storm drain structures were laid out. The earth -moving portion of the road is within 3-4 feet of grade. Chairman Berg then asked Mr. Stephens how many other projects he anticipated on this road. Mr. Stephens said it was hard to say because the cost of doing business is getting prohibitive. Chairman Berg stated it would be nice to get a master plan when you own all of the property so that the whole layout is looked at even though you don't know how much you are going to sell or match out. This will at least get the roadwork in. Mr. Jones said they were working in this regard on some other projects to approach it from a master plan standpoint. However, this particular project is being developed as the market dictates.

Chairman Berg asked whether anyone was present to speak in opposition to the request. There was none.

Motion passed by majority to approve the request with the following stipulations: King/Nix

Saling/Craft opposed. Chairman Berg represented the majority.

-That the development ties into the water and sewer line as proposed in the construction plans for Prominence Court extension.

-That the project either is designed to meet the residential buffer requirement or a variance be applied for and approved to remove the buffer.

-That the storm water detention for the site be considered within a more comprehensive plan for master detention on the site.

-That the developer provide 80 feet of right-of-way for Prominence Court as submitted on the construction plans.

ZA 04-23: Ransom Development Corporation has made a request to rezone 82-54 acres of TMP 97-99 from RA (Residential Agricultural) to CPCD (Commercial Planned Community Development) to construct mixed-use development. Currently showing 283 lots at 8,000 square feet lots. Also, plan shows a day care center and a church. Density proposed at 3.75 units per acre. Plan shows amenity area of clubhouse, pool and trail. Location: Dawson Forest Road.

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED APPROVAL WITH STIPULATIONS

Chairman Berg explained the procedure for hearing this request. Planning Director, Lynn Tully, came forward and stated the Planning Commission had voted on October 14, 2004, to approve the request with stipulations.

Chairman Berg asked if the Applicant was present. Attorney Smith said he and Mr. Ransom were present to answer any questions for the Board. Chairman Berg reported that the consultant the Commission has hired, CH2MHill, has talked to developers, Ransom and Young, about sewage issues in this area. Everyone is willing to move ahead with whatever is decided insofar as the sewage aspect is concerned.

Chairman Berg asked the Commission if they had any questions for the Applicant.

Commissioner Saling stated that the Board had previously tabled this request for 60 days after a 30 day table. Mr. Ransom was willing for the Board to do that in order for them to examine a number of the properties that are going down on Lumpkin-Campground, Dawson Forest Road, where each developer wanted to put in an individual package plant. The Commission was concerned that three or four package plants would be installed and then at some time the County be responsible for taking them over. The rationale for having a consultant firm would be to tie all into a central processing plant. This is viable and there is a process for that to take place.

Mr. Ransom presented a short overview of the plans for the new commissioners; specifically citing 40-45% purchasers are empty nesters. About 40-45% of the purchasers are single women, about half of that percentage is over 50 years of age and 50% under 50 years of age. The remaining 10-20% are unmarried couples or single men.

Commissioner King said, " So, these actually are not attached town homes, these are actually single family dwellings? Mr. Ransom answered, "These are single family dwellings, attached with gates and a header, which under Georgia law makes them multi-family. They are not two-story town homes. They are single family ranch homes with one and two car garages..." Commissioner King then said. "They look like attached town homes ... but actually they are single family attached dwellings?" Mr. Ransom said they sell them as town homes fee simple condos, but they are not 2-story they are ranches.

Commissioner King asked, " Do you sell them as condos, attached?" Mr. Ransom said, "They are attached with a gate and header that encloses the courtyard. "

Chairman asked whether anyone was present to speak in opposition to the request. There was none.

Motion passed unanimously to approve the request with the following stipulations: Saling/King

-Private street layout be more fully designed to the Fire Marshall and County Engineer standards showing appropriate circulation and minimizing traffic conflicts.

-That the site plan show an additional 25' buffer between the commercial area and the school.

-The detention ponds be designed to accommodate water quality issues, possibly including bio-retention and/or using the "treatment train" approach of several smaller treatment areas versus large structural controls. Additionally all rooftop runoff should be routed to pervious areas.

-Interparcel access should be provided between the commercial properties with shared access to Dawson Forest Road.

-Full deceleration lane should be provided for eastbound access. Additional consideration should be given to the recommendations of the traffic impact study.

-A 50' undisturbed buffer should be provided around the residential portion of the development from Black's Mill Road and the Pinewood Subdivision.

ZA 04-26: Keith Young has made a request to rezone 75.86 acres of TMP 107-15 & 86 from RA (Residential Agricultural) to RPCD (Residential Planned Comprehensive Development) in order to develop 398-lot subdivision. Location: Red Rider Road

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED DENIAL

-With appealed VR 04-32: Keith Young has made a variance request to density per acre referencing ZA 04-26. Request to allow 5.5 units per acre. REQUEST DENIED

Chairman Berg read the request. Ms. Tully then came forward and said Mr. Young had submitted a new plan to the Commission prior to the meeting. She said Mr. Young has recently requested to change the project that he is considering offering in this new plan to a single-family project, therefore reducing the overall units to 314. This equates to a density of 4.1 units per acre.

Chairman Berg asked whether anyone was present to be heard in favor of the request.

Attorney Shelly Martin, representing the applicant came forward to speak on behalf of the Applicant, Keith Young. Ms. Martin told the Board that this project is less than what was approved on two previous zoning requests, with the exception that this land does not have the flood plain or elevation issues.

Commissioner Saling said the plan was significantly different from the original plan and it was his understanding the Planning Commission had not seen it yet.

Chairman Berg said that in looking at the new plan, he had an issue with only one outside entrance. The entrance on the far right goes to Red Rider and the bottom entrance goes into the PEC development. There will need to be modifications. The Chairman suggested the closest place for an entrance would be the semi-sac in the middle of the project, going out onto Red Rider.

Chairman Berg asked whether anyone was present to speak in opposition to the request.

Mr. Lance Oxyer came forward and said he owned property at 420 and 423 Red Rider Road. He said he was opposed because Red Rider is a one-lane road and he is not willing to give up any part of his property. If the road is widened, his mother, Norma Oxyer, will have to give up her home. He also said there would be an increase in crime, police services would be required, and a water treatment plant installed. He said he moved into the community to have a country atmosphere. Mr. Oxyer said he also had concerns about the increase in traffic.

Mr. Gary Sleeper came forward and said he had spoken on December 21, 2004 before the Planning Commission, stating the objections the Dawson Junction Subdivision Homeowners Association had regarding the request. He subsequently met with Mr. Young several times and discussed some of the objections. He said Mr. Young had pretty much indicated that he didn't have any problems with them. Prior to the meeting tonight, he reviewed the new plan and a couple of main objections would be the open space between the subdivision and Mr. Young's property. The original concept showed a 50' barrier and the new plan is a varying space. The original plan had an open space and open space with planning. In conversations with Mr. Young, it is his intention to leave the space as undisturbed natural, a substantial portion of which is now fallen down pine trees, full of beetles. He said they had also discussed the increased open buffer possibly going to 70 ft. plus added setbacks, which would be a help to them. There is great concern of 314 single-family homes with children. They are concerned with pass through traffic and therefore would like to see a fence, possibly a 5' chainlink fence, along the subdivision line to prevent pass through traffic. He said they still have concerns regarding drainage.

Motion passed unanimously for this request to go back to the Planning Commission to be heard by the Board of Commissioners on April 21. Nix/Saling

OLD BUSINESS:

Kiosk Contract Agreement

County Attorney Homans is preparing a letter to the Georgia DOT. This item will be placed on the Work Session of April 14.

Johnson v. Dawson County Report

County Attorney Homans provided the Board with a copy of the Court Order and he recommends approval of the decision.

NEW BUSINESS:

Park Board Appointment

Motion passed unanimously to reappoint Lisa Wallace to the Park Board. Craft/Nix

PUBLIC COMMENT: None

EXECUTIVE SESSION:

Motion passed unanimously to go into Executive Session to discuss land acquisition, personnel and potential litigation. Craft/Saling

Motion passed unanimously to come out of Executive Session. Saling/King

Motion passed by majority to file an Appeal on the Johnson v. Dawson County case. King/Craft
Nix/Saling opposed. Chairman Berg represented the majority.

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Nix/King

Called Meeting Minutes - March 24, 2005

MINUTES

CALLED MEETING OF THE DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, MARCH 24, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2; Jim King, District 3; Julie Hughes Nix, District 4; County Clerk Dack and interested citizen were also present.

Motion passed unanimously to go into Executive Session to discuss personnel. Nix/Craft

Motion passed unanimously to come out of Executive Session. Nix/Craft

Motion passed unanimously to adjourn.

Work Session Minutes - March 24, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, MARCH 24, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg; Bill Saling, District #1; Frank Craft, District #2; Jim King, District #3; Julie Hughes Nix, District #4

1. Library Facilities Master Plan for Two-County Area - Lyn Hopper/Ron Dubberly

2. Etowah Scenic River Proposal - Dan Centofanti

Discussion was held following the proposal. Mr. Bill Hess is to ask the DNR to let the County review the study before it goes to the State Legislature.

This Item will be placed on the Regular Meeting Agenda - 4/7

3. Bid Award for New Ambulance - Billy Thurmond

Bid awarded to Ten-8, for a 3-year lease purchase in the amount of \$41,890.69/yr.

This Item will be placed on the Regular Meeting Agenda - 4/7

4. Bid Award for County Manager Vehicle - Bill Johnsa

Bid awarded to Jacky Jones, for a 3-year lease purchase in the amount of \$7,188/yr.

This Item will be placed on the Regular Meeting Agenda - 4/7

5. Pension Plan Update - Bill Johnsa

Discussion following the update resulted in the Board appointing Commissioners Saling and Craft, and Humane Resources Director, Charity Clark, to meet with the department heads regarding the proposed changes and then report back to the Board when appropriate.

6. Planning Overview - Lynn Tully/Gary Cornell, JJ&G

7. Recommended Road & Bridge Improvements for 2005 - Randy Bowen/Phil Anderson

8. Timber Bid - Dawson Forest Tract - Merchantable Pine Timber

County Attorney Joseph Homans provided a Request for Timber Bid to EWSA in the amount of \$64,538.

This Item will be placed on the Regular Meeting Agenda - 4/7

9. County Manager's Report - Bill Johnsa

Mr. Johnsa reported that due to a change in service fees for the jail, HOK has presented an invoice in the amount of \$97,500. This amount has been budgeted.

This Item will be placed on the Regular Meeting Agenda - 4/7

10. County Attorney's Report - Joey Homans

Attorney Homans presented the Humane Society Lease Agreement in which paragraph 3 was changed to read that, " If the Humane Society alters its mission and as a policy, refuses to accept stray or abandoned animals delivered by Dawson County, then the Lessor may, at its option, terminate this Lease, and Lessee shall immediately surrender the premises to Lessor and remove all of Lessee's personal effects therefrom, and Lessor agrees to pay Lessee the appraised value of the building and/or other structures Lessee affixes upon the leased premises."

Also in paragraph 3, the Board agreed that a fee of \$60 to accept stray and abandoned animals delivered by Dawson County was reasonable.

This Item will be placed on the Regular Meeting Agenda - 4/7

Motion passed unanimously to come out of Executive Session. Saling/Craft

Called Meeting Minutes - March 28, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

MONDAY, MARCH 28, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Jim King, District 3; Julie Hughes Nix, District 4; County Manager Johnsa was also present. Frank Craft, District 2, was absent.

Motion passed unanimously to go into Executive Session to discuss personnel. Saling/Nix

Motion passed unanimously to come out of Executive Session. Nix/Saling

Motion passed unanimously to adjourn. Saling/King

Called Meeting Minutes - March 30, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

WEDNESDAY, MARCH 30, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2; Jim King, District 3; Julie Hughes Nix, District 4; County Manager Johnsa was also present.

Motion passed unanimously to go into Executive Session to discuss personnel. Nix/King

Motion passed unanimously to come out of Executive Session. Saling/Craft

Motion passed unanimously to adjourn. King/Craft

Regular Meeting Minutes - April 7, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, APRIL 7, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL - Present were Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Julie Hughes Nix, District #4; County Manager Johnsa; County Attorney Homans and County Clerk Dack and interested Dawson County Citizens. Commissioner King, District #3 was absent.

OPENING PRESENTATION - Girl Scouts- Emily Horvath

PLEDGE OF ALLEGIANCE - Chairman Berg

ANNOUNCEMENTS -

Chairman Berg reported that at the City Council on Monday night, the Council voted to approve the Long Range Land Use Plan. He asked that this information be passed on to Ms. Tully so she can send it on to DCA.

APPROVAL OF MINUTES -

-Motion passed unanimously to approve the Minutes of Regular Commission Meeting Held on March 17, 2005. Nix/Saling

-Motion passed unanimously to approve the Minutes of Special Called Commission Meeting Held on March 10, 2005. Craft/Nix

ETOWAH SCENIC RIVER PRESENTATION

Mr. Bill Hess presented pictures and a map of the Etowah Scenic River proposal. He said they are proposing 21 river miles to be placed into the scenic river system with the study to be done first by the Department of Natural Resources. He also presented Petitions and a Petition Summary containing 1173 signatures. The petitions were circulated among Dawson County citizens, schools, civic organizations, homeowner associations, churches, conservation advocacy groups, river preservation advocacy groups, etc. Of the 1173 signatures; 400 were On-Line petitions. The Petitions requested, ...@ that the Dawson

County Board of Commissioners recommend to the Governor and General Assembly that the Department of Natural Resources conduct a scenic river study. The study would include the 6.8 miles of the Etowah River running from the eastern boundary of the City of Atlanta tract to the Western boundary, where the Etowah River leaves the City of Atlanta tract, and 14.4 miles of the Amicalola River from Lindsey Ford to the junction with the Etowah River. The Amicalola is on State property within the Dawson Forest Wildlife Management Area. Such a study can be conducted under Georgia Code 12-5-353, - The Georgia Scenic River System.@

Mr. Hess stated that the tributaries and the watershed outside the river corridor would not be affected for future water use by the designation. Also, the study should utilize the existing water standards that are in place under the river corridor protection plan adopted on October 16, 1995. Mr. Hess said it was recommended that the Board of Commissioners be able to review the study recommendations before the study is submitted to the state.

Chairman Berg asked the Board if there were any questions. Commissioner Craft asked if they had future plans for surrounding counties, such as Lumpkin, because the water running into the County affects Dawson County. Mr. Hess said the proposal is based on 21 miles of the river only as Step One. If the plan is accepted then they would move on further.

Commissioner Saling asked about the airport authority. He said the 10,000 acres is owned by the City of Atlanta Airport Authority who bought the acreage many years ago, anticipating a second Atlanta airport. He wanted to know if anyone was in attendance representing the Airport Authority. Mr. Hess stated there was no one there representing the Atlanta Airport Authority. He said he had been in contact with them but had not received a plus or minus insofar as their involvement is concerned. Commissioner Saling said the Authority spends \$1 million annually in maintenance, roads and upkeep of the Dawson Forest tract. He said he wanted to be good neighbors with those property owners, making sure they are in the loop. Commissioner Saling stated the 10,000 acres is private property and wanted to ensure they were made aware that the recreational service provided to the County is appreciated.

Ms. Arlene McClure came forward and said that in response to Commissioner Saling's comment concerning the \$1 million spent on the 10,000 acres, that when they had their public information meeting in January, Nathan McClure mentioned that several years ago the Forestry Department was contacted by the Atlanta Airport Authority to work out a mutually acceptable arrangement because they were having so many problems on the 10,000 acres with drug dealers, stolen cars, trash, etc. She said that even though the Airport Authority spends money allowing people to come onto the property, they are in turn preserving that property and not having to worry about it. She said this is a plus for the County. Ms. McClure said this is a chance for this County to be proactive in preserving a piece of nature. She stated that for the 21 river miles, they were asking for a 100 ft. buffer on each side of the river.

Ms. Sue Pointer came forward and said that in becoming involved with the Etowah Scenic River committee designation, she also became aware of the Celebrate Etowah Organization. She said she found out that Dawson County is one of the few counties through which the Etowah river runs that is not involved in any way in any of the project. She said that in answer to Commissioner Craft=s question, AYes, other counties would probably love to see Dawson County proceed with this and partner with the County. There is a >Celebrate Etowah= set for October and November.@ Ms. Pointer stated they are hoping for Dawson County to become a part of preserving, protecting and recognizing the value of this river.

Ms. Barbara Decker came forward and pointed out the economic benefit of protecting the river. It will attract tourism to the county and as people travel the scenic by-ways, they can use this section as recreation, and asked for the Board=s support.

Chairman Berg mentioned to the Board that at its request, he had sent a letter to Ms. Townley, chair of the Etowah Water & Sewer Authority, asking her for its official opinion. Ms. Townley sent a letter through General Manager, Sandy Adams, written in response to the Board=s letter, which stated in part, The Etowah Water & Sewer Authority has no objections for the OCGA 12-5-353 River Study.

Chairman Berg told the Board that in its deliberations he would like to suggest three things if they endorsed the request: no cost to the county; send the request to the DNR; and, instead of review, have approval before designation, to protect the County=s ability to get a future reservoir off a tributary going into one of the rivers or basin.

Commissioner Saling said he would like to encourage them to get the Atlanta Airport Authority as part of the stakeholder group.

Motion passed unanimously to approve the Etowah Scenic River Study with the following stipulations:
Nix/Saling

- No cost to the County
- Send the request to the DNR
- Have approval before designation

ZONING - None

PUBLIC HEARINGS B

OLD BUSINESS

-Motion passed unanimously to ratify the bid award for County Manager Vehicle to Jacky Jones - Lease Purchase in the amount of \$21,564. Saling/Craft

-Motion passed unanimously to ratify the bid award for new ambulance to Ten-8 - Lease Purchase in the amount of \$41,890.69/yr for 3 years. Craft/Saling

-Motion passed unanimously to endorse the timber bid award to EWSA in the amount of \$64,538, for merchantable pine timber only. Saling/Nix

-Motion passed unanimously to approve Lease Agreement between Commission, EWSA & Humane Society. Nix/Craft

-Motion passed unanimously to approve modified HOK Contract for an additional \$97,500. Saling/Craft

-Motion passed unanimously to approve 2005 road resurfacing in the amount of \$373,672. Saling/Craft

Commissioners Saling and Craft said they would like to receive either quarterly or monthly reports concerning the road resurfacing. It was decided that a monthly report is to be given to the Board.

Commissioner Saling asked if Phil Anderson, Splost IV Project Manager, would give a quick update on the Rock Creek Park project. Mr. Anderson said steel is coming out of the ground now. Two concrete pads for the gymnasium floors had been completed and about 75% of the structural steel was up. He encouraged everyone to drive by Rock Creek and see the magnitude and size of the building. He said that because of wet weather they are running about 45 days behind. Because of the 45 day delay, other arrangements will have to be made for the basketball season. Otherwise, making good progress and good quality of construction. He said he still thought the project would be brought in within budget by the fall of this year.

NEW BUSINESS - None

PUBLIC COMMENT -(5 minute limit) None

EXECUTIVE SESSION -

Motion passed unanimously to go into Executive Session for personnel and legal matters. Saling/Nix

Motion passed unanimously to come out of Executive Session. Saling/Nix

ADJOURNMENT -

Motion passed unanimously to adjourn. Saling/Craft

Called Meeting Minutes - April 14, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, APRIL 14, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2; Jim King, District 3; Julie Hughes Nix, District 4; County Manager Johnsa, County Attorney Homans, County Clerk Dack and interested Dawson County citizens.

Motion passed unanimously to appoint Phil Anderson as the Dawson County Manager. Saling/Craft

Motion passed unanimously to go into Executive Session to discuss Land Acquisition and Potential Litigation. Saling/Craft

Motion passed unanimously to adjourn. Craft/Nix

Regular Meeting Minutes - April 21, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMISSIONERS

THURSDAY, APRIL 21, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Bill Johnsa and interested citizens of Dawson County, Georgia. County Clerk Dack, absent.

OPENING PRESENTATION: Family Relations Program - John McGee

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the following:

-Newly appointed County Manager, Phil Anderson, was in attendance.

-Bill Johnsa acted as County Clerk in the absence of JoAnne Dack.

-Intergovernmental Agreement between Pickens and Dawson Counties signed by the Chairman and made a part of the record.

Commissioner Julie Hughes Nix made a community announcement that the Dawson County Community Chorale would be presenting a concert at the First Baptist Church, April 20, 2005 at 7:30 p.m.

APPROVAL OF MINUTES:

-Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on April 7, 2005. Nix/Saling

-Minutes of the Called Commission Meeting Held on April 14, 2005. Craft/King

ZONING:

ZA 05-02: Ronnie Anderson has made a request to rezone 6.891 acres of TMP 85-93 from R1 conformance with actual use. Intent is to replace existing mobile home. Location: 3075 Hwy. 9 South

PLANNING STAFF & PLANNING COMMISSION RECOMMENDED APPROVAL.

Chairman Berg explained the procedure for hearing this request. Planning Director, Lynn Tully, said the intent is to build a stick-built home on the 1.774-acre tract, Tract 2, and keep the existing mobile home on Tract 1.

Applicant Ronnie Anderson, came forward and reiterated the reason for the rezoning request. Chairman Berg asked what the use of the mobile home would be that is located on the property. Mr. Anderson responded that he would probably rent it. Commissioner Saling asked the age of the mobile home. Mr. Anderson said it was 1980 or 1982 model.

Chairman Berg asked whether anyone was present to speak in favor of or against the request. There was none.

Motion passed unanimously to approve the request. Nix/Craft

ZA 04-26: Keith Young has made a request to rezone 75.86 acres of TMP 107-15 & 86 from RA (Residential Agricultural) to RPCD (Residential Planned Comprehensive Development) in order to develop 314-lot subdivision. Location: Red Rider Road

With VR 04-32: Keith Young has made a variance request to density per acre referencing ZA 04 26. Request to allow 4.1 units per acre. TMP 107-15 & 86: Location: Red Rider Road.

Chairman Berg read the rezoning request and Ms. Tully came forward saying the request was for RPCD and explained the variance request. The Planning Commission heard the Variance Request on April 19th and voted to deny the application. The original recommendation from Staff was approval with five stipulations. Ms. Tully said since the recommendation was written they had received the DRI comments saying this project is in the best interest of the State; however advisory comments were addressed.

Applicant's Attorney, Shelly Townley Martin, came forward representing the applicant. Ms. Martin presented a supplement to the application and said the applicant was in agreement with the stipulations as placed on the supplement by staff of Planning & Zoning and would also like to supplement his application with two other additional stipulations: (a) that the density drop to 3.75 consistent with some other rezonings recently passed; (b) to contribute \$150,000 to the county to alleviate any kinds of traffic problems, to be used as the Board deemed.

Chairman Berg asked how the document would state the \$150,000 contribution. Ms. Martin said it would state that during the development stage, the developer would contribute \$150,000 for road improvements to Dawson County.

Chairman Berg said that in Phase II, there was a second entrance on Red Rider. He asked if this was in the current plan. Ms. Martin said this is in the current plan that shows an inter-parcel connection with PEC, the adjoining development. Chairman Berg asked how far away the connection would be from the opening to the main road. Ms. Tully checked the Traffic Impact Study and found that PEC site did not access off Red River, but did access two places off Lumpkin Campground Road. Ms. Martin agreed to the installation of a second entrance to the subdivision from Red Rider Road at the semi cul-de-sac.

Chairman Berg asked whether anyone was present to speak in favor of the request. There was none.

Chairman Berg asked whether anyone was present to speak in opposition to the request. Mr. Gary Sleeper came forward and said his property abuts this proposed development. At previous meetings, he said he and others had expressed concerns regarding buffer area, fencing along the property line to prevent pass-through pedestrian traffic, surface water drainage as potential health and safety hazards, treatment of streams and density levels. Following the denial, he and Mr. Young had met with others and he thought they had a gentlemen's agreement to put up some kind of fence and improve the buffer area. The new proposal indicates that all the considerations have gone by the wayside. He said he and others didn't feel this development would be in the best interest of the county and/or the surrounding territory. He said this development would impact the schools and would give strength to the request that a fence be required by the developer to prevent pass-through traffic. Mr. Sleeper said this proposal is better than the original, but still leaves a lot of concerns unanswered for the adjacent property owners. Should this request be approved, he requested that a condition of the acceptance be the

developer work with the Dawson Junction Homeowners Association to resolve the mutual consent of these issues in writing.

Mr. Doug Schlote came forward and said his property abuts this property and his main concern is the run-off of water. Approximately 85 lots are in the subdivision which drain to this property which is a low-level property, 18 of which drain through his yard. He also said he would like to see the density more in line with the required density rather than always increasing the density.

Mr. Aaron Perry came forward and said he and the neighbors had a number of legal and zoning concerns about the project. He said their main largest concern is a lack of a traffic plan. At present, they have a single lane with a 30 ft. easement. Under current county zoning, a 60 ft. easement is required for a high-density project of this magnitude and he didn't feel this was reasonable. A justifiable concern is that the developer is trying to go about this backwards by developing property counter to the existing plan and then asking for a 60 ft. easement at which time the residence of Red Rider Road will stand to lose a large portion of their property. Mr. Perry said that they felt the proposed development would not fit into their area or into the county's master plan. He said the area is still fairly rural with working farms as well as homes on one-acre lots. He said he felt that developers migrating into the county should have to comply with Dawson County zoning laws, which state a single dwelling for one-acre of land. He said he was not against quality growth, but felt nice homes on one-acre lots would be an asset to the community and profitable investment for developers.

Chairman Berg closed the hearing.

Commissioner Saling said the Board had ample time to review the project. Fundamentally, it is not a issue of density for the School Board or compatibility of the roads. The issue is that an existing zoning regulation, RPCD, which has been in place for sometime, simply states that it cannot exceed one acre per home. There is always an occasion for compelling interest to provide a consideration for a variance. He said he saw no compelling situation here to go ahead and approve as requested. He said he would not support it and would recommend it be denied.

Commissioner Craft said he felt that if the Planning Commission said one acre, he felt the Board should go by the rules laid down by the Planning Commission. He stated he was against this request also.

Chairman Berg asked about the land being taken away from the community by the development - the right of way is 60 ft. and the road is 30 ft. Ms. Tully said the right-of-way is 30 ft. Mr. Berg wanted to know how this would affect the people on both sides of the road by some future road widening. Ms. Tully said if the road was widened, a 60 ft. right-of-way would be needed and in some cases construction easements could be gotten in order to have the appropriate room necessary; 15 feet could be taken off

on either side of the road. Mr. Berg asked if all of it could be off one side if they wanted to. Ms. Tully affirmed this.

Commissioner King said he concurred with Commissioner Saling's statement about RPCD zoning and the fact that the Board should not undermine it with variances. He said that unfortunately that was his advice last year regarding CPCD zoning that came up with the same density. While he was out of town a motion was made to approve that with a variance of the density. This opened Pandora's box and now puts the county under severe legal strain by approving one next door and not approving another one. All benefits have to be weighed against the detriments.

Motion passed by majority to approve the zoning with the following stipulations: King/Nix Saling/Craft opposed. Chairman Berg's affirmative vote broke the tie.

Staff's recommended conditions:

1. Project receive approval for the variance request or resubmit a new plan complying with the required RPCD zoning density.
2. The project comply with ALL DRI finding comments.
3. All lots and grading be removed from the creek buffers and extra protection be given during construction for erosion and grading in the flood plain.
4. That the project meet all EWSA and County requirements for waste water disposal and/or systems.
5. An additional access to Red Rider Rd. be provided with all issues raised by the amended traffic study to be addressed.

-Developer shall be limited to the same density as the Ransom zoning, 3.75 units per acre.

-All conditions of the Ransom zoning shall apply.

-The developer shall donate \$150,000 to the improvement of county roads.

-The developer shall donate all the land 40 ft. from the centerline of the right-of-way on his side of Red Rider Road to allow all the widening of Red Rider and shall widen Red Rider along the entire frontage to a width of 24 ft. minimum.

-Provide a second entrance on Red Rider Road.

-Developer shall provide a 50 ft. buffer along the property line adjacent to the Dawson Junction Subdivision.

-Developer shall not obstruct the natural flow of water on the adjacent Dawson Forest Subdivision and shall not pond water on this tract.

A short discussion was held with reference to standing by the rules and regulations and controlling the density.

VR 04-32: Keith Young has made a variance request to density per acre referencing ZA 04

26. Request to allow 4.1 units per acre. TMP 107-15 & 86: Location: Red Rider Road.

Chairman Berg read the Variance Request and Ms. Tully came forward and said this was heard before the Planning Commission on April 19. The Planning Commission did not take any further action. The request had been denied previously at the higher density; the difference is now they have blocked down the density to 4.1 acres per acre and again tonight she assumed they would bring it down further to the 3.75.

Ms. Shelly Townley Martin again came forward and said as Commissioner King pointed out, this is reasonable with what has been allowed in the past in this area. The variance falls under the former language of Section 308C which read "not less than one unit per acre." The interpretation was not more than one unit per acre. The scrivener's error has now been corrected. She stated they were the last variance that comes before the Board based on the old ordinance.

Chairman Berg asked whether anyone was present to speak in opposition to the request. There was none.

Commissioner King asked Ms. Martin if the application was submitted prior to the ordinance change? Ms. Martin answered in the affirmative.

Motion passed by majority to approve the variance request with the same conditions as the zoning. King/Nix . Saling/Craft opposed. Chairman Berg's affirmative vote broke the tie.

PUBLIC HEARINGS - None

OLD BUSINESS:

-Motion passed unanimously to accept the ratification of Afton Road Bridge Construction Award - Sunbelt Structures, Inc. - \$553,301.05. Saling/Craft

-Motion passed unanimously to accept the ratification of Riverview Middle School Left Turn Lane Award. - Young Equipment Services, Inc. - \$260,775.50. Craft/Saling

-Motion passed unanimously to accept the ratification of 2004 Hazardous Waste Trust Fund Resolution & Application. Saling/Craft

-Motion passed unanimously to approve the Dawson County Mission Statement. Craft/Nix

-Motion passed unanimously to approve the Intergovernmental Agreement for Purchase and Disposal of Water Storage Tanks - \$15,000. King/Craft

-Motion passed unanimously to approve the Community Development Block Grant (CDBG). King/Craft

-Motion passed unanimously to approve the Etowah Valley Sporting Clays Park with a minimum rental guarantee to the county of \$10,000 for first year; second year, \$15,000; third and fourth years, \$20,000, with \$25,000 per year thereafter, or 8% of gross revenues, whichever is greater. Craft/Saling

-Motion passed unanimously to approve the County Manager Contract. Saling/King

NEW BUSINESS:

Alcohol License - Beer, Wine & Distilled Spirits - Hidden Valley, Inc. - d/b/a Paradise Valley Resort.

Attorney Homans stated the application had been completed and submitted for approval as an indoor commercial recreational establishment, as defined under the ordinance. They also have completed all background checks all of which satisfy requirements - no records and no disqualifying convictions. The Certificate of Occupancy, Fire and Health inspections and business license have been obtained.

Motion passed unanimously to approve the application as submitted. Craft/Saling

2005 Tourism Payment

Chairman Berg advised this involved the Commission Board voting in 2004 to have the Chamber make a quarterly presentation before receiving the funds. Mr. Berg said he is requesting the Chamber receive the funds on a monthly basis without having to make a quarterly report presentation. The Chamber budgets on a yearly basis and has to make contracts for the year, yet it has to wait each quarter to find out if the money will be available. Finance Director, Lowayne Craig, has said this can be done and does not affect the \$34,000 still in question.

Motion passed unanimously to approve the 2005 Tourism Payment (hotel/motel tax) to be disbursed on a monthly basis. Saling/Nix

Tree Advisory Committee Appointments

Motion passed unanimously to approve the following reappointments: King/Craft

Dave Hinderliter (Craft)

Tim Costley (Nix)

Carl Bailey (Berg)

DHR Appointments

Motion passed unanimously to approve the following reappointments: Saling/Craft

Edwin Looper

Mary Hulseley

GMRDC Appointments

Motion passed unanimously to replace Commissioner King with Chairman Berg. Saling/Craft

400 Toll Appointment

Chairman Berg said he had met with Mr. Hooker of the State Toll Way Authority, together with Bill Johnsa and Randy Bowen, about a committee they are forming with the counties along 400 with the interest of studying a toll road along 400. Mr. Hooker would like a citizen to serve on the committee for about nine meetings. The committee will present its findings to the Governor, the DOT will take the findings and incorporate them into its plan. Mr. Berg made the recommendation that Mr. Randy Bowen, Public Works Director, be the Dawson County representative.

Motion passed unanimously to approve Randy Bowen as the Dawson County representative to the 400 Toll Way Committee Study. Saling/Craft

PUBLIC COMMENT: None

EXECUTIVE SESSION: None

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Craft

Work Session Minutes - April 28, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, APRIL 28, 2005

Dawson County Library - 4:00 p.m.

Present were: Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4. Chairman Berg was absent.

1. Approve Sawnee EMC Encroachment Application for Highland Pointe - Randy Bowen

This Item to be placed on the Regular Meeting Agenda - 5/5

2. Approve Amicalola EMC Encroachment Application for Steve Tate Highway - Randy Bowen

This Item to be placed on the Regular Meeting Agenda - 5/5

3. Proclamation Declaring the Week of May 15-May 21 as EMS Week in Dawson County - Lanier Swafford

This Item to be placed on the Regular Meeting Agenda - 5/5

4. County Manager's Report - Phil Anderson

County Manager Anderson, announced that there would be a public meeting on Friday, May 6, 2005 at 2:00 p.m. at the new Dawsonville City Hall to review and discuss a draft of the Dawson County Hazard Mitigation Plan.

5. County Attorney's Report - Joey Homans

County Attorney Homans, reported there would be two road abandonments to be heard at the Regular Meeting of May 5: Stowers Road West and T.F. Hughes.

Mr. Homans has sent a letter to Georgia DOT regarding the Kiosk signs. Chairman Berg will write a letter to the state legislators enclosing a copy of Mr. Homans letter, requesting their assistance.

Etowah Scenic River designation Resolution will be placed on the Regular Meeting Agenda - 5/5.

Commissoner Saling asked Mr. Homans to bring them up-to-date regarding the Weldon Sheriff lawsuit matter. Mr. Homans told the Board he would be drafting the Order language and will be sending it to the Judge for signature very shortly.

Motion passed unanimously to go into Executive Session to discuss land acquisition, personnel and potential litigation. Saling/Craft

Regular Meeting Minutes May 5, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, MAY 5, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson, and interested citizens of Dawson County, Georgia. Commissioner King, District 3 was absent.

OPENING PRESENTATION - NOA - Marina Baron

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the following:

- He was signing the Etowah Scenic River Designation Resolution
- Ms. Val Dodson brought in new plans for Community Services Board Districts.

APPROVAL OF MINUTES:

- Motion passed unanimously to approve the Minutes of the Regular Commission Meeting held on April 21, 2005. Nix/Saling

PUBLIC HEARING

Petition for Road Abandonment - Stowers Rd. West

Chairman Berg explained the procedures for the hearing and asked whether anyone was present to speak in favor of the petition. Attorney Homans told the Board the Petitioners had requested an additional hearing in order to speak with all the neighbors.

Ms. Arlene McClure came forward and said she represented the family who owns the McClure farm on Stowers Road, West. Ms. McClure presented the Board with a list of fourteen reasons to support the abandonment of this part of the road. She said the four property owners who are asking for the abandonment are all land owners very committed to preservation of that area of the road, and they have all entered conservation easements. She said the intent is to preserve the integrity in the area. She said they have no intention of prohibiting the neighbors on either Stowers or Grant Roads from using the portion of the road. They have no intention of putting in a gate or keeping anyone from walking on the road. The road is now used for walking and jogging and enjoying the nature and the landowners would like to keep it in that state. She suggested a sign designating the road as dead end, which would cut out traffic from coming in. Ms. McClure said she understood there would be a development coming in on Stowers Road and one of the requirements would be they would have to pave that portion of Stowers Road. A cul-de-sac is envisioned, narrowing the entrance onto the rest of Stowers Road with a sign saying 'Private Drive.'

Dave Muldoon came forward saying he was not for the closure. If the road were closed, his driveway would be a turn around. He said he didn't feel there was enough information out to make an informative decision at this point.

Mr. Jeff Pullman came forward in opposition to the petition. He cited his reason in opposition was safety, such as fire and emergency vehicles having to turn around.

Mr. Clay Allgood came forward and said he was against the petition. He said he is open to creativity, but he is cautious about losing the value and safety of his home. Mr. Allgood stated that dead-end roads cause a lot of problems. The trend is not to have more cul-de-sacs in a development; but rather make a road where it actually goes somewhere. He said he would be hesitant to relinquish the right of either going right or left to get onto GA 400. He presented a list of 20 homeowners who were opposed.

Mr. Doug Powell came forward and stated he was for the petition. He emphasized that the road would not be closed to emergency vehicle traffic; so from the standpoint of public safety, there should be no concern. Also, there would not be a restriction for a school bus, though there are presently no children in the neighborhood. He said all the neighbors living on Grant Road would still have access to drive through. No gate would be put up. They are just trying to keep the traffic to a minimum for the safety of the people living on the road. There is now a lot of speeding and litter.

Ms. Marilyn Mason came forward and stated she was for the petition because of traffic concerns, poachers and hunters.

Ms. Erica Fausett came forward and stated she was against the petition. She said she lives at the beginning of Stowers Road and has more people turning around in her driveway than anyone else. She said she feels that putting in a cul-de-sac and sign will not do anything except chop up the road and give them more traffic at the beginning of the road.

Ms. Debbie Kittle came forward and said she had a business in her home and if her home is blocked, no one can get in.

Ms. Mary Powell came forward and stated the road would not be closed. The purpose is to put up some kind of notice to people coming off of GA 400, looking for a place to hunt or joy riding, thus cutting down on the traffic.

Mr. Robert Mason came forward and spoke regarding safety of pets in the neighborhood. He said he felt they had a basis of fact in asking for the closure.

Chairman Berg declared the hearing closed.

Commissioner Saling said he sympathized with the concerns expressed with regard to the litter and people abusing the public road; however, this is, in his opinion, a gross misuse in the exercise of road abandonment. He said the Board had been dealing with road abandonment issues for two years and the general guidelines is that a road abandonment is a process when there is no compelling public interest in that property. That is certainly not the case here; we are being asked to take a section out of the middle of a "U" to basically provide an ecological harbor. He said he was not sure that is the proper use of road abandonment and would set a terrible precedent even considering road abandonment. He said the litter and people poaching is a law enforcement issue.

Chairman Berg asked Ms. McClure how she could be a non-gate gatekeeper. He said a gate could be put in easily once the road is abandoned. He didn't understand how she could decide who goes through who does not go through. Ms. McClure said the idea was to put up a sign "private road" plus a sign at Grant Road and Stowers Road, saying, "dead end, " and that those two things alone would cut out a lot of traffic.

Commissioner Saling his other concern is that this area is designated in the Future Land Use Plan as a major area of development within the next twenty years. We have a road we now own that we have been maintaining that is servicing a fairly good part of the geography. He said they would be basically setting up a toll road, deciding who would be allowed to come through and who would not. It is a public road, paid for by the taxpayers. Ms. McClure said if the road became a private road the landowners would pay for maintaining the road.

Commissioner Saling said that he didn't think that putting up a sign would deter littering and poaching.

Chairman Berg asked if the landowners had talked about anything else besides abandonment. Ms. McClure answered, "Not really." Ms. McClure then spoke about cars speeding now and what it will be like after a development comes in and the road is paved.

County Attorney Homans read the language of the reasons for the abandonment request.

Motion passed unanimously to have a second public hearing on May 19. Saling/Craft

Petition for Road Abandonment - T.F. Hughes Rd.

Chairman Berg explained the procedures for the request and asked whether anyone was present who wished to speak. No one came forward. He then asked County Attorney Homans to tell the Board where the road was. Mr. Homans said the road was east of S.R. 53 and GA 400. He said it is listed as a county road but doesn't serve anyone right now.

Chairman Berg said that for future abandonments, he would like to have maps available.

Chairman Berg closed the hearing.

Motion passed unanimously to Table the request for two weeks. Nix/Craft

Mechanical Fee Changes

Ms. Tully presented the changes to the Board, stating that Planning and Zoning was recommending changing the way fees are charged for commercial and residential structures by making them the same formula, based on square footage instead of 'per installation.'

Chairman Berg asked whether anyone was present to speak. No one came forward.

The second hearing will be held at the next Regular Meeting, May 19.

Parking Standards

Ms. Tully said they wanted to bring the standards up to date including uses that were not around when started, such as parking space maximums in addition to minimums. Also included were some parking space and aisle design requirements, as well as some changes for multiple family structures.

Commissioner Nix asked whether handicap parking was included. Ms. Tully answered in the affirmative.

Chairman Berg asked whether anyone was present to speak. No one came forward. He then closed the hearing closed.

The second hearing will be held at the next Regular Meeting, May 19.

OLD BUSINESS -

Ratification of Amicalola EMC Encroachment Application for Steve Tate Highway

Motion passed unanimously to ratify the application as submitted. Saling/Nix

Ratification of Sawnee EMC Encroachment Application for Highland Pointe

Motion passed unanimously to ratify the application as submitted. Nix/Saling

Proclamation declaring the week of May 15- 21, 2005, as EMS Week in Dawson County

Motion passed unanimously to ratify the Proclamation declaring the week of May 15-21, 2005, as EMS Week in Dawson County. Saling/Craft

Ratification of Etowah Scenic River Designation Resolution

Chairman Berg signed the Resolution and made it a part of the record.

Fire Safety Ordinance

County Attorney Homans said he had received a letter from the Georgia Department of Community Affairs that recommended the Ordinance not be adopted. The DCA states it is in conflict with State law and State codes. His recommendation is that the Board suspend enforcement of the Ordinance until determination is made as to what has happened and to ascertain whether there is a need to repeal it.

Chairman Berg asked Ms. Tully what process the Board needed to go through regarding the developers in process of getting approval; i.e., what does it do to the Board if a moratorium was put on. Ms. Tully stated that if enforcement of the ordinance were withheld, it would go back to the date of adoption. The procedures have changed as they relate to the Fire Marshall and Fire Inspector. They have added proof of installation on the types of materials and specifications.

Chairman Berg asked whether the entire fire code would be set aside. Ms. Tully said, the Ordinance had specific requirements in addition to the current Fire Code. The entire Fire Code would not be set aside. Chairman Berg then asked how they planned to notify builders/developers who have already started and have to be held up. Ms. Tully said letters would be sent out to each of them who are registered in the database; also they have a monthly builder inspector meeting which tends to get the word out rather quickly.

Commissioner Saling asked for clarification from Attorney Homans regarding the letter from the State.

He wanted to know if this was another case where the County went beyond the required minimum requirements and the State is basically telling the County they don't have the right to effect beneficial changes. Attorney Homans answered in the affirmative.

Motion passed unanimously to issue a temporary Moratorium on the enforcement of the revised Fire Safety Ordinance to comply with the letter from the State. Saling/Craft

NEW BUSINESS - None

PUBLIC COMMENT - None

EXECUTIVE SESSION -

Motion passed unanimously to go into Executive Session for the purpose of land acquisition and possible litigation. Saling/Nix

Motion passed unanimously to come out of Executive Session. Saling/Nix

Motion passed unanimously for Attorney Homans to proceed with condemnation of the right-of-way necessary for the roundabout at Dawson Forest and Lumpkin Campground Road. Saling/Craft

ADJOURNMENT -

Motion passed unanimously to adjourn the meeting. Saling/Nix

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes May 12, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, MAY 12, 2005

Dawson County Library - 4:00 p.m.

Present were: Chairman Berg, Commissioner Saling, District 1; Frank Craft, District 2; Jim King, District 3. Commissioner Nix, District 4 was absent.

1. Prioritization of Paving Projects. -- Randy Bowen

2. Proclamation Proclaiming May 11 As School Nurse Day. -- Elaine Langley

This Item to be placed on the Regular Meeting Agenda - 5/19

3. Dawson County Humane Society Foster & Adoption Request. -- Jean Schilling

Animal Care & Control Agreement to be placed on the Regular Meeting Agenda - 5/19

4. County/Humane Society Agreement. -- Phil Anderson

5. County Manager Report -- Phil Anderson

The County Manager included in his report the Agreement between Robert G. Betz AICP, Inc. and Dawson County for a System-Wide Recreation Master Plan, and had it presented by the Parks & Rec Department.

This Item will be placed on the Regular Meeting Agenda - 5/19

County Manager Anderson presented a request by Serenity Health and Medical Spa, for Special Events License for beer and wine.

This Item will be placed on the Regular Meeting Agenda - 5/19

6. County Attorney Report -- Joey Homans

The County Attorney included in his report that he had sent an objection letter for annexation to the City regarding the Stepp property.

This Item will be placed on the Regular Meeting Agenda - 5/19

Attorney Homans reported that:

The Don Stevens Lawsuit will be placed on the Regular Meeting Agenda - 5/19 for Public Hearing.

Motion passed unanimously to go into Executive Session for personnel and potential litigation.
Saling/Craft

Regular Meeting Agenda - May 19, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING AGENDA - THURSDAY, MAY 19, 2005

Dawson County Courthouse - 6:00 p.m.

1. ROLL CALL

2. OPENING PRESENTATION – Dawson County Board of Education - Nicky Gilleland

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

5. APPROVAL OF MINUTES

-Minutes of Regular Commission Meeting Held on May 5, 2005

6. ZONING

ZA 05-03: James Yeager has made a request to rezone 1.433 acres of TMP 76-133 from R2 (Residential Single Family) to CRB (Commercial Rural Business) in order to construct shop and storage for landscaping business. Location: Kelly Bridge Road, Elmo Road & Salem Church Road

Planning Staff & Planning Commission recommends Approval with stipulations

ZA 05-05: David C. Kirk, Esq. has made a request to rezone 3.06 acres of TMP 114-33 from RA (Residential Agricultural) to CPCD (Commercial Planned Comprehensive Development) in order to add to construction area for proposed Wal-Mart site. Location: Dawson Forest Road

Planning Staff & Planning Commission recommends Approval with stipulations

7. PUBLIC HEARINGS

-Petition for Road Abandonment - Stowers Rd. West

-Petition for Road Abandonment - T.F. Hughes Rd.

-Mechanical Fee Changes

-Parking Standards

8. OLD BUSINESS

-Ratification of Special Event Alcoholic Beverage License - Serenity Health and Medical Spa

-Ratification of Proclamation Proclaiming May 11 as School Nurse Day

-Ratification of Animal Care & Control Agreement between Dawson County and the Humane Society

-Ratification of Agreement between Robert G. Betz AICP, Inc. and Dawson County for a System-Wide Recreation Master Plan

-Proposed Consent Order - Stephens v. Dawson County

9. NEW BUSINESS

-Library Board Appointment

-Library Task Force Appointment

10. PUBLIC COMMENT (5 minute limit)

11. ADJOURNMENT

Regular Meeting Minutes - May 19, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, MAY 19, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; County Clerk Dack and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Dawson County Board of Education - Janice Darnell

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS: None

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on May 5, 2005.

ZONING:

ZA 05-03: James Yeager has made a request to rezone 1.433 acres of TMP 76-133 from R2

(Residential Single Family) to CRB (Commercial Rural Business) in order to construct shop and storage for landscaping business. Location: Kelly Bridge Road, Elmo Road & Salem Church Road. Planning Staff & Planning Commission recommends Approval with stipulations

Chairman Berg explained the procedures for this hearing and asked Ms. Tully to read the request.

He then asked whether anyone was present to speak in favor of the request. Ms. Tully noted that a question was raised as to whether this was in a groundwater recharge area. Ms. Tully said it is in a groundwater recharge area, but the applicant has stated there will not be any hazardous or inflammable materials kept there.

Chairman Berg asked what the outcome was for the conflict on the new construction with EWSA. Ms. Tully said she didn't know; however, EWSA had indicated in a preliminary report that there may be a waterline conflict in that area; and if it does exist, the site plan would have to be redesigned.

Commissioner Saling asked for an explanation of a groundwater recharge area. Ms. Tully said the State requires them to identify five different environmental criteria: river protection, mountain protection, groundwater recharge, wetlands, and one other that she could not recall. It is based on a state-wide map that is loosely based on soils data as to where the highest probability of groundwater recharge would take place. Dawson County is one of the areas that is identified. Commissioner Saling said, ASo, the discharge in this area with the landscaping business, potentially fertilizer would be an increased risk of being absorbed back into the groundwater table?@ Ms. Tully said yes, but the Applicant had said no chemicals were to be kept at that facility.

Applicant's attorney, Shelly Townley Martin came forward and addressed Commissioner Saling's concerns. She said the Applicant's intent for use of this property will be as storage for the machinery for his landscaping business and as a shop to maintain that machinery. It is not for storage of any planting materials, fertilizers or chemicals. As the property is currently under RT classification and does not have an economic viability, they realize the site plan will have to be changed to show the setbacks from Kelly Bridge and re-situate the building so that it does feed off Elmo or Salem.

Chairman Berg asked Ms. Martin if she knew whether there was a water conflict and was she prepared to make a site plan change? Ms. Martin said she didn't know of any conflict, but the Applicant is willing to make a site plan change.

Chairman Berg asked whether anyone was present to speak in opposition to the request.

Mr. Alan Hogan came forward and said he lived about 50 yards from the property. He said his home was worth about \$150,000 and wondered about the value of his property. He said he liked quiet weekends and evenings and wanted to know about the machinery being cranked up. He was also concerned as to how the Applicant would take care of changing the oil in the machinery.

Commissioner King asked Ms. Martin about landscape materials such as bark, gravel, etc. and outside storage. Ms. Martin said there were no bark, fertilizer or planting materials being stored.

Motion passed by majority to approve the request with the following stipulations: Saling/King. Nix opposed.

1. That the development confirms the possibility of a water line conflict on the new construction with EWSA.
2. That the development satisfy the needs of the Fire Department for commercial development.
3. That the project is redesigned to meet the Kelly Bridge Road setback requirement.
4. That additional planting is included along side and rear property lines to soften the facility. Further that the plan adhere to the Tree Ordinance.
5. That the architecture of the structure be designed to complement the surrounding residential uses in style and materials.
6. That the storm water detention for the site be considered.
7. That building and fencing meet architectural recommendations of Planning staff to better suit surrounding properties during development process.
8. No outdoor storage of materials or petroleum products.

ZA 05-05: David C. Kirk, Esq. has made a request to rezone 3.06 acres of TMP 114-33 from RA (Residential Agricultural) to CPCD (Commercial Planned Comprehensive Development) in order to add to construction area for proposed Wal-Mart site. Location: Dawson Forest Road.

Planning Staff & Planning Commission recommends Approval with stipulations

Ms. Tully asked the Board to take note of a recent letter delivered by David Kirk of Troutman Sanders. The letter is a Letter of Intent requested by the Planning Department regarding transportation improvements being offered by Wal-Mart. The request is to rezone only a 3-acre portion of a site from RA to CPCD, which will add to the existing 25 acres currently owned by them.

Commissioner Saling asked Ms. Tully to elaborate on point #3 of the Letter of Intent. Ms. Tully said they have provided additional turning lanes at Dawson Forest and GA 400. It will take additional signalization, dedicated full right and left turn lanes from Dawson Forest onto GA 400; widening of Dawson Forest Road, and improvements to all to those lanes past the intersection. They are also including internal improvements such as a roundabout at the Home Depot entrance and Chick-Fill-A.

Attorney David Kirk came forward to address the Board and introduced David Buckell, the project engineer, and Lou Barberry, summer associate, at that time. Mr. Kirk said the Planning Department had granted a number of variances in February for this project relating to parking, landscaping and rear-yard buffers. At that time the subject property was not on contract. The acquisition of this property and rezoning request is intended to provide a little more flexibility and site design. It will allow for approximately 20,000 additional square feet in the store itself and an increase of parking by about 169 spaces. These increases will allow Wal-Mart to better serve its customers in Dawson and nearby counties. Attorney Kirk said the site expands from about 21 to 24 acres. The store increases from about 184,000 to 204,000 square feet.

Mr. Buckell put up the landscape plan on the tripod as Mr. Kirk pointed out that as a condition of the variance, they were required to provide landscaping of at least 7% of the parking area; they now provide around 8% coverage of landscaping in the parking area. They have also put in about a little over one hundred pervious pavers on the perimeter area that will help with runoff of the water quality issues. Traffic improvements mentioned will not only serve the Wal-Mart traffic, but with the development of the area. Attorney Kirk said it is important to note that the efforts have been coordinated with the Georgia DOT, which has a major project on Georgia 400. Mr. Kirk said the Letter of Intent provided, indicates the intent to design and construct, at the expense of Wal-Mart, the offsite traffic improvements as well as onsite improvements that are required by the traffic study.

Attorney Kirk spoke to elevations, saying they had worked closely with Ms. Tully, the project architect, and Planning Commission to ensure they met the design standards set forth in the Georgia 400 Overlay District. He said they were in full compliance with those. He said this proposal is consistent with Dawson County Land Use Plan and with the pattern of existing development in the area. Wal-Mart is agreeable to the conditions that Ms. Tully read into the record. Mr. Kirk said he appreciated the professional and thorough work of Ms. Tully, Ms. England and staff.

A short discussion was held regarding signage. Commissioner King asked if there was any way they could increase the landscaping area to 10%, since a reduction from the parking ratio had freed up some space. The response was it had freed-up some, but they have committed to keeping the area to the immediate west natural to put in transportation improvement.

Commissioner Saling said they had a very large pervious surface and he wanted to know what provisions had been made from swales, etc. Ms. Tully responded that the storm water would be handled by a storm water retention pond that has already been constructed. One of the variance conditions was they consider water quality measures and put in actual mechanical water quality measures to treat the storm water before it reaches the retention pond.

Chairman Berg asked whether anyone was present to speak in opposition to the request. Mr. Dan Simpson came forward and said he had some real concerns with storm water runoff and other issues relating to the percentage of pervious surfaces. He said the original variances had been granted because Mr. Kirk did not have enough actual land to accommodate a super store, so some variances in tree ordinances and parking space density, some vegetation requirements of commercial areas were allowed in order to accommodate a store of this size on less acreage than was normal. Now, apparently more acreage is available. He questioned that if more land becomes available, why not use that land to accommodate the existing tree ordinances and other ordinances that are now in place. He said he would be interested in knowing what sort of mechanical means have been proposed to handle the storm water runoff.

Mr. David Buckell, project engineer, came forward and addressed the issue of storm water retention ponds. He said they would be excavating the pond to get the additional capacity it needs. They have two pipes that will be coming into the existing inlet and they will put two mechanical water quality devices onto them.

Motion passed unanimously to approve the request with the following stipulations: King/Craft

1. That the development complies with all stipulations of the previously granted variance.
2. Seasonal sales be defined and limited in time and scope to the screened area shown on the site plan.
3. That improvements addressed in the Traffic Impact Study be provided in a timely manner
4. Architectural and site design issues found in the GA 400 Guidelines be followed.
5. Should Wal-Mart vacate the new building, an automatically renewing bond should be posted in favor of the county in an amount sufficient to ensure maintenance of landscaping, parking and other exterior improvements until a new tenant occupies the space.

6. Conditions of the other zoning conditions associated with this development.
7. No outdoor storage.
8. Shall conform to the building elevations and planting plan submitted and presented at this meeting.
9. Shall adhere to the water quality measures recommended by Dawson County Planning and Engineering staff.

A short discussion ensued regarding the conditions that Commissioner King was talking about in Condition #6, above. Chairman Berg asked for clarification of the first set of stipulations that Mr. King was talking about, saying, "Do those come in conflict with the second set. Ms. Tully said, "No, Sir."

The County Clerk asked for clarification of "the other case." It was determined that Mr. King was talking about the zoning conditions of the Byrd property in 1999. Ms. Tully said she didn't believe there were any conflicts.

Motion passed unanimously that the Board understood the conditions. Saling/Nix

PUBLIC HEARINGS -

Petition for Road Abandonment - Stowers Rd. West

Chairman Berg opened the hearing for additional information only. Ms. Arlene McClure handed out additional criteria for road abandonment to the Commission. She said some comments had been made at the previous meeting that were incorrect. The residents on Grant Road were very concerned that there would be a gate put up on Stowers Road. She said there is absolutely no intent to put up a gate. If the road is abandoned, the entrance would look like an entrance going into private property, with a sign saying. >Private Road,= or >Private Property.= There would always be access to public vehicles, residents on Grant or Stowers Road who wanted to drive through.

Mr. Dave Milton came forward and handed out a fact sheet to the Commission. He said his property is next to the proposed abandoned area. Mr. Milton pointed out that 25 homeowners on Grant and Stowers Road had requested the request be denied. One of the four property owners who is requesting abandonment lives about 100 yards off Stowers Road, West; two of the four live 200+ yards off Stowers Road. Also, one of the property owners requesting abandonment is a weekender. He said traffic would be increased two-fold if the abandonment went through as all traffic would be forced to turn around in his driveway. He also cited safety for his children with increased traffic.

Mr. Clint Jones came forward and said his interest is in road abandonment in particular, not just Stowers Road. He said he didn't think a road should be abandoned unless every property owner was informed.

Mr. Robert Mason came forward and said he was one of the four who feels it would be beneficial to abandon Stowers Road. He said Stowers Road is an 80' right-of-way; Grant Road is 15'. He said he would appreciate anything the Commission could do to minimize the roads.

Mr. Doug Powell came forward and said he was in favor of the steps necessary to restrict some of the problems experienced on Stowers Road. He said they had gone to every homeowner on Grant and Stowers Road to give notice of the previous meeting, advising them of what they would like to do. He said they had invited all of the same people last week into their home to have a discussion to explore what concerns were by all parties. One person on Grant Road came. He said they are looking at anyway they can to eliminate the problems; one of the proposals was to construct a cul-de-sac turnaround so there wouldn't be the problem that now exists; at the end of Stowers Road, they are turning around in people's driveway.

Chairman Berg closed the hearing. He said he had received three letters: one, from Nancy Nichols (Nichols Realty), saying she was opposed; one from Hugh Stowers, Jr., who is opposed; the third from Fred Stowers, who is in favor.

Commissioner King asked if this was just a prescriptive easement. The answer was, >yes.=

Commissioner Saling said he had a problem with using the legal basis of road abandonment to resolve what is described as a law enforcement property. The folks who signed the petition shows there is a public interest in maintaining open. A hand full of land owners have experienced illegal behavior that is really the proper venue of law enforcement. He said the County maintains the road and has right-of-way of the road; and, the road is located in an area that is going to be a rapidly expanding area of Dawson County. Commissioner Saling said he would not support the abandonment request.

Motion passed by majority to decline the Petition for Road Abandonment of Stowers Road. Saling/Nix. Craft opposed motion to decline.

Petition for Road Abandonment - T.F. Hughes Rd.

Chairman Berg told the assembly that this request was heard two weeks ago at which time Commissioners Nix and Craft wanted to go out and take a look at the property.

County Attorney said Mr. Smith, the land owner, and owner of Mountainview Development was in attendance. Mr. Homans said that Mr. Smith recognizes that a portion of Dawson Forest may have to be widened and if Dawson County needed that portion of Dawson Forest Road he was willing to donate right-of-way.

Mr. Joe Smith came forward and stated this road has been owned by him for 7-1/2 years. After purchasing the property he had spent about \$10,000 to clean out the road. He passed out pictures of the equipment parked there today in the roadway. He said where the road dead-ends is where Home Depot is now. He said the road has been closed for years and would like to have the road abandoned.

Commissioner King said that in a previous discussion it was mentioned that new development was coming to the area soon behind Wal-Mart. Mr. Smith said his understanding is that it will be within the next six months. Commissioner King said he is trying to see how the road fits into development plans. He said he would like to see a sketch plan or something before a road is abandoned. Mr. Smith said there would be another road east of the old road, going into Wal-Mart's property.

Chairman Berg asked if there was an overall land plan for the area. Mr. Smith said, >yes.= Ms. Tully said the original 1999 zoning case did not include this property. Chairman Berg then asked the Wal-Mart folks how this affected their property. Attorney Kirk said that he believed there was a small portion of the area they are acquiring that Mr. Smith's company does own which involves a small portion of the road that is not yet abandoned. He said he had seen some very preliminary sketch plans of what may occur. He said they are providing that interparcel access point with the expectation that as that additional property develops there will be an internal circulation system. Commissioner King asked if they were tying into the existing road. Mr. Kirk said they are tying into what they anticipate would be the access point to that additional development. He said they felt it was appropriate to anticipate that future development. He stated if it did come in for rezoning, the Board would have an opportunity to require that internal circulation to go over to S.R. 53.

Chairman Berg asked if the road closure would positively impact them. Mr. Kirk said it allowed them to make that connection. Commissioner King asked if they needed the road closure in that one small section. Mr. Kirk said it would allow them to come in and privately fund an upgrade of that connection. Attorney Kirk said that Mr. Buckell has done a preliminary land planning for that parcel and he could tell them how that connection would be made. Mr. Buckell said the property goes all the way up to S.R. 53. Ms. Tully has a concept plan of the road.

Chairman Berg asked Mark Byrd about the road. He said there isn't a road there and Commissioner King was trying to develop something when he didn't know what was going to happen. He said Mr. Smith was offering land if it was needed, to widen Dawson Forest. Any development is going to have a road there. Commissioner King said he merely wanted to see the plan to see how it relates to the road.

Chairman Berg asked Mr. Smith if this would impact him if they would wait for two weeks to see the plan, except for the piece that Wal-Mart needs. Mr. Smith said if the road is not done away with, the buyer is not going to buy the land. He said he had about six months. Chairman Berg asked that outside the acreage Wal-Mart needs, would it impact Mr. Smith to wait for two weeks so Mr. King could see the concept plan. Mr. Smith answered that it would not.

Motion passed by majority to abandon the portion of the Wal-Mart, T.F. Hughes Road, and Table the balance for two weeks. Craft/King. Saling/Nix opposed. Chairman Berg voted in favor.

The remainder of T.F. Hughes Road will be placed on the June 2, 2005, Agenda.

Mechanical Fee Changes

Ms. Tully said this was the second hearing. She said the proposal is to change the mechanical fee structure for residential/commercial development in order to better process it and bring the County into parity insofar as neighboring counties are concerned.

Chairman Berg asked whether anyone was present to speak about the changes. No one came forward. He then closed the hearing.

Motion passed unanimously to approve the Mechanical Fee Changes as submitted. Saling/King.

Parking Standards

Ms. Tully said this was the second public hearing for the changes as recommended by the Planning Commission and Planning Staff. The changes include parking space maximums and minimums, encouragement and requirement in some places for pervious parking, adding new uses with more specificity parking space and aisle design requirements as well as other changes to bring Dawson County in line with other ordinances.

Chairman Berg asked whether anyone was present to speak about the changes. Commissioner King asked about percentage of the office requirements of the warehouse portion. Ms. Tully said they would and could be easily separated.

Motion passed unanimously to approve the Parking Standards. King/Saling

OLD BUSINESS

Ratification of Special Event Alcoholic Beverage License - Serenity Health and Medical Spa

Motion passed unanimously to approve the Special Event Alcoholic Beverage License. Saling/King

Ratification of Proclamation Proclaiming May 11 as School Nurse Day

Motion passed unanimously to approve the Proclamation. Nix/Craft

Ratification of Animal Care & Control Agreement between Dawson County and the Humane Society

Motion passed unanimously to approve the Animal Care & Control Agreement between Dawson County and the Humane Society. Saling/Craft

Ratification of Agreement between Robert G. Betz AICP, Inc. and Dawson County for a System-Wide Recreation Master Plan

Motion passed unanimously to approve the Agreement. Saling/Craft

Proposed Consent Order - Stephens v. Dawson County. Saling/Nix

Motion passed unanimously to remand the matter to the Board of Commissioners for future hearing in June.

Commissioner Saling asked about Simply Sophie=s request for a wine-tasting license. Attorney Homans said he would bring the Ordinance to the next Work Session. He said Simply Sophie=s would like to open June 1, 2005.

NEW BUSINESS -

Library Board Appointment - Motion passed unanimously to appoint Tim Whitmire. Craft/Nix

Library Task Force Appointment- Motion passed unanimously to appoint Commissioner Nix to study the implementation of the Library report as presented a month ago. Craft/King

PUBLIC COMMENT (5 minute limit) None

EXECUTIVE SESSION: Motion passed unanimously to go into Executive Session for Land Acquisition and Potential Litigation. Saling/Nix

Motion passed unanimously to come out of Executive Session. Saling/King

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Nix/King

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes - May 26, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, MAY 26, 2005

Dawson County Library - 4:00 p.m.

Present were Chairman Berg, Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Julie Hughes Nix, District #4; Also present were County Manager Anderson, County Attorney Homans and County Clerk Dack, together with interested citizens of the County.

1. ACOE Watershed Assessment Plan. -- Lynn Tully/David Kubala

This Item to be placed on the Regular Meeting Agenda of 6/2

for approval to participate in the ACOE study of the Upper Etowah Watershed with the County providing \$126,000 for in-kind services and \$30,000 in contingency funds, over a six-year study period.

2. Modular Housing. -- Lynn Tully

This Item to be placed on the Regular Meeting Agenda of 6/2

for Public Hearing.

3. * Utility Encroachment Request for War Hill Park Road - Sawnee Electric Membership. -- Randy Bowen

4. * Utility Encroachment Request for Hubbard Road - Amicalola EMC. -- Randy Bowen

5. * Utility Encroachment Request for Lumpkin Campground Road - Atlanta Gas Light. -- Randy Bowen

6. * Utility Encroachment Request for Dawson Forest/Lumpkin Campground Road - Atlanta Gas Light. -- Randy Bowen

7. * Utility Encroachment Request for Grizzle Road - Atlanta Gas Light. -- Randy Bowen

8. * Utility Encroachment Request for Grizzle Road - Alltel. -- Randy Bowen

* These Items will be submitted to the County Manager for handling.

9. Approval/Authorization for Application Submittal and Acceptance of FY 2005 Senior Center Continuation Grants. -- Margie Weaver

This Item will be placed on the Regular Meeting Agenda of 6/2 for ratification. Ms. Weaver will submit a written explanation, coordinated with Ms. Craig, that better explains the details on the continuing grant.

10. County Manager Report. -- Phil Anderson

11. County Attorney Report. -- Joey Homans

Motion passed unanimously to go into Executive Session to discuss potential litigation. Saling/Craft

Motion passed unanimously to come out of Executive Session. Saling/Craft

Called Meeting Minutes - June 2, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JUNE 2, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Jim King, District 3; Julie Hughes Nix, District 4; County Manager Anderson, County Attorney Homans, EWSA Board Members, CH2MHill Personnel, and interested Dawson County citizens. Frank Craft, District 2, absent.

Chairman Berg opened the meeting by saying the meeting was about the Wastewater Utility Analysis study the Board had requested, and asked everyone to introduce themselves. (See Dawson County Wastewater Utility Analysis, Exhibit "A", attached.)

Chairman Berg prefaced the meeting by saying that the purpose of the meeting is to talk about the report that CH2MHill had provided as a handout for everyone. He said this started last year when he and Don Gordon talked about the County looking at the sewer issue in order to serve future needs to match the long range development plan that was recently approved by DCA. In February of this year several people met with EWSA Board and talked about the sewer issue, including package plants. Both boards agreed to look at a system and see what the possibilities were for the County to accept the responsibility for a sewer system. Based on those conversations, the Board hired CH2MHill to talk to developers to see what their needs and interests were and how to address the issue of several package plants in addition to having one standard plant to serve the needs. Secondly, to evaluate the system from a cost standpoint, reviewing capital debt, revenues and cost of daily operations. EWSA provided all possible information and books to CH2MHill. The Chairman said that many had asked when the study would be completed, and a lot of rumor and innuendo had gone around. He said the study was now finalized and he felt that everyone should see and hear the study at the same time.

Reporting that copies of the study would be handed out to everyone at the end of the presentation, the Chairman presented the slides starting with, "Background" and ending with "Objective." He said the Land Use Plan is the "Bible" for the County as far as growth is concerned. Sewage capacity is now at

300,000 gpd, but close to 500,000 gpd with hopes of reaching 1,000,000 gpd. Chairman Berg said one of the things the Analysis shows is the wastewater deficit. EWSA pays for wastewater through water customers who are supplementing the wastewater. He said that based on the Analysis the sewer system is a liability to EWSA and they have been and will be in a negative position for a long time. Since the County doesn't have the same financial limitations that EWSA now has and it would be a win-win alternative to transfer the sewer system to the County.

Dave Muckerman of CH2MHill presented the Slides on Analysis and Implementation. He said they had looked at various ways to value the wastewater system, such as depreciated replacement cost analysis, capitalized income analysis and comparable sales. The sensitivity analysis shows a negative net present value for the sewer system. If both Boards agree that the wastewater system would be a benefit to both if it were owned and operated by Dawson County,

Implementation would go into effect as shown below and further referenced in Exhibit "A."

1. Dawson County and EWSA must agree to a no cost transfer agreement June 2005
2. Operational and financial transition agreements related to operations, billing, and finance must be negotiated. July-Sept. 2005
3. Legal issues related to existing debt owned by EWSA and by joint EWSA/Dawson County must be resolved July-Sept. 2005
4. Legislative amendment must be made to EWSA charter to give sewer operation to Dawson County Sewer Authority Oct.-Nov. 2005
5. Transition period for the turnover from EWSA to Dawson County Utilities Jan. - Mar. 2006

All current EWS employees would become Dawson employees with competitive salary and benefits.

Dawson County to initiate a comprehensive Utility Master Planning process.

Dawson County requested a response from EWSA within thirty (30) days.

There was a Q&A period following the presentation.

Motion passed unanimously to adjourn. Saling/Nix

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Regular Meeting Minutes - June 2, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JUNE 2, 2005

ROLL CALL - Present were Chairman Berg; Commissioner Saling, District #1; Commissioner King, District #3; Julie Hughes Nix, District #4; County Manager Anderson; County Attorney Homans and interested Dawson County Citizens. Commissioner Craft, District #2, was absent.

OPENING PRESENTATION - Family Connection - Elaine Langley

PLEDGE OF ALLEGIANCE - Chairman Berg

ANNOUNCEMENTS -

Chairman Berg announced that he and Commissioner Saling had attended a dinner at the Joy House, a faith-based organization that fosters young adults that have some problems. He said there were approximately 150 attendees. Commissioner Saling said this is an in-resident program for children ages 10-16. They work toward family reconciliation. All parties must agree to counseling prior to acceptance. They are looking toward expanding into Dawson County.

Chairman Berg said he had also attended a drug court in Gainesville. It is a 5-step program and if the offender completes the program his/her record is made clean. Judge Girardeau started the program 3-4 years ago in Gainesville and wants to bring a similar court to Dawson County.

APPROVAL OF MINUTES -

Motion passed unanimously to approve the Minutes of Regular Commission Meeting Held on May 19, 2005. Saling/King

MICHAEL LUPO PRESENTATION -

Chairman Berg stated that Mike Lupo, Board of Education Superintendent, had sent a letter to the Commission with regard to the School Board purchasing property from the County. He asked that Mr. Lupo come forward and give more detailed information. Mr. Lupo said they are in the closing days of last ELOST and although they have not built an elementary school yet, they do want to buy the property. He came to the Board representing the Board of Education. He said they had looked all around Dawson County and found the real surge is in the Black's Mill area; therefore, they have narrowed their search into that area. He provided maps and said that time was of the essence. They have the available dollars in the current ELOST, but may need another meeting with the Commission Board and Board of Education.

Commissioner Saling asked if this goes forward, what's the marketability of the balance of the property. He also said a new value assessment would have to be made. Mr. Lupo said that land prices have gone up and he knew this would have to be a win-win-win situation for the Board of Education, Board of Commissioners and Etowah Water & Sewer Authority.

Commissioner Berg said this plan needed to be sent to the Development Authority and Etowah Water & Sewer Authority and placed on the next Work Session of the Board of Commissioners.

ZONING - None

PUBLIC HEARINGS B None

OLD BUSINESS -

Approval to participate in the ACOE study of the Upper Etowah Watershed with the County providing \$126,000 for In-Kind services and \$30,000 in contingency funds, over a six-year study period

Chairman Berg said this item had been discussed at the Work Session and asked Ms. Tully to give the benefits that would be derived from this. Ms. Tully said that by sharing the costs with the Corps and the other sponsors, the Dawson County cost is much lower and the study results when provided to the state would provide further discharge for sewer discharge, etc.

Commissioner Saling stated that he was not happy with contributing, anticipating something from the Corps of Engineers, and receiving nothing.

Commissioner King stated that the study is required when you increase the water and sewer capacity.

Motion passed by majority to approve the request. King/Nix. Commissioner Saling opposed. Chairman Berg voted to approve.

Ratification of Application Submittal and Acceptance of FY 2005 Senior Center Continuation Grants

Motion passed unanimously to ratify the request. Saling/King

Commissioner Saling suggested that Ms. Weaver make future presentations to the Board.

Abandonment: Remainder of T.F. Hughes Road

County Attorney Homans said the applicant wanted this item to be tabled until they come forward with the rezoning request on that particular property.

Mr. Sullivan said it would be several months for the DRI and major traffic study to be done.

Motion passed unanimously to Indefinitely Table this request. King/Saling

NEW BUSINESS -

Ms. Tully presented a draft booklet titled, Access Management Plan and Regulations for the US 19/SR 400 Corridor. This item will be placed on an agenda of a future work session.

County Attorney Joseph Homans presented an email dated June 2, 2005 from the attorney for BHW Investment v. Dawson County, wherein they state they are willing to pay a flat \$40,000 previously discussed, or 1/2 of the \$115,000, amount if the turn lane is put in at the subdivision within the next 3 years.

Motion passed unanimously to accept the \$40,000 as stipulated. King/Nix

PUBLIC COMMENT -(5 minute limit) None

EXECUTIVE SESSION -

ADJOURNMENT -

Motion passed unanimously to adjourn. King/Saling

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes - June 9, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, JUNE 9, 2005

Dawson County Library - 4:00 p.m.

Present were: Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4; County Manager Anderson; County Clerk Dack, County Attorney Homans and interested Dawson County citizens

1. Presentation of Services for Children and Teens in the Library. -- Sarah McGhee.

2. Etowah Habitat Conservation Plan. -- Curt Gervich/Laurie Fowler

GIS Data Release to HCP to be placed on the Regular Meeting Agenda - 6/16

3. Bid Award to Georgia Forestry Commission for Tank and Equipment Replacement on Two Current Fire Dept. Tankers - Low Bid of \$23,154.47/ea. -- Billy Thurmond/Scott Wallace

This Item to be placed on the Regular Meeting Agenda - 6/16

4. Bid Award to Surrey Fire Safety House & Mobile Command Center - Bid Package #2 for the Purchase of One Fire Safety House- Low Bid of \$27,858. -- Billy Thurmond/Scott Wallace

This Item to be placed on the Regular Meeting Agenda - 6/16

5. Approval of Lease/Purchase Equipment Bid for Rubber Tire Compactor to Tractor & Equipment Company in the amount of \$53,753. -- Randy Bowen

This Item to be placed on the Regular Meeting Agenda - 6/16

6. Approval of Equipment Bid for Uniloaders to Vaughters Tractor Company in the amount of \$27,632. -- Randy Bowen

This Item to be placed on the Regular Meeting Agenda - 6/16

7. New CPCD Regulations. -- Lynn Tully

This Item to be placed on the Regular Meeting Agenda - 6/16

8. Board of Education Property Request. -- Michael Lupo

This Item to be placed on the next Work Session Agenda - 6/23

In the meantime Chairman Berg will check with Keck and Wood and the Development Authority with reference to the impact of selling off the 20-25 acres. County Attorney Homans suggested an updated appraisal on the entire acreage. He said he would get them two quotes: entire acreage; and the 20-25 acres that the Board of Education is interested in, and a value given on the remaining acreage.

9. Commission Compensation Plan. -- Commissioner Saling

Commissioner Saling to check with someone he knows with regard to forming a five-person committee. If the person agrees, the committee will subsequently make recommendations to the Commission.

10. Electing District Commissioners by District. -- Commissioner Saling

County Attorney Homans to report at a later date with reference to changing the enabling legislation. This is a referendum issue. Mr. Homans will check out the rules and regs, together with the dates of election.

11. Library Appointment. -- Chairman Berg

Reappointment of Betty Powell.

This Item to be placed on the Regular Meeting Agenda - 6/16

12. County Manager Report. -- Phil Anderson

HOK is scheduled to give an update presentation on the Sheriff's Office and Adult Detention Center at the next Work Session - 6/23

13. County Attorney Report. -- Joey Homans

County Attorney Homans will be placing the BHW Zoning on the Regular Meeting Agenda - 7/7

Commissioner Saling brought up the subject of a 2-day Broadband Study to be held in Tennessee and said he would like for Commissioner Nix to attend as Dawson County's representative.

Regular Meeting Minutes - June 16, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JUNE 16, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; County Clerk Dack and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Keep Dawson County Beautiful - Nancy King

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported that the Lake Lanier Association had presented a beautiful framed water scene to Dawson County as an award for the county assisting them in the 2004 Lake clean-up day. Dawson County was the only surrounding county who donated money and provided support for picking up the loose Styrofoam. He showed the picture to the assembly and said it would be placed on the wall of the office for everyone to see.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on June 2, 2005. Saling/King

Motion passed unanimously to approve the Minutes of the Called Commission Meeting Held on June 2, 2005. King/Nix

ZONING:

ZA 05-04: BT Dawsonville Associates LLT has made a request to rezone 18.47 acres of TMP 114-33 Split from RA (Residential Agricultural) to CHB (Commercial Highway Business) for purpose of proposed TSC (Tractor Supply Company) site. Location: Hwy. 53 East. Planning Staff & Planning Commission recommend Approval with stipulations

Chairman Berg explained the procedures for the hearing and read the zoning request. Planning Director, Lynn Tully, came forward and gave the location of the property. She stated they wished to rezone the property from RA to CHB to support a 24,727 sq. ft. retail facility on approximately 4.34 acres. They are asking to rezone the entirety of 18.47 acres although they would be using only a portion of the acreage at this time.

A discussion was held with regard to the deletion of the stipulation requiring the developer to tie into the existing public sewer. Commissioner Saling asked how they were going to accommodate. Ms. Tully said they were proposing a septic line at the rear of the front property that would be sufficient for the building on the 4.34 acres.

Mr. Brad Thomason came forward to speak in favor of the application. Mr. Thomason said he is the developer for the Tractor Supply Company and they are really excited about coming into the Dawson County area. He said he was there along with Civil Engineer, Larry Ryder, and they would be glad to answer any questions the Board may have. He explained they would have some lawn and tractor displays in front of the building that would be screened by a planter box wall, with flowers and shrubs planted on top.

A discussion was held with regard to a sewer vs. septic system, since the Etowah sewer was approximately 600 ft. away. Ms. Tully told the Commission that she has a letter sent to the developer from Etowah Water & Sewer stating that the sanitary sewer service is not available to this site.

Commissioner Saling that eventually the sewer would be there and he would suggest they stub for it. Ms. Tully said this had been discussed at the Planning Commission meeting and the only problem they foresaw in putting in a dry stub at this point was the actual running of the plumbing line to the rear of the building for septic and the sewer line would be in the front.

Commissioner King asked if capacity were available would the cost of running the sewer to the site be doable. Mr. Thomason said it would be very expensive and the landowner is not willing to do it at this time.

Chairman Berg asked whether anyone was present to speak in opposition to the request.

Ms. Bronsell Bennett came forward and said her property adjoined the 18+ acreage and she objected to rezoning the entire acreage because she didn't know what was going in there. She stated this is a residential community and didn't want just anything in that would destroy their way of life. She said she would like to know what the businesses would be before they are approved.

Motion passed unanimously to approve the request with the condition that it be limited to the 4.34 acres as shown on the site plan and with the following stipulations: King/Nix

1. Seasonal sales be defined and limited in time and scope to the area shown on the site plan with some type of "soft" screening; i.e., landscaping or other barriers.
2. The fenced storage/display area to be fenced in a material compatible with the GA 400 Guidelines.
3. Architectural and site design issues found in the GA 400 Guidelines be addressed.
4. The property should meet the requirements of the Dawson County Tree Ordinance.
5. Any future development would need site plan review by the Planning Commission.
6. That the developer explore all options of tying into the sewer prior to going with the septic tank.

A discussion ensued with reference to a master site plan for the remainder of the acreage.

ZA 05-01: Don Stephens has made a request to rezone 3.046 acres of TMP 113-44.002 Split from RA (Residential - Agricultural) to COI (Commercial Office Institutional) in order to construct doctor's office building. Location: Kilough Church Road & Ga. 400 South & proposed Prominence Court.

Chairman Berg explained that this rezoning request had been previously heard; however there was a stipulation of an eighty (80) foot right-of-way that had been appealed. County Attorney Homans read a response of recommended stipulations and asked the Board to approve them. Mr. Homans said the parties had entered into a Consent Order to allow this to come before the Board tonight. He said Attorney Steve Gilliam, representing Mr. Stephens, was present. Mr. Gilliam said he was present to answer any questions.

Motion passed unanimously to approve the Consent Order with the agreed-to stipulations: Saling/Nix

1. The stipulation which requires Stephens to provide an eighty (80) foot right-of-way along Prominence Court as submitted on construction plan is hereby deleted.
2. Stephens shall grant to Dawson County (a) a sixty (60) foot right-of-way for Prominence Court as submitted on construction plans, and (b) two ten (10) foot nonexclusive easements for the purpose of utilities placement and maintenance, slope construction, and drainage requirements on either side of the sixty (60) foot right-of-way.
3. The easements shall be shown on the construction plans as a non-exclusive dedicated easement to Dawson County.
4. All setback lines shall run from the right-of-way not from the easements.
5. The easements shall inure to the benefit of Dawson County, its successors and assigns.
6. No structure or building shall be located within the easement and only grass, pine straw, bark or other mulching material shall be permitted within the easement as ground cover. In the event any utilities are placed within the easements in the future, or slopes are changed, then the party responsible for disturbing the earth or changing the slopes shall be responsible for restoring the grass and/or pine straw, bark or other mulching material to its original condition.

PUBLIC HEARINGS -

Modular Housing Ordinance

Chairman Berg asked Ms. Tully to introduce the Ordinance. Ms. Tully came forward and said she had presented this at a prior Work Session where much discussion had been held with reference to the differences between modular homes and manufactured homes. She said this is not a manufactured mobile home ordinance. The intent is to address modular homes that are different from manufactured homes. They do not have a permanent chassis, draw bars or tow bars attached to the home. They are prefabricated and brought in framed into place on a permanent foundation, requiring special stamp of approval by the DCA Commissioner. The recommendation is to change the ordinance to allow a modular home in any residential area where a stick-built home would be allowed.

Chairman Berg closed the hearing after no one came forward to speak for or against the Ordinance.

This was the first hearing. The second hearing will be held on July 7.

OLD BUSINESS -

Motion passed unanimously to release GIS data to Etowah Habitat Conservation Plan. Saling/Craft

Motion passed unanimously to approve the new CPCD Regulations. Saling/Craft

Motion passed unanimously to ratify the following: King/Craft

(a) Bid award to Georgia Forestry Commission for Tank and Equipment. Replacement on two current Fire Dept. Tankers - \$23,154.47/ea.

(b) Bid award to Surrey Fire Safety House & Mobile Command Center - Bid Package #2 for the purchase of one Fire Safety House - \$27,858.

(c) Approval to lease/purchase equipment bid for Rubber Tire Compactor to Tractor & Equipment Company in the total amount of \$53,753: \$18,870/year for 2 years.

(d) Bid award for Uniloaders to Vaughters Tractor Company in the amount of \$27,632.

NEW BUSINESS -

Motion passed unanimously to approval Matching Funds (10%) DOT Grant- 4 Vans @\$4,200 ea. in the total amount \$16,800 - Senior Center. Nix/Craft

Motion passed unanimously to the reappointment Betty Powell to the Library Board. Nix/King

Motion passed unanimously to appoint Chairman Berg as representative of the Dawson County Commission to the GMRDC for the period 7/1/05 through 6/30/06. Saling/King

Motion passed unanimously to appoint of Sandy Adams as citizen to the GMRDC. King/Saling

PUBLIC COMMENT - (5 minute limit)

Julie Spriggs came forward and spoke about the Crystal Falls Subdivision regarding sediment run off into the lake and reservoir and presented pictures to be made a part of the record. She also said the workers are standing in the roadway talking, which is extremely dangerous. Mr. Spriggs stated that the environmental and wildlife issue is a big concern.

Mr. George David came forward and spoke about Public Service. He stated that the problem he had seen specifically with the Tax and Road Departments was an attitude of not "How can we help you?" but, "No, we can't help you."

EXECUTIVE SESSION:

ADJOURNMENT:

The meeting adjourned at 7:35 p.m.

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes - June 23, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, JUNE 23, 2005

Dawson County Library - 4:00 p.m.

1. HOK Update Presentation. -- Phil Anderson

Phil Anderson introduced John Eisenlau from HOK who provided the update on the jail designs. Commissioners Saling and King requested a separate visioning session with appropriate County and City representatives to consider alternative architectural features that better represent the natural and historic aspects of Dawson County.

2. Consideration of Administrative Variances. -- Lynn Tully

Chairman Berg suggested that the right of appeal under this new variance should go directly to the BOC versus going through the Planning Commission. First public hearing for this variance will be at the July 7 regular night meeting.

Lynn Tully also passed out an updated version of Weitz & Associates, Inc. Revisions to SR 400 Access Management/frontage road plan. This version has more definitive cost data and improved maps. Further discussion on this draft will be scheduled for the July 14 work session.

3. Mountain Stewards Opening Public Hiking Trails in Dawson Forest. -- John Edwards

John Edwards introduced the President of Mountain Stewards, Don Wells, who gave a power point slide presentation to the BOC (I've requested a copy of the presentation be emailed to me and I will forward it to you when I get it). John Edwards provided a draft resolution for BOC support to Joey Homans. This resolution will be formally considered at the July 7 regular night meeting.

4. Public Hearing: Executive Summary and 2006 Budget Proposal. -- Chairman Berg/Lowayne Craig

Chairman Berg presented his proposed budget for 2006. An executive summary was provided to each of the Commissioners (copy available from Lowayne if you need it for your records). Commissioners were

requested to notify Lauren Christian of their need for additional information so that appropriate departments would be prepared for the follow-on budget work session on June 30 in the BOC Conference Room.

Public hearing was called for comments from citizens. No one offered any public comment. The remaining public hearings for the budget are scheduled for regular night sessions on July 2 and 21.

5. County Manager Report. -- Phil Anderson

County manager reported that GDOT has agreed to provide \$151,000 for the resurfacing of six County roads. These funds will be made available from the State's 2005 fiscal year budget which ends June 30. The remaining 10 County roads identified for resurfacing will be resubmitted to the State for consideration in their 2006 budget. Commissioner King asked which roads had been approved and funded by the State to which the County Manager replied:

- Eagle Nest Drive
- Cowart Road
- Mountain Brooke Road
- Hugh Stowers Road
- Wehunt Road
- Mill Creek Drive

Chairman Berg reported he had met with GDOT Commissioner Linnekohl on Tuesday, June 21 to discuss the SR 400 flyover project and that he would be bringing a recommendation to the BOC at the next work session on July 14.

6. County Attorney Report. -- Joey Homans (Please refer to audio tape)

Meeting ended with a motion from Commissioner Saling, seconded by Commissioner Craft, to go into closed session for legal, personnel and land acquisition discussions. Motion passed 4:0

Commissioner Saling made a motion to come out of Executive Session that was seconded by Commissioner Craft and agreed to 4:0.

Regular Meeting Minutes - July 7, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JULY 7, 2005

ROLL CALL - Present were Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Julie Hughes Nix, District #4; County Manager Anderson; County Attorney Homans; County Clerk Dack, and interested Dawson County Citizens.

OPENING PRESENTATION - Lanier Adult Literacy Program - Ann Williams and David Brown

PLEDGE OF ALLEGIANCE - Chairman Berg

ANNOUNCEMENTS -

Chairman Berg announced the following:

☐ Betz & Associates would be conducting a public informational meeting on the Recreation Master Plan, Tuesday, July 12th, from 7:00 p.m. to 9:00 at the Dawson County Park Gynmasium. The public is invited to attend and give their input in written form.

☐ Due to a mistake by the Dawson News & Advertiser, the budget announcement for both the County and School Board did not run in the newspaper. Therefore, there will be an additional meeting to vote on the budget. The Work Session of July 28th, will start at 4 p.m. with a Called Meeting to vote on the budget and millage rate preceding the regular Work Session.

APPROVAL OF MINUTES -

Motion passed unanimously to approve the Minutes or Regular Commission Meeting Held on June 16, 2005. Saling/Nix

ZONING -

ZA04-16: BHW Investment Company, Inc. has made a request to rezone 62.47 acres of TMP 98-29 from R2 (Residential Single Family) to RPCD (Residential Planned Community Development) in order to

develop a 62-lot subdivision. Location: 576 Dawson Forest Road. Planning Staff & Planning Commission recommended approval with stipulations.

Chairman Berg explained this zoning had been previously approved with certain stipulations that the developer had taken exception to, resulting in a lawsuit. He said the hearing tonight concerned a stipulation regarding road improvement. He explained the procedure for hearing this zoning.

County Attorney Homans stated that on September 16, 2004, the Board had approved the rezoning from R2 to RCPD, subject to nine conditions. He then read the nine conditions and said the developer had subsequently filed suit against the County. Counsel for both parties have reached a Consent Order to bring it back to the Board. Subject to the removal of four conditions, BHW will contribute \$40,000 to the County to make the road improvements at the time permits are issued.

Mr. Homans said the developer is present and is willing to agree to the removal of the following conditions:

- (1) extend the existing 8" water main to the site and have a 1,000 gpm within the development;
- (2) install a left-turn lane on Dawson Forest Road;
- (4) developer to donate any land needed by the County to improve the sewer system running through the property; and,
- (6) houses to be a minimum of 2200 square feet for ranch and/or two-story homes.

Developer, Tim Wilbanks, came forward and stated he was in agreement with all of the conditions as stated by County Attorney Homans.

Chairman Berg asked whether anyone was present to be heard in favor of or in opposition to the request. No one came forward.

Motion was passed unanimously to approve the zoning with the conditions stated by counsel. King/Nix

PUBLIC HEARINGS -

Modular Housing Ordinance

Ms. Cindy England addressed the issue of modular vs. manufacturing houses. She said a manufactured home is connected to a permanent chassis, whereas a modular house is transported to the lot and

constructed onsite, and has no chassis or towing vehicle. She stated that an issue had come up that modular housing would be allowed as a permitted use without regard to minimum lot size. She said that modular homes would not be allowed on any lot size; rather, a modular home must conform to what the zoning is for a stick-built home.

Chairman Berg asked whether anyone was present to be heard in favor of or in opposition to the Ordinance.

The following people spoke in opposition to the Ordinance, saying they had concerns that anything could be placed on property after the wheels, etc were removed: Barbara Wiley, Ronald Smith, Gully. Mr. Wiley also asked about industrialized buildings going up on residential property. County Attorney Homans read the portion of the Ordinance regarding Industrialized Building, "Any structure or component thereof or any modular home that is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and that has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage, or destruction and that does not have a permanent chassis." Chairman Berg said the short answer is that if it is a residential home, it has to go in a residential area; if it is a commercial building, it has to go in a commercial area, which results in zoning classification. Alan Merrill of Lanier Home Center came forward and said they would be complying with aesthetic appearance required in the subdivision requirements. If the subdivision has \$700,000 homes, then a \$700,000 modular home would be placed in the subdivision. This protects the value of the homes within a subdivision.

Chairman Berg closed the hearing.

Motion was passed unanimously to approve the Ordinance as submitted by Counsel. Saling/Nix

Administrative Variances Ordinance

Chairman Berg said at the Work Session there had been a discussion regarding having two appeal processes. County Attorney Homans stated he had incorporated the appeal process in this Ordinance, stating the property owner may appeal to the County Commission the decision of the Planning Director regarding an administrative variance within ten days of the decision.

Chairman Berg asked whether anyone was present to be heard regarding the Ordinance. No one came forward. He then closed the hearing.

The second public hearing will be held on July 21.

2006 Budget

Chairman Berg stated that as mentioned earlier in the meeting with regard to the newspaper not advertising, the Commission would have a third meeting at a Work Session. He asked whether anyone was present to speak regarding the 2006 budget. No one came forward. He then closed the hearing.

OLD BUSINESS -

Commissioner Compensation

Chairman Berg said that in a Work Session, Commissioner Saling had suggested a committee be formed regarding commissioner compensation. He said this would be an independent citizens committee and Commissioner Saling had asked Ann Williams to be chair of this committee. Chairman Berg suggested the committee meet for a month or so and then give a report at a work session. The County Manager and Chairman Berg will provide the necessary pay information to the Committee.

Motion passed unanimously to appoint Ann Williams as Chair of the committee to review commission compensation. Saling/Craft

Mountain Stewards Resolution

Chairman Berg read the resolution to support efforts to provide safe hiking trails and recreational sites of Dawson County.

Motion was passed unanimously to adopt the Resolution as submitted. Saling/Craft

NEW BUSINESS -

Special Events Alcohol License: Chamber of Commerce for K.C. Fuller & Associates

County Attorney Homans stated that the Commission had discussed having the special events license done administratively; however, the Ordinance is created for the Board to grant the license and there is also an advertising requirement. He said if the Board wanted him to proceed with amending the Ordinance as to the special advents license, he would, since they can't delegate it now under the current Ordinance.

The Board agreed to have Mr. Homans change the ordinance so that the special events license could be handled administratively.

Motion was passed unanimously to approve the Special Events Alcohol License as requested. Nix/Craft

PUBLIC COMMENT - None

ADJOURNMENT -

The meeting was adjourned at 6:58 p.m.

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes - July 14, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, JULY 28, 2005

Dawson County Library - 4:00 p.m.

Present were: Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4; County Manager Homans; County Clerk Dack; Planning Director Tully, Acting as County Manager and interested Dawson County Citizens.

1. GIS Update. -- Lynn Tully

2. Discussion of Multi-County Joint Development Authority. -- Linda Williams

3. Personal Leave Policy. – Billy Thurmond

4. FLUP – Phase II. -- Mike Berg

5. County Logo Discussion. – Mike Berg

6. Fee Schedule to Enforce the State Minimum Fire Safety Standards. – Tim Satterfield

7. County Manager Report. – Phil Anderson

8. County Attorney Report. – Joey Homans

Regular Meeting Minutes - July 21, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JULY 21, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; County Clerk Dack and interested citizens of Dawson County, Georgia. Commissioner King, District 3 came into the meeting at 6:10 p.m.

OPENING PRESENTATION: The Honorable Cliff Jolliff – Juvenile Court Judge

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced that Steve Lowe was in attendance from the Joy House in Pickens County.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on July 7, 2005. Saling/King

ZONING:

VARIANCE APPEAL REQUEST - VR 05-08: Catherine Crabtree has made a request for a Home Occupation in order to have a dog training business at her home. TMP: L9-120; Zoned VCR; Location: 367 Rainey

Drive. Planning Staff recommended Denial for 5 dog request or Approval with stipulations. Planning Commission recommended Denial.

Chairman Berg explained the procedure for hearing this request. Ms. Tully came forward and stated the Planning Commission heard the Variance Request on July 21st and had recommended denial.

Chairman Berg asked if the applicant was present. Ms. Catherine Crabtree came forward and said she was the owner of the Furry Academy and requested her variance application be approved to allow her to train at her home on the personal dog agility equipment. She said the area in use made up less than 20% of her total property, and was carried out behind a six foot high solid fence with double gating. Ms. Crabtree also said her business would have no impact on the value of the surrounding homes in the subdivision.

Chairman Berg asked whether anyone was present to speak in favor of the request. Ms. Patty Montejo came forward in support of Ms. Crabtree and said the community should be thankful for Ms. Crabtree; dogs that are trained and obedient, are less likely to be turned into shelters or abandoned. She said that in order to be enrolled in the agility class, the dog has to be obedient trained, and thus they are quieter and better behaved than most children.

Ms. Betty Mallernee came forward and said she had written the Board regarding Ms. Solomon who had come by her home telling her that there was going to be a kennel built on less than a one-acre lot, there would be a lot of odors, noise, etc. She said she signed the petition erroneously thinking she was signing against building a kennel. Ms. Mallernee stated she had personally checked out the course and it was immaculately kept.

Chairman Berg asked whether anyone was present to speak in opposition to the request. Ms. Stacie Crisp and Ms. Robin Solomon came forward. Ms. Crisp presented the Board with several pictures of Ms. Crabtree's agility course. She pointed out that one could clearly see all the equipment in Ms. Crabtree's yard because there were not appropriate buffers or screening. She also said that grading had been done without a permit. Ms. Crisp said that a home-based occupation was in opposition to the regulations approved and put in place by the County. Ms. Solomon stated that Ms. Crabtree basically already has 25% use of her home as a home office which is all she is allowed to have. This is not including the outside area of her home that she uses for training.

Ms. Donna Buckner came forward and said she had contracted for a home in the neighborhood, but it was contingent upon this variance not being approved.

Ms. Tully came forward and said that she needed to clarify that Ms. Crabtree did not know she needed a permit for grading, but once she was notified, she did come in and applied appropriately.

Commissioner Saling asked for Ms. Tully to clarify home office designation use. Ms. Tully said that the home office designation does say that there are to be no external alterations solely for the purpose of a home occupation.

Commissioner Saling said that although this was a noteworthy achievement, the issue before the Board is whether it meets the criteria of a home office, and his position is that it does not.

Motion passed by majority for the request to be denied. Saling/Craft Commissioner King abstained, saying his sister lives in the neighborhood as well as some very close friends.

ZA 05-06: Southeast Towers has made a request for a Conditional Use for Cellular Tower on a 4.15 acre tract; TMP 56-12.001, Location: 159 Galagi-Na Drive. Planning Staff & Planning Commission recommends Approval with stipulations

Chairman Berg read the request and Ms. Tully stated this request had also been heard before the Planning Commission on July 21st and had recommended approval for conditional use in RA zoning. The request is accompanied with two variances: minimum separation distance; and, the issue of a five-acre requirement.

A discussion was held regarding whether another set of towers was close to this requested site, the tower proximity to the property owners and road, and the minimum five-acre requirement.

Chairman Berg asked whether the applicant was present. Mr. Sean Cassidy came forward representing Southeast Towers on behalf of Cingular Wireless. He said that due to the topography of S.R.53, the towers placed are not working with Cingular's existing network plan. There is a tower 2.6 miles to one side and another tower, 2.27 miles to the other side. Neither one is going to be able to provide full coverage along the road. The cost is approximately \$400,000 to install a tower and it is a lot cheaper to go with an existing structure. If they went with an existing tower, the cost would be around \$100,000. Unfortunately, neither of the existing tower sites work. He stated they had tried to find a piece of property that met the RA requirements. He felt they had found a good piece of property well beyond the 200' fall zone of any other structure not owned by a property owner. Everything else is 400 feet or more away, heavily wooded on one-side, and the tower would be on the hilltop.

Chairman Berg asked whether anyone was present to speak in favor of the request. No one came forward.

He then asked whether anyone was present to speak in opposition to the request.

Ms. Mattie Summerour came forward as a property owner and presented the Board with a petition against the erection of the tower. Ms. Summerour said several of the property owners sometime in the future would be building homes on the tracts. They have owned the property all of their lives and stated the cell tower would be almost on Galagi-na Drive and approximately 40 feet from one of the other roads. The roads are privately owned and maintained. She said property values would greatly diminish. A ten-foot wide road would not accommodate the size of the vehicles bringing in the large structures and maintenance equipment. She said the towers are also a health hazard.

Ms. Peggy Kent came forward and stated the tower would be very close to her home and she reiterated most of what Ms. Summerour had said for the reasons of opposing the erection of a tower.

Ms. Martha Jo Summerour came forward and said a cell tower requires five acres and the proposed site is only 4.15 acres. All of the arguments are that the tower lowers the value of the property, reduces the otherwise expected increase in the resale value of the property and creates a health hazard.

Mr. Cassidy rebutted the opposition by saying the issue was the 4.15 acres versus the 5 acre minimum requirement. He also said there would no lights on the tower, the property is heavily wooded and there is no structure in about over 400 ft of the site, the tower is 195 ft. tall, no flashing lights, is non-ionized radiation opposed to ionized radiation and health risks are undetermined and are under federal law.

Chairman Berg closed the hearing.

Commissioner Saling said he could certainly see both sides of the issue, but the zoning regulations call for a five-acre tract. Commissioner Craft said the Board has rules and regulations to go by and felt that the Board should adhere to the five-acre regulation.

Chairman Berg declared the hearing closed.

Motion passed unanimously to deny the request. Saling/King

Commissioner King left the meeting at 7:10 p.m.

ZA 05-07: TSHP, LLC, (property formerly know as Oakmont) has made a request to amend the zoning stipulations on the CPCD zoned development. Amendment relates only to architectural stipulations. TMP: 115-11; Zoned CPCD; Location: Ga. 400 North & Carlisle Road. Planning Staff recommends Approval with stipulations; Planning Commission tabled until 7/19/05

Ms. Tully said the Planning Commission heard this request July 21, 2005. She said recommendations had been made to change the conditions on the zoning proposal. Some conditions were that the exterior be a certain type of material – a more appealing structure. The applicant has provided a variety of different features such as brick, stone, shake, etc. and the front and sides have a 2 hour rating on outside walls as required by the Fire Marshall.

The applicant, Brent Reeves came forward and said the request was to amend the zoning conditions that the front and sides at the end of the units be of brick and stone and to include other architectural features to give a more cottage appearance.

Chairman Berg asked whether anyone was present to speak in favor of the request. No one came forward. He then asked whether anyone was present to speak in opposition to the request. No one came forward.

Commissioner Saling said that going forward he would like to see some sort of architectural review board that would be better suited to make façade recommendations.

Chairman Berg declared the hearing closed.

Motion passed unanimously to approve the request. Saling/Craft

ZA 05-08: Holly Jones has made a request to rezone 2.11 acres of TMP 106-75.05 from CCB (Commercial Community Business) to CHB (Commercial Highway Business) in order to construct retail center. Location: Corner of Dawson Forest Road & Lumpkin Campground Road (West of Premium Car Wash). Planning Staff & Planning Commission recommends Approval with stipulations

Chairman Berg read the request. Ms. Tully came forward and said the Planning Commission had heard the request June 21, 2005. Ms. Tully said CHB zoning has more expansive uses. She said this request also comes with a variance request to eliminate the 40 ft. buffer screening of the retail center to facilitate the construction of underground detention and driveway area.

Chairman Berg asked whether the applicant was present. Ms. Holly Jones came forward. Commissioner Craft asked about the "no comment" language from the Etowah Water and Sewer Authority. Ms. Jones commented that he would have to talk to EWSA. They would not give her a commitment letter, but had told her that sewer was available.

Chairman Berg asked whether anyone was present to speak in favor of the request. No one came forward. He then asked whether anyone was present to speak in opposition to the request. No one came forward.

Motion passed unanimously to approve the request with the following stipulations: Nix/Craft

1. Applicant to address all the aspects of the GA 400 Guidelines with respect to the proposed site plan.
2. Applicant to adhere to the Dawson County Tree Ordinance.

Chairman Berg declared the hearing closed.

PUBLIC HEARINGS -

(a) 2006 Budget & Millage Rate

Mr. Berg said this was the third hearing and the fourth would be at the next Work Session, July 28. Lyn Hopper, Director of the Chestatee Regional Library System, came forward to thank the Commission for the funding it has provided to the Dawson County Library over the years. She presented charts and data showing increased demands of the library and staff and stated there would be significant cutbacks if the Board did not increase the funding to the requested \$538,741. Chairman Berg said this matter would be visited at the July 28th meeting.

Chairman Berg declared the hearing closed.

(b) Administrative Variances Ordinance

County Attorney Joseph Homans, presented the Ordinance stating this was the second hearing. Ms. Tully said the addition of Administrative Variances to the Land Use Resolution, would allow the staff to

approve specific variances for specific allowances. She stated she is currently working on revisions to Home Occupations which includes a lot more definition and specificity.

Chairman Berg asked whether anyone was present to speak in favor of the Ordinance. No one came forward. Chairman Berg suggested the language of posting a sign as well as the ten day business day notification be added.

Chairman Berg declared the hearing closed.

Motion passed unanimously to adopt the Administrative Variance Ordinance with the aforementioned change. Saling/Craft

Chairman Berg said he would like to make a change in the Agenda to include Adult Literacy Request under "Old Business."

Motion passed unanimously to amend the Agenda to include Adult Literacy Request. Saling/Craft

OLD BUSINESS -

(a) Adoption of Local Emergency Operation Plan (LEOP)

Motion passed unanimously to adopt the Local Emergency Operation Plan (LEOP) Saling/Nix

(b) Adopt Resolution to Appalachian Regional Commission

Motion passed unanimously to adopt the Resolution to Appalachian Regional Commission. Nix/Saling

(c) Adopt 2025 Future Land Use Plan (FLUP)

Motion passed unanimously to adopt 2025 Future Land Use Plan as Approved by DCA. (Saling/Craft

(d) Adult Literacy Request

Motion passed unanimously to authorize the one-time literacy matching grant in the amount of \$10,000. Saling/Craft

NEW BUSINESS -

Ruby Tuesday - Change in Registered Agent & Exception to Residency Requirement

County Attorney Homans said Ruby Tuesday requested that Justin Watts, General Manager, be replaced as Registered Agent on the license by Attorney Michael Sard, attorney for Fine & Block. They are also requesting an exception to the residency requirement because Mr. Sard lives in Fulton County. Mr. Homans said all telephone numbers had been listed where he can be reached 24 hours per day. Mr. Sard has submitted his application, but to date, has not gone through the federal and state background checks.

Motion passed unanimously to approve the change in Registered Agent & Exception to Residency Requirement. Nix/Saling

Board of Health Appointment

Chairman Berg nominated Val Dodson to replace Betty Turner.

Motion passed unanimously to approve the appointment of Val Dodson. Nix/Craft

CIR Zoning

County Homans stated after a short discussion that this matter should be removed from the Agenda.

PUBLIC COMMENT - (5 minute limit)

EXECUTIVE SESSION:

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Craft

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Called Meeting Minutes - July 28, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, JULY 28, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2;

Jim King, District 3; Julie Hughes Nix, District 4; County Manager Anderson, County Attorney Homans, County Clerk Dack and interested Dawson County Citizens.

Chairman Berg said the millage rate had been advertised and discussed at public hearings and the Board was now at the point of adopting the millage rate of 8.138.

Motion passed unanimously to adopt the millage rate of 8.138. King/Saling

Chairman Berg asked if there was a motion to adopt the 2006 budget. A discussion was held regarding the stream bank mitigation credits in the amount of \$205,000 for the 88 acres. County Manager Phil Anderson gave a presentation with drawings to further define the mitigation bank that would be established. After a lengthy discussion it was decided to recess and come back to the Called Meeting after the Work Session.

Motion passed unanimously to recess the Called Meeting. Saling/Craft

Chairman Berg reconvened the meeting at 5:28 p.m. and made the recommendation to reduce the Public Defender's budget by \$205,000.

The Chestatee Regional Library increase request was discussed. Commissioner Nix made a motion to fund the 2% COLA, health care increase of 1.1%, books in the amount of \$36,000, and one part-time employee, for a total amount of \$77,082. Motion died for lack of a second.

Commissioner King made a motion to keep the Library budget at \$398,700. Motion died for lack of a second.

Motion passed by majority to provide a 2% COLA increase; 1.1% health insurance cost; 50% of the \$36,000 for books, for a total of \$22,842. Saling/Craft

Commissioner King opposed.

Commissioner King made a motion to cut six requested positions: four detention officers, one gym person and a commercial appraiser. Motion died for lack of a second.

Motion passed unanimously to cut the Public Defender by \$205,000, and remove the anticipated revenues of stream bank credits in the same amount, to balance the budget. King/Saling

Motion passed unanimously to accept the budget as modified. Saling/Craft

Motion passed unanimously to close the Called Meeting. Saling/King

Motion to go into Executive Session for potential litigation. Saling/Craft

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes - July 28, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, JULY 28, 2005

Dawson County Library - 4:00 p.m.

Present were: Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4; County Manager Homans; County Clerk Dack; Planning Director Tully, Acting as County Manager and interested Dawson County Citizens.

1. GIS Update. -- Lynn Tully

2. Discussion of Multi-County Joint Development Authority. -- Linda Williams

This Item to be placed on the Work Session of 8/11

3. Personal Leave Policy. – Billy Thurmond

This Item to be placed on the Regular Meeting Agenda – 8/4

4. FLUP – Phase II. -- Mike Berg

Chairman Berg would like the following people appointed on a committee for Phase II: Lynn Tully, George Thompson, Roy Coleman, Jason Hamby, Julie Hamby, Kurt Krattinger, Linda Williams, Steve Holder, Dick Bergen, Peter Hill, Bindy Auvermann, Terry Tragresser.

This Item to be placed on the Regular Meeting Agenda – 8/4

5. County Logo Discussion. – Mike Berg

This Item to be placed on the Regular Meeting Agenda – 8/4

6. Fee Schedule to Enforce the State Minimum Fire Safety Standards. – Tim Satterfield

This Item to be placed on the Regular Meeting Agenda – 8/4

7. County Manager Report. – Phil Anderson

8. County Attorney Report. – Joey Homans

County Attorney Homans presented a Plumbing Code Ordinance regarding installation of a septic tank clean-out inlet.

This Item to be advertised for public hearing and placed on the Regular Meeting Agenda – 8/18

Motion passed unanimously to come out of the Work Session and Reconvene the Called Meeting.
Saling/Craft

JoAnne Dack, County Clerk

Regular Meeting Minutes - August 4, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, AUGUST 4, 2005

ROLL CALL - Present were Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Julie Hughes Nix, District #4; County Manager Anderson; County Attorney Homans; County Clerk Dack, and interested Dawson County Citizens.

OPENING PRESENTATION - CASA Program – Connie Stephens

PLEDGE OF ALLEGIANCE - Chairman Berg

ANNOUNCEMENTS

APPROVAL OF MINUTES -

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting Held on July 21, 2005. Saling/King

Motion passed unanimously to approve the Minutes of the Called Commission Meeting Held on July 28, 2005. Nix/Craft

ZONING - None

PUBLIC HEARINGS -

Personal Leave Policy

Chairman Berg opened the hearing, and asked County Attorney Homans, to comment. Mr. Homans said he had added some language under the charts of Sections 3.2.2 and 3.2.3 respectively, which states,

“unless or until such schedule is amended.” Also, added language, “Employees who are terminated for cause will receive no payments for unused sick or vacation leave.”

Chairman Berg asked whether anyone was present to speak about the policy. No one came forward. The Chairman closed the hearing.

Motion passed unanimously to approve the amended Dawson County Personal Leave Policy. Saling/Nix

OLD BUSINESS –

Committee Appointments to Future Land Use Plan- Phase II: Lynn Tully, George Thompson, Roy Coleman, Jason Hamby, Julie Hamby, Kurt Krattinger, Linda Williams, Steve Holder, Dick Bergen, Peter Hill, Bindy Auvermann, Terry Tragresser

Motion passed unanimously to ratify the appointments to the Future Land Use Plan - Phase II.
Saling/King

County Logo

Chairman Berg asked the Board if they had any ideas as to how to go about the process of having this worked on. He suggested a committee of someone from the Chamber, Development Authority, service clubs, etc. After a short discussion, it was decided that the County Manager would be the point person to get this accomplished.

Adoption of Fee Schedule to Enforce the State Minimum Fire Safety Standards

Motion passed unanimously to approve the agreement between Dawson County and the State of Georgia, and to provide a clearer outline of fees. Saling/Nix

NEW BUSINESS -

Beer, Wine & Distilled Spirits License - Applecreek Management Company, Inc. d/b/a Applebee's
Neighborhood Grill & Bar

County Attorney Homans stated the designated Registered Agent is a Dawson County resident; that Sheriff Carlisle has completed the state background checks, but federal background checks are not back. Secondly, Lynn Tully has not signed off on the application because the structure is incomplete.

Motion passed unanimously to approve the license conditionally: (1) completed background investigation; and, (2) Planning Department issue the CO. Saling/Craft

NEW BUSINESS -

PUBLIC COMMENT - None

ADJOURNMENT -

Motion passed unanimously to go into Executive Session for the purpose of land acquisition, pending litigation and personnel. Nix/Saling

Motion passed unanimously to come out of Executive Session. Saling/Craft

Motion passed unanimously to adjourn. King/Nix

APPROVE: ATTEST:

Mike Berg, Chairman JoAnne Dack, County Clerk

Work Session Minutes - August 11, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, August 11, 2005

Dawson County Library - 4:00 p.m.

Present were: Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4; County Manager Homans; County Manager Anderson and interested Dawson County Citizens

1. Joint Meeting with Planning Commission, Chamber & Development

Authority on 400 Overlay. -- Lynn Tully

There was consensus that the 400 Overlay was a good plan that needed an implementation and funding strategy. Presentation on implementation and funding options to be given in four weeks at the work session.

To be placed on the Work Session Agenda – 9/8

2. Presentation/Report of 2004 Financial Statements – Executive Summary Review. -- W. Almand/Lowayne Craig

Warren Almand provided an oral explanation of 2004 Financial Statements. Chairman Berg explained that the addition of a part time internal auditor as approved in the 2006 budget will be key to accomplishing the corrective actions needed.

3. Bid Award – Parks & Rec Concession. - James Tolbert

Lisa Henson recommended bid award to Perfect Gatherings for Park & Rec concessions for the balance of 2005 and all of 2006.

To be placed on the Regular Meeting Agenda – 8/18

4. Transportation Enhancement Projects. – Randy Bowen/Phil Anderson

Project types and the submittal process for GDOT's Transportation Enhancement Program were discussed. Projects are cost shared 80/20 by the Federal Government and local sponsor respectively. Applications are due by September 23, 2005.

With City and Chamber participation to be placed on the Work Session Agenda – 8/25

5. Removal of Street and Street Name for Southern Catholic Lane from the Dawson County records and mapping. – Lynn Tully

To be placed on the Regular Meeting Agenda – 8/18

6. Development Authority Appointments. – Chairman Berg

Sharon Reagan and Lake Gibson have been nominated for Development Authority Member and Industrial Building Authority Member respectively.

To be placed on the Regular Meeting Agenda – 8/18

7. Georgia Mountains Community Services Board Appointment. – Chairman Berg

Joe Hirsch has agreed to serve.

To be placed on the Regular Meeting Agenda – 8/18

8. Lake Lanier Shore Clean-up. – Chairman Berg

Chairman Berg proposed Dawson County pay \$1000 in support of this effort as was done last year.

To be placed on the Regular Meeting Agenda – 8/18

9. County Manager Report. – Phil Anderson

A spread sheet was presented showing Road Department recently completed work and planned work for August 2005. After further refinements this spread sheet will be made available to all on the County website.

A Summary report was provided to the BOC on the Jordan, Jones & Goulding, Inc. review of the Planning and Development Department. Recommended follow-on work subject to the availability of funds includes the preparation of training and procedures manuals and the review of ordinances.

9. County Attorney Report. – Joey Homans

Second public hearing of the new personal leave policy to be placed on the Regular Meeting Agenda – 8/18

Two public hearings on the new plumbing code to be placed on the Regular Meeting Agendas – 8/18 & 9/1

Kelly Road lawsuit to be tried 9/15 & 9/16

Special event alcohol license for Chamber event on 8/25 to be placed on the Regular Meeting Agenda – 8/18

Amendments to the Alcohol Ordinance will have public hearings in September.

Business license revocation hearing for Sam & Bob's scheduled for 8/29 at 4:00 PM in the County Courtroom.

10. Closing Comments – Chairman Berg

Open meeting of the BOC with the EWSA Board is scheduled for 9/1 at the BOC large conference room.

Black & white professional photos of all Commissioners are scheduled for 8/18 at 5:00 PM in the County Courtroom.

Motion passed unanimously to go into Executive Session for potential litigation and personnel matters.
Saling/Craft

Motion passed unanimously to come out of Executive Session. Saling/Craft

Regular Meeting Minutes - August 18, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, AUGUST 18, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Kare for Kids – Doris Cook/Robin Smith

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS: Chairman Berg announced that Joanne Dack will not be able to attend meetings due to personal matters and Tammy Clement will be performing the duties of County Clerk during her absence.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting held on August 4, 2005. Saling/Craft

ZONING -

VARIANCE APPEAL REQUEST -

VR 05-15: Chalmers Concepts o.b.o. Regions Bank has made a variance request to Section 12.10.A of the Dawson County Sign Ordinance to allow 3 wall signs and a ground mounted sign. TMP: 113-85.01; Zoned COI, Location: 6183 Hwy. 53 East. PLANNING STAFF AND PLANNING COMMISSION

RECOMMENDED DENIAL

Chairman Berg announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they will have to fill out a form which Planning Director Lynn Tully had available. Under normal program, ten minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

Chairman Berg read the variance appeal request and Planning Director Tully came forward and stated that at the July 19, 2005 Planning Commission Meeting the Planning Commission presented their vote for denial of request for VR05-15 and this vote is now being appealed tonight.

David Dean came forward to speak in favor of the request. Dean wanted help with trying to correct the problem of signage. Pictures of Regions Bank with the missing signs were shown to Commissioners. Regions Bank had submitted plans to Planning & Developing that were approved with the 3 signs and 1 freestanding sign. Ms. Tully explained that signage permits were separate from building permit.

Greg Gordan spoke in favor of the proposed change stating that if a person was traveling east there is no sign, except for the monument that can't be seen if there is any traffic heading west. The signs have already been purchased and are ready to be placed. Mr. Gordan explained that without the signs it creates an eyesore at the bank.

Ms. Tully answered questions concerning the size of the signs, size of the wall where signs were to be displayed and the sign ordinance pertaining to this issue.

Motion passed by majority to approve VR05-15. Nix/Craft Saling opposed.

ZA 05-09: Wayne O. McPherson has made a request to rezone 2 acres of TMP 35-10 Split from RA (Residential Agricultural) to CCB (Commercial Community Business) in order to construct and operate a cabinet shop. Location: Hubbard Road. PLANNING STAFF & PLANNING COMMISSION RECOMMENDS APPROVAL WITH STIPULATIONS

Chairman Berg read the zoning request. Planning Staff and Planning Commission recommended approval of ZA05-09 with the following stipulations read by Planning Director Tully:

1. Applicant to address the issues noted by staff with respect to the proposed site plan.
2. Applicant is to limit business hours to 8:00 am to 5:00 pm with appointments for customer traffic.
3. Adequate buffering should be provided to shield any residentially zoned or used property from view.
4. Exterior architecture should be compatible with housing and other residential uses in the extended area, with approval from the Planning Director.

Chairman Berg asked if the applicant was present. Wayne McPherson came forward explaining that he currently resides in Cumming, Georgia and the residence has been sold. McPherson has purchased 65 acres on Hubbard Road and would like to relocate his cabinet shop that has been in business since 1945. Most of his work is remodeling and his business comes from references. Traffic to and from his business per week would consist of one delivery truck, one truck coming to sharpen equipment and one van.

Chairman Berg asked for anyone to speak in favor – no one came forward. Chairman Berg opened floor to opposition.

Don Pugh came forward and though he was not concerned with the cabinet shop he was concerned about re-zoning and what could come in later – possibly a gas station or a body shop.

Helen Heinle did not have a problem with the cabinet shop but did want to make sure that the integrity of the area is maintained with agricultural type of quality. Heinle was concerned with the re-zoning and future businesses that might come in.

Jan Grimes presented a document to each of the Commissioners that stated his objections to the application for re-zoning by property owner – ZA05-09. This document stated the Long Range Planning Document for Dawson County has been updated on a frequency of about every 2 to 5 years and the Land Use Plan was approved about thirty days ago. Grimes urged the Commissioners to uphold this plan and not to approve SPOT ZONING.

Frank Abercrombie stated that he saw no problem with McPherson building a cabinet shop with Planning Director Tully's stipulations. Abercrombie feels the cabinet shop would be an asset to the County and that each case should be looked at individually.

Chairman Berg closed the hearing.

Commissioner Saling commented on the zoning issue stating that it had nothing to do with the individual but the re-zoning issue. Once a precedence of approving this re-zoning issue others could come in with a gas station and other businesses that would qualify under commercial business and we would not have a basis to vote no.

Commissioner King stated that the Land Use Plan was not good by itself and you had to use a second plan to go with it. King does not want to prohibit business from coming in and attracting business is what Dawson County is all about. King feels that the cabinet shop is very low impact and blends in well with the area.

Motion was made to deny request for re-zoning on ZA05-09. Saling

Motion dies for lack of second.

Motion was made to approve ZA05-09 with the stipulations recommended by Planning Staff and Planning Commission. King

Motion dies for lack of second.

Motion passed by majority for the request to be denied. Nix/Saling Commissioner King opposed.

ZA05-10: Thomas Lawhorne has made a request to rezone 11.382 acres of TMP 98-60&27.02 from RA (Residential Agricultural) to R1 (Residential Single Family Restricted) in order to develop 10 – 11 lot subdivision. Location: Goodson Road. PLANNING STAFF & PLANNING COMMISSION RECOMMENDS APPROVAL WITH STIPULATIONS.

Chairman Berg read request for re-zoning ZA05-10.

Planning Director Tully explained that the original request was made at the July 19, 2005 Planning Commission Meeting. Planning Commission recommended approval with the following stipulations:

1. Applicant to provide appropriate buffers from both creek banks.
2. Extend the existing waterline to adequately service the proposed development.
3. Closely adhere to the requirements of the recently adopted Tree Ordinance.
4. Coordinate shared driveways to achieve appropriate sight distance for each lot per County Public Works Director.

This was accompanied by a variance VR05-14 to approve flag lots which was approved by Planning Commission with the following stipulations:

1. Paved driveways.
2. Underground utilities.

The applicant, Tommy Lawhorne, answered questions about a flow test that shows there is an adequate water supply to the property.

Chairman Berg asked for anyone to speak in favor – no one came forward. Chairman Berg asked for anyone who opposed.

Cheryl Kelley had concerns about the size of the lots and the size of the houses to be built. Kelley was concerned that if the houses were not large enough, property values in the area would drop. Other concerns included schools, an increase in crime, and traffic flow onto Goodson Road and Dawson Forest Road.

A discussion was held on flag lots with concerns about a driveway serving several houses with this leading to flag lot roads becoming county roads. Another concern was whether the standard of Goodson Road up to county standards. County Public Works Director Randy Bowen stated that the paving on Goodson Road was not up to county standards.

Motion passed unanimously to approve request ZA05-10 with Planning Commissions stipulations and 3 additional stipulations: King/Saling

1. Limit to one flag lot.
2. Goodson Road brought up to county standards as a minor collector.
3. Fire hydrant located on Goodson Road as need indicates.

PUBLIC HEARINGS -

Plumbing Code Ordinance

County Attorney Joey Homans stated this is the first public hearing to amend international plumbing code by adding section 708-10 regarding installation of cleanout inlet. This is to install the T so you can identify where the septic tank is located. Homans asked if there was anyone present to be heard regarding the plumbing code with no responses given. Second hearing of Plumbing Code Ordinance will be at the September 1, 2005 Regular Meeting.

Personal Leave Policy

Chairman Berg stated that this was the second hearing for the Personal Leave Policy and opened the floor for anyone who wished to address this topic.

Jeff Bailey commented on the Payment Of Unused Personal Leave 3.2.5. Bailey finds it offensive that benefits would be taken away if employee were to leave their position before five years.

Chairman Berg declared public hearing closed.

Commissioner Saling clarified the Payment of Unused Personal Leave as being a benefit of employment.

Motion passed unanimously to approve Personal Leave Policy. Saling/King

OLD BUSINESS -

Ratification of bid award to Perfect Gatherings for Park & Rec Concessions

Commissioner Saling complimented the Parks and Rec Board on the great effort to privatize something that in the past has cost the county time and money but now the county will benefit from this outsourcing. Commissioner King questioned the fact that only one bidder had responded.

Motion passed unanimously to award bid to Perfect Gathering for Park and Rec concessions. Nix/Craft

NEW BUSINESS -

Special Events Alcohol License – Beer & Wine – Chamber of Commerce

Motion passed to unanimously approve Special Events Alcohol License for Beer & Wine for the fundraiser to be held by the Chamber of Commerce at Lakeview Center. Saling/Craft

Lanier Tech – Mike Lupo

Chairman Berg briefed everyone on the efforts of former County Manager Bill Johnsa in helping facilitate Lanier Tech moving to Dawson County this fall. Dawson County School Board has helped by donation of building, pipe for drainage and removal of dirt. Dawson County has agreed to help by providing work force and material to pave two grassy areas. Public Works Director Randy Bowen stated that the Road Department would place the grated aggregate material, shape and stabilize the pavement. There is also a paved section that exists that can be utilized for parking and will need minor work.

Motion passed unanimously to provide material and personnel to create the two parking lots in question. Saling/Nix

Approval to remove the Street Sign and Street Name for Southern Catholic Lane from the Dawson County records and mapping

Planning Director Tully stated that Southern Catholic College has asked that the Street Sign and Street Name for Southern Catholic Lane be removed from the Dawson County record and mapping.

Motion passed unanimously to approve removal of Street Sign and Street Name for Southern Catholic Lane from Dawson County records and mapping. Saling/King

Development Authority Appointments – Sharon Reagen and Lake Gibson

Motion passed unanimously to appoint Sharon Reagen to the Development Authority Board. Nix/King

Motion passed unanimously to appoint Lake Gibson to the Industrial Authority Board. King/Saling

Georgia Mountains Community Services Board Appointment – Joe Hirsch

Motion passed unanimously to appoint Joe Hirsch to the Georgia Mountains Community Services Board.

King/Saling

Lake Shore Clean-up

Chairman Berg said Dawson County was asked to participate again this year in the Lake Shore Clean-up. Hall and Forsyth Counties are donating landfill and pickup of Styrofoam. Lake Shore Clean-up is asking for \$1000, the same amount as last year. Commissioner King expressed concerns about donating to private causes. Much discussion followed stating the pros and cons of supporting the Lake Shore Clean-up effort.

Motion passed by majority to provide support with In-Kind services up to \$1000. Nix/Craft Saling and King opposed. Chairman Berg voted yes.

Letter of Support for Land Acquisition in Dawson County – Candace Stoughton

Candace Stoughton, with the National Conservancy, appeared before the board to ask for a letter of support for Land Acquisition in Dawson County. They are putting together a project packet to be sent to Mr. Ray Crawford, chairman of Land Conservation Council.

Motion passed by majority to endorse a letter to Mr. Ray Crawford. Saling/Nix King opposed the vote.

Stoughton will forward form letter to Interim County Clerk Clement to type up and get signature on Monday.

PUBLIC COMMENT – No Public Comment

Motion passed unanimously to go into executive session. Saling/King

Motion passed unanimously to come out of executive session. Craft/King

There was a discussion on funding for the library.

Meeting Adjourned

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - August 25, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, AUGUST 25, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4

1. "Better Business Begins at the Library." – Rebecca Stuckey/MeloDee French

2. Approve/ratify a S.T.O.P. Violence Against Women's Act (VAWA) Grant Application through Criminal Justice Coordinating Council in the amount of \$71,834.90. – Kevin Tanner

This Item to be placed on the Regular Meeting Agenda – 9/1

3. Southeast Tower Cell Site/Sweetwater-Tinsley – Lynn Tully

This Item to be placed on the Regular Meeting Agenda – 9/1

4. Employee Medical Insurance – Matt Bidwell/Phil Anderson

This Item to be placed on the Work Session Agenda – 9/8

5. Rescue Air – Bill Pike/Billy Thurmond

This Item to be placed on the Regular Meeting Agenda – 9/1

6. Transportation Enhancement Projects – Phil Anderson/James Tolbert/Bill Hess

This Item to be placed on the Regular Meeting Agenda – 9/1

7. Discussion of Multi-County Joint Development Authority – Linda Williams

This Item to be placed on the Regular Meeting Agenda – 9/1

8. Approval/Ratification of required signature on Child Care Development Center Checks – Lowayne Craig

This Item to be placed on the Regular Meeting Agenda – 9/1

9. Acceptance of 400 Center Circle (Nordson Overlook) – Lynn Tully

This Item to be placed on the Regular Meeting Agenda – 9/1

10. Harmony Church Road – Julie Nix

This Item to be placed on the Regular Meeting Agenda – 9/15

11. Tourism Allocation – Chairman Berg

This Item to be placed on the Regular Meeting Agenda – 9/1

12. County Manager Report – Phil Anderson

Hillside Overlay Ordinance and Mountain Protection Standards to be placed on the Work Session Agenda – 9-8

13. County Attorney Report – Joey Homans

Second hearing of the Plumbing Ordinance to be placed on the Regular Meeting Agenda – 9/1

Public Defender Funds to be placed on the Regular Meeting Agenda -
9/1

Chasity Jenkins to be placed on the Regular Meeting Agenda – 9/1

Called Meeting Minutes - September 1, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, SEPTEMBER 1, 2005

CALL TO ORDER: Chairman Berg called the meeting to order.

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2; Jim King, District 3; Julie Hughes Nix, District 4; County Manager Anderson, County Attorney Homans, EWSA Board Members and interested Dawson County citizens.

Chairman Mike Berg welcomed everyone to the second formal meeting with Etowah Water and Sewer Authority Board. The purpose of the meeting was the continuing discussion concerning the role of County Government with the Etowah Water and Sewer System.

Commissioner Bill Saling provided a general background of where the group was today. Last November, Commissioner Saling and Commissioner Jim King met with the EWSA Board to discuss the sewer system and impact fees. They voiced concerns about how they could meet the sewer needs of a growing county. The Board of Commissioners wants to be sure that we are able to provide the necessary water and sewer to commercial growth and to high density residential areas. The challenge is to move forward finding the capital necessary to allow EWSA to meet the full responsibility and obligations of the community. The BOC would like EWSA to restructure (4 members appointed by the BOC and 3 members elected by Water and Sewer customers). This board would operate independently while still allowing the BOC to protect the investments of the Dawson County tax payers.

Linda Townley, Dawson County Tax Commissioner and Chair of EWSA Board, suggested setting up a committee that would get together and discuss issues and hash out all concerns. Mr. Saling suggested that the committee goal would be to develop a new Authority structure. This committee would then report back to both Dawson County Board of Commissioners and the Etowah Water and Sewer Authority Board.

Much discussion followed with the highlights including:

- Forming a new independent committee
- Clearly defined issues
- How to provide capital
- Value of the sewer system
- 5 year plan for Dawson County

Chairman Berg and Linda Townley agreed to choose two (2) members from their respective boards and meet within two (2) weeks with those names and dates for the first meeting.

Meeting was adjourned.

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim Clerk

Regular Meeting Minutes - September 1, 2005

MINUTES

REGULAR MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, SEPTEMBER 1, 2005

CALL TO ORDER: Chairman Berg

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION:

INVOCATION: Chairman Berg

PLEDGE: Chairman Berg

ANNOUNCEMENTS: Chairman Berg announced that the Adult Literacy Program had received \$5,000 from the City of Dawsonville, \$3,000 from the Lion's Club and also money from private donors. They have \$13,000 committed donations and \$8,000 in collected donations. Adult Literacy has asked the Dawson County Board of Commissioners to go ahead and deliver on their promise of matching funds of \$10,000. It was agreed upon to send Adult Literacy the \$10,000 in matching funds.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Minutes of the Regular Commission Meeting held on August 18, 2005. Saling/Craft

PUBLIC HEARINGS -

Plumbing Code Ordinance

Chairman Berg stated this is the second public hearing to amend the plumbing code ordinance. Chairman Berg opened the floor to anyone wishing to speak on this ordinance. No one came forward and the Chairman closed the hearing.

Motion passed unanimously to approve the Plumbing Code Ordinance. Saling/Nix

OLD BUSINESS -

NEW BUSINESS -

Hardship – Chasity Jenkins

Chairman Berg explained that Chasity Jenkins had come before the Board last week asking for a waiver of penalty fees in the amount of \$238.

Motion passed to unanimously waive the \$238 in penalty fees. Nix/Saling

Beer, Wine, & Distilled Spirits License – Lakeview Center of Dawson County, LLC and Vernon L. Smith

County Attorney Joey Homans stated that the applicant meets the requirements of the ordinance, but we are still waiting for the federal background check. The applicant has already passed the state background check. The applicant is requesting the board to waive the additional fees for movable bars (\$200 per year).

Motion passed unanimously to grant conditional approval for license and approval of waiving fees for 2 movable bars. Saling/King

Approval/Ratification of required signature on Child Care Development Center Checks

County Manager Phil Anderson explained that this would allow Financial Director Lowayne Craig to sign checks for the Child Care Development Center on a routine basis with the County Manager being able to sign in her absence.

Motion passed unanimously to approve Financial Director Lowayne Craig with County Manager Phil Anderson as back up to sign Child Care Development Center Checks. King/Craft

Southeast Tower Cell Site

Chairman Berg explained that Southeast Tower's request to place a cell tower had been denied due to a shortage of the required acreage. Southeast Towers has procured additional property to meet the 5 acre minimum and further study shows that the second cell tower sight is now necessary since neither one can operate without the other. The Board will be voting on whether to allow Southeast Towers to re-apply for a conditional use of a cellular tower before the one year appeal process is up.

Motion passed by majority to allow Southeast Towers to come before the Board before the one year appeal process is up. Saling/King Craft opposed

Acceptance of 400 Center Circle (Nordson Overlook)

Planning Director Lynn Tully recommended the Board approve the acceptance of 400 Center Circle with the following stipulations:

1. Modify curbing to County Planning specifications.
2. Re-name road Nordson Overlook.

Motion passed unanimously with Planning and Zonings stipulations. Saling/King

Multi-County Joint Development Authority

Chamber of Commerce Director Linda Williams will bring before the Board of Commissioners a Resolution and By-Laws of a Multi-County Joint Development Authority.

Motion passed unanimously to approve in concept a Multi-County Joint Development Authority with Lumpkin County for further consideration by the board. Saling/King

Rescue Air

Emergency Services Director Billy Thurmond explained how they figured the amount of the lease for square footage totals on three bedrooms, common shared space and outside ground for helicopter landing. County Attorney Joey Homans addressed changes that needed to be made to the lease before signing:

1. Lease needed to be made with Dawson County instead of the Board of Commissioners
2. Need to add multi-year lease
3. Indemnification change
4. CEO changed to Board of Commissioners
5. Notice to lessor changed from Dawson County Emergency Services to Dawson County Board of Commissioners

Motion was made to approve Rescue Air Lease with changes. Nix/King

Chairman Berg opened floor for discussion. Commissioner Saling questioned why we would charge someone for outside ground area when they are paying to put in landing pad in essence improving our County.

Secondary motion passed unanimously to waive the \$126.67 monthly fee for the helicopter land pad and to approve Rescue Air Lease with changes. Saling/Craft

Main motion passed unanimously.

Approve/Ratify a S.T.O.P. violence Against Women's Act (VAMA) Grant application through Criminal Justice Coordinating Council

Major Kevin Tanner informed Board members that an additional investigator would have to be added to the Dawson County Sheriff's Department in order to be eligible for the S.T.O.P. violence Against Women's Act Grant.

Motion passed unanimously to Approve/Ratify a S.T.O.P. violence Against Women's Act (AVMA) Grant application. Saling/Craft

Public Defender Funds

Chairman Berg proposed that a cap be placed on the budget expense for the Public Defender. Berg recommends capping the expense at \$252,750 and sending a letter to Mr. Morris letting him know that is the extent of the public defenders fund which includes indigent care.

Motion passed unanimously to place a cap on Public Defender Funds. Nix/King

Tourism Allocation

Chairman Berg explained that there was money from tourism just sitting in an account. Berg recommends moving the money to the Chamber of Commerce with the idea that the BOC could send the Chamber recommendations on how to spend the money.

Motion passed unanimously to approve re-allocation of funds to Chamber of Commerce with a direction of paying for a county sign, \$5000 for Mountain Stewards for trail development and \$2500 for the scenic by-ways. Saling/King

County Manager Phil Anderson will draft a letter to be sent to the Chamber of Commerce asking for funding of a county sign, \$5000 for Mountain Stewards and \$2500 for the scenic by-ways.

Meeting Adjourned.

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - September 8, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, September 8, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg; Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Commissioner Nix, District #4

1. Clean Water Month – Doris Cook

This item is to be placed on the Regular Meeting Agenda – 9/15

2. Hillside Overlay Ordinance and Mountain Protection Standards – Lynn Tully

This item is to be placed on the Work Session Agenda – 9/22

3. Mid-Year Budget Reviews – Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 9/15

Requests for Bids need to be taken for Inmate Medical Services

Public Works Director needs to re-evaluate budget due to increase in oil prices

4. BB &T Loan/EWSA – Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 9/15

5. Recent and Future Planned Disaster Response Exercises – Scott Wallace

The next table-top exercise is November 4, 2005 at 9:00am.

6. Employee medical Insurance – Matt Bidwell/Charity Clark

This item to be placed on the Regular Meeting Agenda – 9/15

Committee will be set up to study health care and pension plan for next year.

7. Hotel/Motel Reporting Requirements – Joey Homans

This item to be placed on the Regular Meeting Agenda – 9/15

8. Ribbon Cutting Ceremony for Afton Road Bridge – Mike Berg

Tentative date for Ribbon Cutting Ceremony Saturday, October 15, 2005 – Phil Anderson will coordinate the ceremony

9. County Standards for Gravel Roads – Phil Anderson

This item to be placed on the Work Session Agenda – 9/22

10. Resolution in Support of Georgia National Guard – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 9/15

11. Application for Transportation Enhancement Projects – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 9/15

12. County Manager Report – Phil Anderson

13. County Attorney Report – Joey Homans

Taylor Trail Road to be placed on the Regular Meeting Agenda – 9/15

Eckerd Drug Beer & Wine License to be placed on the Regular Meeting Agenda – 9/15

14. Jim King and Mike Berg to be placed on the Regular Meeting Agenda 9/15 as committee members to move forward with EWSA on the Sewer System

15. Gordon Manner is scheduled to speak at a strategic planning sessions for Commissioners and Department Heads on September 29, 2005. Plans are being made for an offsite location for the meeting and luncheon.

Motion passed unanimously to go into Executive Session. Craft/King

Motion passed unanimously to adjourn. Saling/Craft

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim Clerk

Regular Meeting Minutes - September 15, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, SEPTEMBER 15, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: School Resource Officer – Tony Wooten

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS: Chairman Berg announced that Dawson County has been approved for the S.T.O.P. violence Against Women’s Act (VAMA) Grant. The four year grant provides money for an additional investigator but not for an additional vehicle.

The Board of Commissioners received a letter from the Department of Natural Resources in regards to the study we had requested “Save the Etowah”. Action has been deferred until the development of a comprehensive state wide water management plan that will go before the legislature in 2008 at which time they will take up individual issues.

Commissioner Bill Saling and Chairman Berg visited Our Fathers House and found they had done a truly magnificent job organizing the effort to help victims of hurricane Katrina. Our Fathers House has helped a lot of people and is a credit to Dawson County.

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on September 1, 2005. Saling/Craft

Motion passed unanimously to approve Minutes of Called Meeting held on September 1, 2005. King/Nix

Chairman Berg announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they will have to fill out a form which Planning Director Lynn Tully has available. Under normal program, ten minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZONING:

ZA 05-11: John Maffucci has made a request to rezone 1.17 acres of TMP 118-4.01 from R1

(Residential Single Family Restricted) to CHB (Commercial Highway Business) in order to bring existing grandfathered business into conformance. Location: 645 Auraria Road
PLANNING STAFF & PLANNING COMMISSION RECOMMENDS APPROVAL WITH STIPULATIONS

Chairman Berg read zoning request ZA 05-11. Planning And Development Director Lynn Tully came forward and stated the Planning Commission had recommended approval of ZA 05-11 with the following stipulations:

1. Applicant to supply a buffer along the northerly property line or at extent of developed area, as a steep slope should also provide a natural buffer to shield any residentially zoned or used property from view.
2. Applicant is to look for alternative driveway entrances or configurations that may provide better sight distance for truck traffic.

Director Tully said the applicant had discussed an alternative driveway with Public Works Director Randy Bowen and herself and they have not been able to find a better location for the driveway.

Chairman Berg asked if the applicant was present. Doris Maffucci came forward with the request to bring the existing grandfathered business into conformance.

Chairman Berg asked if anyone wished to speak in favor or opposition to this request. No one came forward. Commissioner Saling pointed out that this request was in compliance with our Future Land Use Plan.

Motion passed unanimously to approve ZA 05-11 with Planning Commissions recommended stipulations. King/Saling

ZA 05-12: Emery S. Chattin has made a Permissive Use Request to operate a Horse Riding Stables/Camp on 35 acres. TMP: 30-15 Zoned: RA Location: 7768 Elliott Family Parkway PLANNING STAFF & PLANNING COMMISSION RECOMMENDS APPROVAL

Chairman Berg read zoning request ZA 05-12. Director Tully explained that the Planning Commission has recommended approval without conditions. Commissioner Saling questioned the necessity of coming before the board with a permissive use request since it is clearly defined in the ordinance. Tully explained that it was required by the ordinance although there are some fairly broad specifications in the ordinance.

Chairman Berg asked if the applicant wished to address the Permissive Use Request. Emery Chattin came forward and explained that the request would have no effect on the surrounding property value, no apparent hardship to surrounding property, no additional streets and no effect on the school system, police department, fire department and utilities. The addition of trail rides, equestrian instruction and camps will enhance recreational opportunities in Dawson County.

Chairman Berg asked if anyone wished to speak in favor of or opposition to Permissive Use Request. No one came forward.

Motion passed unanimously to approve ZA 05-12. Nix/King

ZA 05-15: Clark & Walters, LLC has made a request to rezone 90.40 acres of TMP 120-17 from RA (Residential Agricultural) to RPCD (Residential Planned Comprehensive Development) in order to develop 100 +/- lot subdivision. Location: Henry Pirkle Drive PLANNING STAFF & PLANNING COMMISSION RECOMMENDS APPROVAL WITH STIPULATIONS

Chairman Berg read zoning request ZA 05-15. Director Tully stated that the Planning Commission recommended approval with the following stipulations:

1. Applicant to receive approval for the requested variances or meet current regulations.
2. Applicant to provide an additional access to a public road for fire protection purposes.
3. As offered, Henry Pirkle Road shall be improved from the existing pavement to the entrance of the development to standards acceptable to the Dawson County Public Works Director.
4. All other provisions of the RPCD zoning district shall be met.
5. Closely adhere to the requirement of the recently adopted Tree Ordinance.

Tully also listed the following stipulations for a variance request:

1. A 50' buffer be provided at the North and East property lines not adjoining the Corps of Engineers line.
2. A 50' buffer be provided at the Western property lines not adjoining the Corps of Engineer's line.
3. Both buffers to exclude any area that provides for a second access to the development.
4. Storm water management program include water quality measures and/or biological treatment (swales, ect.) prior to entering the detention pond as approved by the Planning Director.

Commissioner Saling voiced concerns about waste water management being in compliance with the current Etowah Water and Sewers design criteria. Chairman Berg questioned the size of the CORE piece of property.

Elliott Smith came forward representing the applicant. Smith described the plans for the Residential Planned Comprehensive Development. It will be a very up-scale single detached family homes with one hundred lots planned. The price range for the homes will be from four hundred thousand to one million dollars. On-site amenities will include a pool, two tennis courts and a club house. They are proposing a

private waste water plant that will comply with Etowah Water and Sewer Authority's standards. They have asked for two variances – to change from the 100 acres required for RCPD to 90 acres and to allow for 100 lots. If it was limited to one unit per acre they would like to be able to come back with additional property and rezone it to add the ten lots.

Chairman Berg asked for questions from the board. Commissioner Saling questioned the amount of green space and public water. Wayne Clark explained that they will be extending the water line at their expense and that there is approximately 50% green space. Commissioner King questioned the validity of having a detention pond since Lake Lanier is a flood control lake. Clark said they will address this issue in the engineering drawings that they will submit. Berg voiced concerns of neighbors in the area about the location of the waste water plant. Clark said that currently the location was near the amenity area but may be moved to a more interior space for irrigation purposes.

Chairman Berg asked for anyone wishing to speak in favor of ZA 05-15. John Schiavone, President of Jim Cowart Residential and developer of Oak Forest, addressed the issue of the buffers along the Oak Forest property line. Cowart explained that the buffer along Oak Forest is 50', 30' of which is undisturbed. They were concerned with the detention pond pushing closer than the 50' to their property. They have met with the developer and have no problem with the proposed subdivision.

Chairman Berg asked for anyone wishing to speak in opposition. Gordan Brand voiced concerns about the effect that the subdivision would have on the water quality of Lake Lanier. He feels that studies of septic systems verses package plants should be made before approval of ZA 05-15.

Carl Volk has no problem with the development but has four issues that he would like to see addressed before approval of ZA 05-15:

1. Move package plant further into green space away from shore line and homes.
2. Who would be the steward of the package plant when the development is completed?
3. Concern that applications for dock plans have not been applied for.
4. That property owners will have the same covenants that other lake owners have.

Jim Kriticaly has a problem with changing the variance from one hundred acres to the ninety acres that developers own.

George David did not have a problem with the development, only concerns about our policy on package plants.

Chairman Berg closed discussion from the floor.

Commissioner King questioned whether or not there would be a problem with the Board of Commissioners placing a one unit per acre stipulation before approval of ZA 05-15 after Planning Commission had already approved the variances to allow less than one acre. County Attorney Homans explained that variances were subject to zoning approval and would supersede the variance vote. Commissioner Craft agreed with King stating that there should be one unit per acre.

Commissioner King addressed the issue of waste water management. He explained that when we first heard about this development they were proposing a community septic system where raw sewage goes to one central location through a septic tank and then to a leech field. King was very opposed to this because it is widely accepted that this is an inferior way to deal with waste. With this type of waste management you have to rely on the quality of personnel who are putting in the system. A treatment plant has engineers to test soil and all sewage is treated before it is released. King would like to recommend CH2M Hill, who has a standing contract with the county, to be a second set of eyes to insure the quality of the package plant.

Commissioner Saling added that he has spent time in the last year with people in the public health area and they have been working with septic systems. There are four hundred thousand to five hundred thousand septic systems in Northern Georgia and the EPD, as well as other state agencies are now taking a very critical eye before allowing septic systems to continue unabated in growing areas. The septic system by most accounts is good for only twenty to twenty five years. Saling agrees with King that a separate set of engineering eyes will help protect us and treating the effluent is a far better way to go forward with this type of development.

Wayne Clark addressed questions about moving the disposal area more inland. Clark has hired soil test engineers. He also explained that with the EPD, EWSA, their engineering firm and CH2M Hill that there should be no question of a quality product.

Motion was made to approve ZA 05-15 with Planning Commissions recommended conditions and as well as additional conditions:

1. Density shall be limited to ninety lots.

2. The sewage treatment plant or lift station must be designed and constructed to standards acceptable to Dawson County's engineering consultants and turned over to Dawson County once the development is complete.
3. There shall be a 50' buffer 30' of which must be undisturbed, adjacent to the Oak Forest Subdivision.
4. Detention shall not be required; however, storm water quality measure including, bio-retention if applicable, that meet the North Metro Atlanta Water Planning District requirements must be implemented.
5. The effluent disposal area shall be kept to a minimum of 100' from the COE line.

Motion passed unanimously to amend prior motion to reflect a density of no more than ninety units for the development. Saling/Craft

Main motion passed unanimously. King/Saling

PUBLIC HEARINGS:

County Attorney Homans called for a public hearing to declare that the county's portion of Taylor Trail no longer serves a substantial public purpose. The Board of Commissioners intends to declare a portion of that road abandoned, therefore that portion will cease to be a public road. The portion that shall be abandoned is attached to property owned by Harmony Baptist Church. Attorney Homans opened the floor for comment.

Lake Gibson, a deacon at Harmony Baptist Church, came forward to speak in favor of closing Taylor Trail. Mr. Gibson stated that the traffic from Taylor Trail past the church causes a great danger to the children attending church and bible school. The safety of the children comes first and something has to be done with the speed of traffic.

Attorney Homans asked if anyone else wished to be heard at this public hearing. Homans stated that the road abandonment has been advertised twice and pursuant to the Board's direction a copy of the notice of abandonment has been delivered to persons living near Taylor Trail. Attorney Homans closed the hearing.

Motion passed unanimously to close Taylor Trail at land lot 40. Nix/Saling

OLD BUSINESS: None

NEW BUSINESS:

Beer and Wine License – Eckerd Drugs

Attorney Homans stated that Eckerd Drugs is applying for a retail beer and wine license. Eckerd Drugs qualifies for this license as a grocery store since they sell a sufficient amount of groceries. There are two conditional approvals; that the applicant pass both federal and state criminal background checks and they are asking for an exemption to residency requirements, allowing the registered agent to reside in Lumpkin County.

Motion passed unanimously to grant on a provisional basis the beer and wine license to Eckerd drugs.
Saling/Craft

Clean Water Month

Motion passed unanimously for Dawson County to adopt the provisions within the Clean Water Month outline that has been previously submitted. Saling/Craft

Mid-Year Budget Reviews

Commissioner Saling asked Financial Director Lowayne Craig if Public Works Director Randy Bowen has revisited his budget submittal due to the increase in fuel prices. Craig has spoken with Bowen and he believes that he will be able to work within his budget for the rest of this year.

Motion passed unanimously to approve the Mid-Year Budget as submitted by Financial Director Craig.
Saling/King

BB & T Loan/EWSA

Motion passed unanimously to approve BB & T Loan with EWSA. Nix/Craft

Employee Medical Insurance

Chairman Berg informed group that the Board has decided to take Option 2 which leaves the premiums exactly the same as last year. Financial Director Craig has already budgeted to cover the additional cost of insurance which has increased 32% over last year. It was suggested that the committee that was formed to look at vacation and sick leave also look into health premiums and retirement costs.

Motion passed unanimously to approve Employee Medical Insurance and to study health premiums and retirement costs. Nix/King

Hotel/Motel Reporting Requirements

Motion passed unanimously to adopt the outline of Hotel/Motel Reporting Requirements as submitted by County Attorney Homans. Saling/King

Resolution in Support of Georgia National Guard

Motion passed unanimously to approve the Resolution to Support Georgia National Guard. Nix/Craft

Application for Transportation Enhancement Projects

Motion passed unanimously to approve the Application for Transportation Enhancement Projects. Nix/King

Committee Formation for Sewer System

Motion passed unanimously to approve the appointment of Mike Berg and Jim King to represent the Board of Commissioners on the Sewer System Committee. Nix Saling

Motion passed unanimously to go into closed session for a legal business. King/Saling

Motion passed unanimously to come out of closed session. Nix/Craft

Adjournment

Motion passed unanimously to adjourn the meeting. Craft/Nix

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - September 22, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, September 22, 2005

Dawson County Library - 4:00 p.m.

Commissioners present were: Chairman Berg; Commissioner Saling, District #1; Commissioner King, District #3; Commissioner Nix, District #4. Absent was Commissioner Craft, District #2.

1. Hillside Overlay Ordinance and Mountain Protections Standards – Lynn Tully

Tully will work on revising document to possibly bring it before the Board at the Work Session on 10/13/05.

2. County Standards for Gravel Roads – Lynn Tully

This item to be placed on a future Work Session Agenda.

3. Surplus Sale – Lowayne Craig

This item to be placed on the Regular Session Agenda – 10/06/05.

4. Accounting Software – Lowayne Craig

This item to be placed on the Regular Session Agenda – 10/06/05.

5. Travel Mileage Reimbursement – Lowayne Craig

Travel Mileage Reimbursement of forty two cents per mile to be placed on the Regular Session Agenda – 10/06/05.

6. Transfer Station Study – Randy Bowen/Jonathan Grimes (CH2M Hill)

Further studies need to be completed on restructuring and the cost of privatization.

7. Recreation Facilities Mutual Use Agreement with BOE – James Tolbert

This item to be placed on the Regular Session Agenda – 10/06/05.

8. Letter of Support for Drug Court – Mike Berg

This item to be placed on the Regular Session Agenda – 10/06/05.

9. Grant for Welcome Center – Linda Williams

This item to be placed on the Regular Session Agenda – 10/06/05.

10. Big Box Ordinance – Jim King

Tully is to make comparisons between Ordinances currently in place and Forsyth Counties Big Box Ordinance.

11. Clarification of Zoning ZA 05-15 Stipulations

Homans is to send letter to Clark & Walter LLC explaining procedure if additional acreage is added.

12. County Manager Report. – Phil Anderson

We are currently reviewing the level of cable television service.

Afton Bridge ribbon cutting ceremony will be at 11:00 a.m. on October 15, 2005.

Purchase and disposal of Water Storage Tanks to be placed on the Work Session Agenda – 10/13/05.

13. County Attorney Report. – Joey Homans

Express Voting Machines to be placed on the Regular Meeting Agenda – 10/06/05.

Motion passed unanimously to go into Executive Session for land acquisition and personnel issues.
Saling/Nix

Motion passed unanimously to come out of Executive Session. Nix/King

Called Meeting Minutes - September 29, 2005

MINUTES

CALLED MEETING OF THE

DAWSON COUNTY BOARD OF COMMISSIONERS

THURSDAY, SEPTEMBER 29, 2005

ROLL CALL: Those present were Chairman Berg; Bill Saling, District 1; Frank Craft, District 2; Jim King, District 3; Julie Hughes Nix, District 4; County Manager Anderson, County Attorney Homans, Planning and Development Director Tully, Finance Director Craig, Interim Clerk Clement and Facilitator Gordon Maner.

Chairman Mike Berg welcomed everyone to the Dawson County Board of Commissioners Planning Retreat. The purpose of the retreat was to agree upon a Vision Statement, Mission Statement and Ten Priority Objectives for the next three years.

Maner started the retreat with each commissioner answering the following questions:

1. Why did you REALLY run for office?
2. What do we do well together?
3. What could we do better together?
4. What do you want this commission to be remembered for?
5. What do you want to be remembered for when you leave office?

Each Commissioner had their own personal reason for running for office but a common goal of all was to support and improve Dawson County. As a group, the Commissioners communicate, work well together, appreciate each other's point of view and are working towards the same goal of making the county a better place. The Commissioners could perform better together by having step planning, more time to communicate with each other, a clear direction, by meeting challenges and being more tolerant. Some of the different things the Commissioners wanted to be remembered for as a group and personally were; BOC worked with a vision towards the future, they took the time to listen, worked well as a team and they set a process in place for fulfilling the Vision Statement of the County.

The Board of Commissioners worked on creating a new vision statement that was important to each of them. Through an exercise, Facilitator Maner had the board imagine what an ideal Dawson County would look like. Maner captured the following responses:

Roads:

Good condition and paved

Well developed, classified and maintained

All local roads will be paved

Roadsides:

Clean-litter free

Good signage

Well maintained

Entering Dawson County Clean and Green

City:

Open walkways and shops

No junk cars

Sidewalks

Storefronts

City park

Street-scaped planned development

Busy city with lots of energy and people

There is no city

County Infrastructure:

88 acres County campus

Water and sewer issues

Resolution of the fly-over 400-53

Air quality standards

High tech wireless broadband technology

Modernize county government

Master plan for transportation 400/53 corridor perimeter, commercial parkways

Stormwater management system

Pooling of resources within county

Paid fire department

Commercial Development:

10K acres – county have influence over development

400 corridor will have John's Creek/Mall of GA appearance with class "A" offices and corporate campus

Comprehensive economic Development Program: Maximize eco tourism base, c connective trail system

Village concept to provide workers for businesses

Workforce development – high tech

Tax anticipation district 400

Residential Development:

Nice entrances to subdivisions with water and sewer in place – curb and gutter with easy access

Lot size conform to P and Z guidelines

Multiple master planned communities

Proper development of the Lanier shoreline

Cutting edge of bio-environment development

Affordable housing for young families and workforce

Industrial Development:

Commuter airport

Thriving clean industry

Technology park

Demographics:

Utilize terrain differences in the county to enhance community use

3000 students at Southern Catholic and Tech College

Keep our young families

What are people doing?

Recreation:

Recreation for seniors

Community service senior center

Over 55 planning

Library services

Parks:

Well developed park system – both community and neighborhood linked parks

Park near 400 and west end of county

Shopping:

Macys – Coscos

Regional Mall

Car Dealerships

Working:

More people working in Dawson County

Etc:

Children's shelter

Drug education program

Health clinic

Hospital

ARC membership

Using the lists as a guideline of what was important to the members of the BOC and County staff a vision and mission statement for the county was created:

Vision Statement for Dawson County

Dawson County is a place where people can work, play, grow and enjoy the rural tapestry and the benefits of a vibrant community – a place where quality of life matters.

Mission Statement for Dawson County

Dawson County Government is committed to serve the public efficiently, preserve our heritage, safeguard the environment, protect citizens and improve the quality of life.

Commissioners and staff discussed objectives important to the achievement of the vision and mission statements.

Top five priority list for the Board of Commissioners:

Expand water supply sources and sewer expansion

Needed economic development strategy

Transportation

Systematic way of doing strategic planning

Commuter airport

Top six priority list for County Manager and Staff:

Workforce

Environmental considerations

Land use plans with appropriate development regulations and zoning

Financing

Future road development, maintenance of existing roads and paving unpaved roads

Impact fee program

The Board of Commissioners and staff discussed many ways to start working on their objectives. Commissioners and staff will work on their objectives and report to the Commissioners at the Work Session on 12-08-05.

All those in attendance agreed that the Planning Retreat was a great success.

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Y. Clement, Interim Clerk

Regular Meeting Minutes - October 6, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, OCTOBER 6, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Chorale Group – Dr. John Reid, Jr.

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg, Commissioner Craft and Commissioner King attended the 2005 ACCG Fall Policy Conference in Atlanta. Chairman Berg passed out the ACCG 2005 Report of the Resolutions Committee for Board members to read stating that there was very interesting information in the report.

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on September 15, 2005. Saling/Craft

ZONING: None

PUBLIC HEARINGS: None

OLD BUSINESS:

Commissioner Saling provided the Board of Commissioners with a report from the Commuter Airport Study Group. The scope of work includes determining the feasibility, desirability and possible locations of a Category 1 commuter airport to serve Dawson and Lumpkin County. The results of this study should be published no later than February 15, 2006. Members of the Airport Study Group are; Bill Saling, Chairman, Roger Slaton, Jeff Skorich, Chip Pearson, Arlene McClure, Terry Tragesser, Phil Anderson, Steve Gooch, Scott Seritt, Ed Ratigan and Mike Berg as exofficio.

NEW BUSINESS:

Beer and Wine License – Chamber of Commerce

County Attorney Joey Homans reported that the Chamber of Commerce meets the requirements of Dawson Counties' Alcohol Ordinance. Homans stated that he is working on an amendment that would allow County Manager Anderson to approve special events license without them being placed on an agenda.

Motion passed unanimously to approve Special Events Alcohol License for the Chamber of Commerce.
Saling/King

Accounting Software

Financial Director Lowayne Craig recommended the accounting software bid be awarded to CSI for the amount of \$78,872.75. Commissioner Saling questioned how long it would be before the accounting software would be operational. Craig explained that she hoped the software would be in place before the end of the year.

Motion passed unanimously to approve the purchase of the accounting software for \$78,872.75 from CSI. Nix/King

Travel Mileage Reimbursement of Forty Two Cents

Financial Director Craig requested that the board approve an increase in travel mileage reimbursement from thirty six cents to forty two cents effective October 1, 2005. The state of Georgia currently allows forty eight cents a mile for travel reimbursement.

Motion passed unanimously to approve travel mileage reimbursement of forty two cents effective October 1, 2005. Nix/Craft

Recreation Facilities Mutual Use Agreement with BOE

Chairman Berg reported that the Board of Education met on Tuesday, October 4, 2005, and approved the Recreation Facilities Mutual Use Agreement. Homans pointed out that the BOE did want to amend Exhibit A in which Dawson County is already covered by immunity. Chairman Berg thanked the School Board for participating in the sharing of facilities and in trying to create agreements of joint use. The BOE at their Tuesday meeting also agreed to look at the joint use of their fueling station. The fueling station issue will be discussed at a future Board of Commissioners Work Session.

Motion passed unanimously to approve the Recreation Facilities Mutual Use Agreement with BOE. King/Saling

Letter of Support for Drug Court

Motion passed unanimously to approve the Letter of Support for Drug Court. Nix/Craft

Commissioner Saling questioned whether a report would be available from the Drug Court citing the benefits of the Court on inmate population, cost and the projected savings to Dawson County. Chairman Berg explained that getting the Drug Court process in place would take about a year and then such reports would be available to the Board of Commissioners. Director Craig stated that \$203,000 has already been collected for the Drug Court from a 5% fee that is added to cases involving the Drug Abuse and Treatment Education Program.

Grant for Welcome Center

Motion passed unanimously to approve moving forward with the grant request for a Welcome Center. Saling/Nix

Express Voting Machines

County Attorney Homans stated that there were not any new voting machines only encoding that will be added to the existing machines. This would be an amendment that would upgrade the existing agreement. The only cost to Dawson County would be the training of pole workers. Jeannine McGee, Registrar's Office, explained that the new system would be an electronic voter's web where all the names in Georgia would be available by laptop. The voting express machines would eliminate a couple of jobs and will not be used for the advanced voting.

Motion passed unanimously to move forward with the Express Voting Machines. Nix/Craft

Surplus Sale

Financial Director Craig presented the list of items for the surplus sale. Jeanne McGee requested that item B13, 1 Vote Tabulator Machine, be removed from the list because of a prior agreement using it as a trade in.

Motion passed unanimously to approve Dawson County Surplus Sale with Item B13 removed from the list. Saling/Nix

PUBLIC COMMENT: (5 minute limit) None

Commissioner King informed the group that Barry Fleming's term on the Park and Rec Board expired on October 2, 2005.

Motion passed unanimously to reappoint Berry Fleming to the Park and Rec Board for the term of five years. King/Saling

Motion passed to go into closed session for land, pending litigation and personnel business. Saling/Craft

Motion passed unanimously to come out of closed session for a vote. Saling/Craft

Motion passed unanimously to take the necessary steps to appraise properties for the jail complex.
Saling/Nix

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Craft

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - October 13, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, OCTOBER 13, 2005

Dawson County Library - 4:00 p.m.

Present were Chairman Berg, Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Julie Hughes Nix, District #4; Also present were County Manager Anderson, County Attorney Homans and Interim County Clerk Clement, together with interested citizens of the County.

1. Approval/Ratification of Family Connection Grants and Contracts – Elaine Langley

This item to be placed on the Regular Meeting Agenda – 10/20/05

2. Firing Range – Kevin Tanner

This item to be placed on the Regular Meeting Agenda – 10/20/05

3. Roofing Installation Bid – Maynard Waters

Roofing installation bid for the Health Department to be placed on the Regular Meeting Agenda – 10/20/05

4. Fire Alarm Detection System Bids – Maynard Waters/Tim Satterfield

This item to be placed on the Regular Meeting Agenda – 10/20/05

5. Fire Ordinance regarding Sprinkler Protection for Commercial Construction – Tim Satterfield

This item to be placed on a future Work Session Agenda.

6. Purchase and Disposal of Water Storage Tanks – Billy Thurmond

This item to be placed on the Work Session Agenda – 10/27/05

7. Asphalt Distributor Bids – Randy Bowen

This item to be placed on the Regular Meeting Agenda – 10/20/05

8. New Definitions for Home Occupations – Lynn Tully

This item to be placed on the Work Session Agenda – 10/27/05

9. Recommendation for Phase II Comprehensive Planning Services Consultants – Lynn Tully

This item to be placed on the Regular Meeting Agenda – 10/20/05

10. Environmental Trust Funds – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 10/20/05

11. Draft Fuel Agreement with BOE – Phil Anderson

This item to be placed on the Work Session Agenda – 10/27/05

12. 400 Signage – Mike Berg

13. County Manager Report – Phil Anderson

14. County Attorney Report – Joey Homans

Amendment to RA Ordinance to be placed on the Work Session Agenda – 10/27/05

Motion passed unanimously to go into Executive Session for land acquisition and personnel issues.
Saling/Nix

Motion passed unanimously to come out of Executive Session.

Regular Meeting Minutes - October 20, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, OCTOBER 20, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Lion's Club – Elaine Johnson

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS: Planning Director Lynn Tully introduced David Headley the new Planning Engineer for Planning & Development. Mr. Headley gave a brief synopsis of his life and experience in engineering.

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on October 6, 2005. Saling/Craft

Chairman Berg announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they will have to fill out a form which Planning Director Lynn Tully has available. Under normal program, ten minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZONING:

ZA 05-16: Leroy Bearden & Jimmy Bryson has made a request to rezone 94.4 acres of TMP 88-118 & 119 and 98-02 from RA (Residential Agricultural) to R1 (Residential Single Family Restricted) in order to develop a 60-lot subdivision. Location: Hwy. 9 South and Dawson Forest Road.

PLANNING STAFF RECOMMENDED DENIAL & PLANNING COMMISSION RECOMMENDS APPROVAL WITH STIPULATIONS

Chairman Berg read the Zoning request for ZA 05-16. Director Tully came forward and recapped ZA 05-16 and said that the development had access from Highway 9 and Dawson Forest Road but the developers are proposing only one entrance off of Dawson Forest Road. Tully stated that the Planning Staff had recommended denial of ZA 05-16 and the Planning Commission had recommended approval with the following stipulations:

1. That there be a 20 foot vegetative buffer along development
2. Entrance is lined up with school drive as per county engineer's requirements
3. Density is capped at .7 units per acre.

Chairman Berg questioned the fact that only one entrance was being proposed. Commissioner Saling pointed out that state law requires two entrances if there are more than thirty houses in a subdivision. After reviewing her notes, Tully clarified that there were going to be two entrances both off of Dawson Forest Road.

Chairman Berg asked if the applicant was present and wished to speak. Elliott Smith came forward to speak for the applicant. Smith stated that the homes would be in the \$250,000 range and even though the subdivision did not comply with the future land use plan, he believes that it is appropriate for this time frame. Smith pointed out that the Planning Commission had recommended approval of Zoning ZA 05-16 and even though Planning Staff had recommended denial they had pointed out several positive things about the development such as the R1 use would be compatible with the surrounding property and it compliments the use of the school across the street.

Chairman Berg asked is anyone was present to speak either for or against ZA 05-16. No one came forward and Chairman Berg opened the discussion to the Board of Commissioners. Commissioner Saling questioned why there was no report from Etowah Water and Sewer on the availability of water and sewer to the proposed development. Chairman Berg reported that he and Commissioner King had spoken to representatives of Etowah Water and Sewer about the Board of Commissioners receiving reports on the availability of water and sewer for developments and were told that time was a factor and EWSA would try to do better in getting the Board the information they needed.

Mr. Johnny Thomas, whose land adjoins the 94.4 acres in question, presented the Board with a form stating his requests:

1. Every deed for lots sold in subdivision state that there is a shooting range on adjoining property.
2. Board minutes show that there is a sport shooting range on his property for over two years.
3. Present Board members a copy of the Georgia Law protecting a sport shooting range and have it noted in minutes.
4. Wants it known that he will be posting large signs on his property line informing adjoining land owners of sport shooting range.
5. Request of some type of fence between the subdivision and his property.
6. Plans to file this information at the courthouse so that it will be a matter of public record.

County Attorney Homans explained that sport shooting ranges are protected under state law and once they are established they can not be declared a nuisance. Commissioner King asked Director Tully if each deed could state that there is a shooting range on adjoining property. Tully said that it could be noted on the plat but could not be certain that it would be placed on every deed. Elliott Smith said that the applicant would not agree with number one or number five on the requests made by Mr. Thomas.

Chairman Berg stated that the Land Use Plan is a tool for the Board to use to try to balance the tax base between residential and commercial use and sometime in the future land will have to be designated as commercial to provide a split tax base.

Motion was made to approve ZA 05-16 with Planning Commissions stipulations and with the condition that there would be a note in bold letters placed on the final plat stating that there is a sports shooting range on the adjoining property. King/Craft

Commissioner Saling asked Commissioner King to amended prior motion to state that if it is a qualified shooting range under state statue. Attorney Homans explained that if the term was changed from "sport shooting range" to "shooting range" the Board would be covered under state code.

Motion passed unanimously to amend prior motion to state there is a shooting range on the adjoining property. King/Craft

Main motion passed unanimously.

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

Recommendation for Phase II Comprehensive Planning Services Consultants

Planning Director Tully stated that two qualified bids were opened for the Planning Services Consultant. The first bid was from MACTEC for the amount of \$75,000. The second bid was from Ross and Associates for \$111,225. Planning recommended going with the proposal from MACTEC because of the low bid and the familiarity with Dawson County.

Motion passed to table the Phase II Comprehensive Planning Services Consultants for one month.
Saling/Nix King opposed

Approval/Ratification of Family Connection Grants and Contracts

Motion passed unanimously to approve Family Connection Grants and Contracts. Nix/Saling

Firing Range

Commissioner Saling expressed concerns of noise pollution affecting the homes bordering the proposed firing range. Director Tully said that the NRA offers a technical team that comes out to the site and checks for noise pollution for around \$150.

Motion passed unanimously to table the Firing Range proposal for 30 days until we can secure professional sound analysis. Saling/King

Roofing installation Bid for Health Department

Chairman Berg explained that the Health Department will have an opportunity to change locations within a two year period of time. The Health Department does have a contingency in their budget for repairs. Chairman Berg suggested that instead of moving forward with the bid for a new roof, we should consider making repairs using the contingency fund.

Motion was made to instruct the Health Department to utilize part of their contingency funds to make temporary repairs to cover the immediate needs of the roof. Saling/Nix

Motion passed unanimously to amend prior motion to include rejection of the bid submitted by JR Roofing. Saling/Nix

Main motion passed unanimously.

Fire Alarm Detection System Bid

Fire Marshall Tim Satterfield explained that three bids were opened for the fire alarms and because of lack of information in the low bid concerning warranties and maintenance they recommended going with the second low bid. After this recommendation Satterfield was contacted by the low bidder and was given the information needed to complete the bid. Attorney Homans explained to the Board that they were unable to make a decision on information that was received after the bids were opened. Homans suggested that the low bidder be notified and appear before the Board to explain why he responded as he did to the bid.

Motion passed unanimously to table the Fire Alarm Detection System Bid for two weeks. Saling/Craft

Asphalt Distributor Bid

County Manager Phil Anderson reported that three bids were received for Asphalt Distributors. Anderson recommended the Board go with the low bid of \$111,141 from Tractor & Equipment Company.

Motion passed unanimously to approve the bid from Tractor & Equipment Company for the Asphalt Distributor. Saling/King

Environmental Trust Funds

Motion passed unanimously to approve the Environmental Trust Funds Resolution. Nix/King

PUBLIC COMMENT: (5 minute limit) None

Motion passed unanimously to go into executive session concerning personnel. King/Craft

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Nix/Saling

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - October 27, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES- THURSDAY, OCTOBER 27, 2005

Dawson County Library - 4:00 p.m.

Present were Chairman Berg, Commissioner Saling, District #1; Commissioner Craft, District #2; Commissioner King, District #3; Julie Hughes Nix, District #4; Also present were County Manager Anderson, County Attorney Homans and Interim County Clerk Clement, together with interested citizens of the County.

1. War Hill Marina – Bob Betz

This item to be placed on the Work Session Agenda – 11/10/05

2. Comprehensive Economic Development Strategy Appointments – Mike Berg

This item to be placed on the Regular Meeting Agenda – 11/03/05

3. Copier Services – Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 11/03/05

4. Auditing Services – Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 11/03/05

5. Hazard Mitigation Plan – Scott Wallace

This item to be placed on the Regular Meeting Agenda – 11/03/05

6. Acceptance of Kilough Ridge Drive – Lynn Tully

This item to be placed on the Regular Meeting Agenda – 11/03/05

7. New Definitions for Home Occupations – Lynn Tully

This item to be placed on the Work Session Agenda – 11/10/05

8. Georgia Mountains Regional Development Center Appointment David Headley – Mike Berg

This item to be placed on the Regular Meeting Agenda – 11/03/05

9. Draft Fuel Agreement – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 11/03/05

10. Marshall Committee Recommendation – Phil Anderson

This item to be placed on the Work Session Agenda – 11/10/05

11. IRS Closing Agreements – Joey Homans

This item to be placed on the Regular Meeting Agenda – 11/03/05

12. Joint Development Authority for Dawson and Lumpkin County – Joey Homans

This item to be placed on the Work Session Agenda – 11/10/05

13. County Manager Report – Phil Anderson

County Manager Anderson asked for feedback from BOC on the steps staff were taking to complete top six priority list from BOC Retreat.

14. County Attorney Report – Joey Homans

Approval of Resolution for purchase of Financial System Software through Branch Banking and Trust Company

This item to be placed on the Regular Meeting Agenda – 11/03/05

Approval of Lease agreement between Dawson County Commissioners and Georgia Aeromedical, Inc. d/b/a Rescue Air 1

This item to be placed on the Regular Meeting Agenda – 11/03/05

Under Old Business – Zachary Johnson Rezoning Issue ZA 03-01

This item to be placed on the Regular Meeting Agenda – 11/03/05

Motion passed unanimously to go into Executive Session for possible litigation and personnel issues. Saling/Craft

Motion passed unanimously to come out of Executive Session.

Regular Meeting Minutes - November 3, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, NOVEMBER 3, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; Planning Director Tully acting as County Manager; Interim County Clerk Clement and interested citizens of Dawson County, Georgia. Chairman Berg, Commissioner Saling, District 1 and County Manager Anderson were absent.

OPENING PRESENTATION:

INVOCATION: Vice Chairman King

PLEDGE OF ALLEGIANCE: Vice Chairman King

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on October 20, 2005. Craft/Nix

Vice Chairman King announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they will have to fill out a form which Planning Director Lynn Tully has available. Under normal program, ten minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZONING:

VR 05-23: Impulse Manufacturing has made a variance request to Section 406.C.2 of the Dawson County Land Use Resolution in order to minimize buffer area. TMP: 106-72, Zoned CIR, Location: 55 Impulse Industrial Drive

This is a previous zoning stipulation variance

Vice Chairman King read the Zoning request for VR 05-23. Vice Chairman King explained that VR 05-23 was a variance of a previously heard zoning request (ZA 98-29). The Board had approved ZA 98-29 with a fifty foot buffer. Director Tully recapped VR 05-23 stating that the Planning Commission had approved VR 05-23 with the stipulation that the buffer must be replanted and approved by the County Arborist.

Vice Chairman King asked if anyone wished to speak either for or against VR 05-23. Ronald Baysden came forward to speak for the variance stating that he was president of Impulse Manufacturing and the owner of Impulse Investments. Mr. Baysden explained that they needed to expand Impulse Manufacturing due to an increase in business and employees. Expanding to the rear area of Impulse Manufacturing would require a twenty foot retaining wall because of an eighty foot change in elevation. Vice Chairman King stated that along with the expense a twenty foot retaining wall would be a liability and expanding in the front would be a much safer solution.

Motion passed unanimously to approve VR 05-23 with the stipulation that the buffer be replanted and approved by the County Arborist. Nix/Craft

PUBLIC HEARINGS: None

OLD BUSINESS:

ZA 03-01 Zachary Johnson

Vice Chairman King stated that this was a zoning request that was made in 2003 to change zoning from RA

to R1. The Board of Commissioners denied the request and Zachary Johnson filed suit against the Board's decision. Judge Fuller ordered the area to be rezoned and within sixty days of the date of the order the Dawson County Board of Commissioners must rezone Johnson's property to R1. Vice Chairman King asked if there was anyone present to speak in favor of or opposition to ZA 03-01. No one came forward.

Motion passed unanimously to approve the rezoning of ZA 03-01 on Keith Evans Road North from RA to R1. Nix/Craft

Vice Chairman King conveyed a request from Commissioner Saling stating that he would like to see sprinklers in the attics of the proposed houses in this subdivision.

Fire Alarm

County Attorney Homans explained that there was a question as to whether the low bidder for the fire alarm system had submitted a complete bid. The portion of the bid that was left out was the guarantee and warranty and the bidder presumed that those requirements were implicit within his bid. Attorney Homans stated that as long as the Board accepts the initial bid as responsive they would be able to make a motion on the low bid.

Motion passed unanimously to award the fire alarm bid to Owen Detectron. Craft/Nix

NEW BUSINESS:

Beer and Wine License – BADBOBS'S Barbeque and Grill

Attorney Homans pointed out to the Board that BADBOB'S does meet the requirements of the Beer & Wine Ordinance but the state and federal background checks are still pending. Millie Jordan, owner and operator of BADBOB'S, explained that she already has a liquor license in Forsyth County and foresees no problem in obtaining one in Dawson County. Commissioner Nix asked for a more detailed description of how BADBOB'S will function within Georgia Premium Outlet Mall. Tom French, manager of Georgia Premium Outlet Mall, explained that BADBOB'S is designated as a Kiosk 13 and was modeled after a similar structure in Florida. BADBOB'S will be behind a wrought iron fence with drinks being served in color coded cups. The exit gate from BADBOB'S will have a bell to alert employees of people exiting so they can make sure they are not leaving with an alcoholic beverage. Ms. Jordan stated that on busier nights there would be someone manning the gate area.

Motion passed unanimously to approve, for the 2006 calendar year, the beer and wine license for BADBOB'S Barbeque and Grill with the stipulation that they pass the federal and state background checks. Craft/Nix

Hazard Mitigation Plan

Fire Chief Scott Wallace addressed the Board explaining that the Hazard Mitigation Plan was a federal requirement. It is a 100% grant that was rewarded to our County. The Hazard Mitigation Plan has to be recognized and supported by the Board to make the County eligible for federal funds.

Motion passed unanimously to approve the Hazard Mitigation Plan. Nix/Craft

Copier Services

Finance Director Lowayne Craig informed the Board of the recommendation by the Copier Lease Committee for the low bidder Toshiba.

Motion passed unanimously to approve Toshiba for the Copier Services Lease. Nix/Craft

Auditing Services

Finance Director Craig stated that the Audit Services Committee recommended Bates Carter and Company for a one year contract with two options to renew for the Auditing Services.

Motion passed unanimously to award the Auditing Services Bid to Bates Carter and Company. Nix/Craft

Acceptance of Kilough Drive

Planning Director Tully informed the Board that Kilough Drive was approximately .02 miles and had a total of thirteen residents on it. Tully reported the residents of Kilough Drive had made the necessary repairs to the road and it was now suitable for the county to maintain.

Motion passed unanimously to approve the acceptance of Kilough Drive as County maintained road. Nix/Craft

Resolution for Purchase of Financial System Software

Finance Director Lowayne Craig presented and recommended for approval the resolution for financing the Purchase of the Financial System Software through Branch Banking and Trust Company.

Motion passed unanimously to approve the Resolution for the Purchase of Financial System Software through BB&T. Nix/Craft

Lease Agreement between Dawson County Commissioners and Georgia Aeromedical, Inc. d/b/a Rescue Air 1

County Attorney Homans presented and recommended acceptance of the lease agreement between Dawson County Commissioners and Georgia Aeromedical, Inc. d/b/a Rescue Air 1.

Motion passed unanimously to approve the Lease Agreement between Dawson County Commissioners and Georgia Aeromedical, Inc. d/b/a Rescue Air 1. Craft/Nix

Comprehensive Economic Development Strategy Appointments

Vice Chairman King stated that at the Work Session held on October 27, 2005 the Chamber of Commerce requested that Linda Williams be appointed as their representative and Marty Williams be appointed as the representative of the Convention & Visitors Bureau to the Comprehensive Economic Development Strategy Committee.

Motion passed unanimously to appoint both Linda Williams and Marty Williams to the Comprehensive Economic Development Strategy Committee. Craft/Nix

Georgia Mountains Regional Development Center Appointment

Vice Chairman King recommended to the Board that County Engineer David Headley be appointed to the Georgia Mountains Regional Development Center.

Motion passed unanimously to appoint County Engineer David Headley to the Georgia Mountains Regional Development Center for a period of one year. Craft/Nix

PUBLIC COMMENT: (5 minute limit) None

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Craft/Nix

APPROVE: ATTEST:

Jim King, Vice Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - November 10, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, NOVEMBER 10, 2005

Dawson County Library - 4:00 p.m.

1. Park & Recreation Master Plan – Bob Betz

This item to be placed on the Regular Meeting Agenda – 11/17/05

2. Sheriff's Office Vehicle Bids – Kevin Tanner/Greg Rowen

This item to be placed on the Regular Meeting Agenda – 11/17/05

3. New Definitions for Home Occupations – Lynn Tully

This item will be placed on the Regular Meeting Agendas – 12/01/05 and 12/15/05

4. Road Standards – Randy Bowen/Lynn Tully

This item will be placed on the Regular Meeting Agendas – 12/01/05 and 12/15/05

5. Etowah Sporting Clays – Lynn Tully

New study conducted over several days by a professional sound technician - to be financed by BOC and EWSA.

6. Joint Development Authority for Dawson and Lumpkin County – Joey Homans

This item to be placed on the Work Session Agenda – 11/22/05

7. Marshall Committee Recommendation – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 11/17/05

8. Proposed Work Session, Regular Meeting and Holiday Schedule for 2006 – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 11/17/05

9. Amendment to 457 Deferred Compensation Plan – Joey Homans

This item to be placed on the Regular Meeting Agenda – 11/17/05

10. County Manager Report – Phil Anderson

11. County Attorney Report – Joey Homans

Fuel Draft Agreement with BOE to be placed on the Work Session Agenda – 11/22/05

Motion passed unanimously to go into Executive Session for possible litigation, land acquisition and personnel issues. Saling/Nix

Regular Meeting Minutes - November 17, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, NOVEMBER 17, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; Attorney Chandler; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION:

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on November 3, 2005. Saling/King

Chairman Berg announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they will have to fill out a form which Planning Director Lynn Tully has available. Under normal program, ten minutes will be given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZONING –

ZA 05-18: Southeast Towers has made a request for a Conditional Use for Cellular Tower on a 6+ acre tract; TMP 56-12.01: Zoned RA, Location: 159 Galagi Na Drive, includes also APPEALED VR 05-25, Variance to tower separation requirements.

PLANNING STAFF RECOMMENDED APPROVAL WITH STIPULATIONS TO BOTH THE ZONING AND VARIANCE, PLANNING COMMISSION RECOMMENDED DENIAL ON BOTH THE ZONING AND VARIANCE

Chairman Berg read the Zoning request for ZA 05-18. Planning Director Tully came forward explaining that the Board had seen this request before. Tully stated that the applicant had acquired the necessary property to meet the 5 acre minimum but there is question based on a prescriptive right of way. The County has not yet conducted a title search to confirm the prescriptive right of way but the road is not currently being maintained by the County. Chairman Berg asked if the applicant was present.

Attorney Ellen Smith came forward to speak for the applicant. Smith passed out books to the Commissioners with the completed set of applications filed by Southeast Towers. Smith stated that Southeast Towers was returning with their request for Conditional Use after obtaining in excess of the 5 acre minimum. Smith stated that the issue of the road cutting through the acreage was obsolete since they had received a letter from the County in which they were informed that Galagi-Na Drive was a private road. A contract to purchase the additional acreage has been written with the contingency for zoning approval for a cellular tower. Cingular Wireless has given Southeast Towers a formal commitment to use the tower if it is constructed. Smith touched briefly on the need of a cellular tower at this site. Because of the topography in this area they are also asking for a variance in the distance that separates towers from 3 miles to 2.7 miles. This site for the cell tower is needed for cellular coverage on highway 53. The applicant agrees to the recommendations set forth by the Planning Staff which included a six foot green vinyl covered chain link fence, appropriate landscaping and a galvanized finish on the tower. Smith reported that the required balloon test had been completed and the tower will be constructed so that it would fall in upon itself creating no safety issues. Reports were included in the book confirming that the tower would have no adverse effect on a number of environmental factors including historic areas and endangered species.

Property owner Melissa O'Brien came forward to voice her concerns over the lack of cell phone reception at her home and the surrounding area. O'Brien gave the Commissioners a petition for the erection of the proposed cell tower by Southeast Towers on a tract of land located at 159 Galagi-Na Drive. O'Brien believes that a tower would upgrade 911 service.

Chairman Berg asked if anyone wished to come forward and speak in opposition to ZA 05-18. Mattie Summerour came forward with a petition against the erection of the cell tower proposed by Southeast Towers. She stated that everyone who had signed the petition had vested interest; court costs, road upkeep, lawyer fees and survey bills. Summerour quoted the zoning ordinance as requiring a single 5 acre parcel that is not contiguous pointing out the property was sold as two separate blocks of property. Sommerour pointed out that Southeast Towers was proposing a cell tower site less than 1 mile away at Tinsley and a Thelma site that is less than 2 miles away and this is against the non-proliferation policy for Dawson County. A balloon test was conducted but not according to Planning and Zonings prescribed

procedures – not one resident was notified prior to the balloon test. County Zoning states that towers are not to exceed 195 feet yet the tower at Galagi-Na Drive will be 199 feet or more.

Attorney Henry Young came forward to speak about the contiguous properties. He claims that property owners in that area use Galagi-Na Drive therefore Southeast Towers would not be able to lease this road to connect the properties in question.

Jo Soummerour Rush came forward with concerns about the height of the proposed tower, radio frequency test that should be paid for by Dawson County, the fact that the request for zoning is being heard in less than a year and the value of property in this area would decline. Rush also stated that she was able to receive cellular reception in this area.

Peggy Kent was most concerned about property value in the area and trucks that would be blocking the only road into and out of her home.

Chairman Berg announced there were a few minutes left and asked if anyone wished to address the Board. Ellen Smith clarified that the tower itself will be 195 feet tall with a lightning rod that will be at the top that is 4 feet. Smith stated that the County's definition of a lot could be several different things; a single lot of record, a portion of a lot of record or it could consist of a combination of those things. Southeast Towers does show a survey that designates the acreage as one lot.

Chairman Berg closed the floor and asked for questions or comments from the Board. Commissioner Saling asked Planning Director Tully to address the issues that were raised by the opposition. Tully said that the balloon test does require that residents are notified before the test is done and the cost of the independent testing for radiation has increased to \$5,000 per test and the County does not have the money within its budget. Planning is relying upon the certified studies that were conducted by Southeast Tower engineers and those studies do meet Planning's requirements. Commissioner Saling voiced concerns about the areas on highway 53 where there are blackouts. Saling had the County Manager instruct ESD Director Billy Thurmond and Sheriff Carlisle to check these areas from a safety aspect.

Commissioner Saling made a motion to approve ZA 05-18 with the conditions set forth by the Planning Commission.

Motion died for lack second.

Motion passed by majority to deny request ZA 05-18 based on the fact that the property is not 5 contiguous acres and Dawson County Ordinance requires 5 contiguous acres. Craft/Nix Commissioner Saling opposed.

ZA 05-19: Southeast Towers has made a request for a Conditional Use for Cellular Tower on a 38.89 acre tract; TMP 37-64: Zoned RA, Location: 66 Leila Lane, includes also APPEALED VR 05-26, Variance to tower separation requirements.

PLANNING STAFF RECOMMENDED APPROVAL WITH STIPULATIONS TO BOTH THE ZONING AND VARIANCE, PLANNING COMMISSION RECOMMENDED APPROVAL WITH STIPULATIONS ON BOTH THE ZONING AND VARIANCE

Chairman Berg read the zoning request for ZA 05-19. Planning Director Tully informed the Board that the Planning Commission had heard ZA 05-19 on October 18, 2005 and approved the request with stipulations.

Chairman Berg asked if the applicant was present to speak to the Board. Thad Gilliam came forward to speak on behalf of Southeast Towers. He stated that the tower would be 195 feet with a 4 foot lightening rod. The closest tower in this area is approximately 1.1 miles and is not adequate to carry the signal between the towers. Several factors were taken in to consideration when choosing a location for the proposed tower; location of existing towers, topography and the land use already in existence. Cingular Wireless has committed to Southeast Towers to use the proposed tower. Gilliam stated that this tower will help reception of cellular use on the west side but will not improve reception on the east side of Dawson County. Southeast Towers does agree to all stipulations set forth by Planning Commission.

Chairman Berg asked if anyone wished to speak in favor of or opposition to ZA 05-109. No one came forward.

Motion passed unanimously to approve ZA 05-19 with the stipulations set forth by the Planning Commission. Saling/Nix

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

Beer and Wine License – Osaka Steak & Sushi

Attorney Chandler informed the Board that Osaka Steak & Sushi meets the requirements of Dawson County's Alcohol Ordinance. The applicant is asking for conditional approval upon completion of the state and federal background check and for a variance allowing the registered agent to not be a resident of Dawson County.

Motion passed unanimously to approve the beer and wine license for Osaka Steak & Sushi with the provision that they pass both state and federal background check. Saling/Craft

War Hill Marina

Chairman Berg informed the Board that War Hill Marina had been separated from the Park & Recreation Master Plan. The issue before the Board was the acceptance or denial of a bid that was opened previously.

Motion passed unanimously to reject the bid as submitted. Saling/Craft

Park & Recreation Master Plan

Chairman Berg stated that the Park & Recreation Master Plan had been presented to the Board by Betz and Associates at a work session.

Motion passed unanimously to accept the Park & Recreation Master Plan with the deletion of the references to the two COE properties offered for lease. Saling/Nix

Commissioner Saling clarified that by accepting the recommendations of the Park & Recreation Master Plan it did not in any way constitute an execution of the plan. Saling believes the plan needs to be incorporated as part of the Board evaluation package.

Sheriff's Office Vehicle Bids

Captain Greg Rowan came forward and explained to the Board that they would like to accept the 2nd lowest bidder, Jacky Jones Ford, because of proximity to the county and the Sheriff's Department has had problems with the low bidder's quality of work.

Motion passed unanimously to approve Jacky Jones Ford for purchase of Sheriff's Office Vehicles.
Nix/King

Marshall Committee Recommendation

Commissioner Saling questioned the organizational structure of the proposed Marshall program stating that it might have some serious long term impact on the County.

Motion passed unanimously to table the Marshall Committee Recommendation for discussion at the next Work Session held on 11-22-05. Saling/Nix

Proposed Work Session, Regular Meeting and Holiday Schedule for 2006

Motion passed unanimously to approve the proposed Work Session, Regular Meeting and Holiday Schedule for 2006 as presented. Saling/Craft

Amendment to 457 Deferred Compensation Plan

Chairman Berg reminded Board members that the Amendment to the 457 Deferred Compensation Plan had been presented at the last work session.

Motion passed unanimously to accept the Amendment to the 457 Deferred Compensation Plan.
King/Nix

PUBLIC COMMENT: (5 minute limit) None

Motion passed unanimously to go into executive session concerning land acquisition, legal and personnel. Saling/Nix

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Nix

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - November 22, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION AGENDA - TUESDAY, NOVEMBER 22, 2005

Dawson County Library - 4:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia. Commissioner Craft, District 2 and Commissioner King, District 3 were absent.

1. Community Development Block Grant – Sheila Stille

This item to be placed on the Regular Meeting Agenda – 12/01/05

2. Etowah Sporting Clays – Phil Anderson

Acoustic Consultant to make site visit to Etowah Sporting Clays and Sheriff's Firing Range on 12/05/05

3. Impact Fee Methodology – Bill Ross/Lynn Tully

Possible Board of Commissioners meeting to discuss Impact Fees on 12/29/05

4. Georgia Recreational Trails Program – Don Wells

This item to be placed on the Regular Meeting Agenda – 12/01/05

5. Approval/Authorization for two Vehicles for Senior Center – Margie Weaver/Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 12/01/05

6. Fines For False Alarms – Tim Satterfield

This item to be placed on the Regular Meeting Agendas – 12/15/05 and 1/05/06

7. Purchase and Disposal of Water Storage Tanks – Billy Thurmond

This item to be placed on the Regular Meeting Agenda – 12/01/05

8. Solid Waste Hauling Bid – Randy Bowen

This item to be placed on the Regular Meeting Agenda – 12/01/05

9. Discuss Contract with GDOT for five various County Roads – Randy Bowen

This item to be placed on the Regular Meeting Agenda – 12/01/05

10. Marshall Committee Recommendation – Phil Anderson

This item to be placed on the Regular Meeting Agenda – 12/01/05

11. Joint Development Authority for Dawson and Lumpkin County – Joey Homans

This item to be placed on the Work Session Agenda – 12/08/05

12. Fuel Draft Agreement with BOE – Joey Homans

This item to be placed on the Work Session Agenda – 12/08/05

13. County Manager Report – Phil Anderson

Items of concern to be added to BOC Outstanding Issues – Central location for managing contracts and Maximize process of receiving bids

14. County Attorney Report – Joey Homans

Closed session for Intergovernmental Agreement to be placed on the Work Session Agenda – 12/08/05

Road Abandonment – Diane Circle – to be placed on the Work Session Agenda – 12/08/05

Motion passed unanimously to go into Executive Session for land acquisition. Nix/Saling

Motion passed unanimously to come out of Executive Session. Saling/Nix

Regular Meeting Minutes - December 1, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, DECEMBER 1, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner King, District 3; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia.

OPENING PRESENTATION: Lanier Technical College Dawson Campus – Lake Gibson

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS: County Attorney Homans announced that there will be a memorial service honoring Bob Thompson, a legendary Dawson County Attorney, on Tuesday, December 6, 2005 in the Grand Jury room at the Dawson County Courthouse. Everyone was invited to attend.

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on November 17, 2005. Saling/Nix

ZONING –

PUBLIC HEARINGS:

New Definitions for Home Occupations

Chairman Berg opened the Public Hearing on New Definitions for Home Occupations inviting comments from the floor. Attorney Homans explained that in addition to the new definitions to Home Occupation and Home Office also included were definitions for Bed & Breakfast establishments, Home Industry, Hunting Lodges, Horse Camps and Domestic Arts. These changes will affect permitted and prohibited uses in the R1, R2, R3 and the RA districts. Hearing no one, Chairman Berg declared the New Definitions for Home Occupations part of the public hearing closed. Chairman Berg stated that this was the first hearing for New Definitions for Home Occupations and the second hearing will be at the Regular Meeting of the Board of Commissioners on 12-15-05.

Road Standards

Chairman Berg opened the public hearing on Road Standards by explaining that the Board had reviewed Road Standards at several Work Sessions and by inviting comments from the floor. Hearing no one, Chairman Berg closed the Road Standards part of the public hearing. Commissioner Saling asked for clarification on 200.5 specifications of the road bed having a minimum of 20 feet of driving surface. Public Works Director Randy Bowen explained that in this proposal the road bed had always required a minimum of 20 feet. Commissioner Saling also questioned 200.6.4 which stated that permits for driveways are issued by the Public Works Department. Saling thought it might make more sense to handle driveway permits through Planning and Development since all other permits were issued by their office. Commissioner Saling also wanted to clarify 300.1 that historic roads would only be repaired on an as needed basis to keep the road open. Commissioner Craft asked Director Bowen if an individual was required to have a permit for scraping a driveway that was connected to a county road. Bowen explained that a permit was not required for a private driveway. Chairman Berg stated that this was the first public hearing for Road Standards and the second public hearing would be at the Regular Meeting of the Board of Commissioners on 12-15-05.

OLD BUSINESS:

Marshall Committee Recommendation

Chairman Berg explained that the Marshall Committee Recommendation had been tabled once and was discussed at several BOC Work Sessions. Commissioner Saling explained the original idea for a Marshall came about because the Board would find sign or various other violations and would call in and find that there was no one available to address these violations. The Board then decided that they needed someone accountable to the Commission that would be available to go out and check on various violations. When the Marshall Committee Report was submitted to the Board it came back as more of a law enforcement officer rather than a code enforcement officer. Chairman Berg stated the he understood there was a distinct difference between finding violations and issuing citations. The last Board was very concerned about different code violations but when the Marshall Committee was

formed they found that the needs of a code enforcement officer had changed to meet the growth of the County. Berg believes that Planning and Zoning and other departments have become better organized in dealing with violations. Commissioner King explained that from his understanding after the Planning Department or Planning Inspector gives warnings and issues a stop work permit and the issue is still not resolved than the Marshall would be called upon. Sheriff Billy Carlisle explained that after each department had done everything they could to see that the issue had been brought up to code and this did not resolve the problem, then the County Marshall would be called in to address the violation. The Marshall would obtain a file from the department with the violation issue explaining the process the department had taken to resolve the problem before the Marshall was called in. Commissioner Saling questioned the fact that the Sheriff's Office currently provides code enforcement service to the County, then why would the County add another position that would not provide a person that would be actively policing the County looking for violations. Chairman Berg explained that when the committee started looking into the needs of the County they found it was more involved with alcohol licensing, magistrate court, tax commissioner, mobile home permits and moving homes and saw that there was more of a need for citations rather than violations. Commissioner Saling asked if each department did not have the finances available to them to solve their own violation issues. County Manager Anderson stated that the Marshall Committee could look into a payback arrangement for the Marshall services provided to each department.

Motion was made to deny the Marshall Committee Recommendation. Saling/King

Discussion among Board Members was opened by Chairman Berg. Commissioner King questioned Commissioner Saling on his reasons for denial of the Marshall Committee's recommendations. Saling stated that he felt the recommendations did not meet the needs that were originally discussed and did not take a proactive stance. Commissioner Craft believes that the Marshall would receive more respect under the Sheriff's direction being a uniformed officer with a marked car. Commissioner King has no problem with the Marshall being under the Sheriff's direction but believes the Marshall needs to be answering complaints and not just issuing violations – the Marshall should be more of a code enforcement officer.

Motion to deny the Marshall Committee Recommendation was defeated. Craft/Nix opposed the motion. Chairman Berg voted to oppose the motion to deny.

Motion passed by majority to approve the Marshall Committee Recommendations with the following additions under item #6:

- e. Marshall will be proactive in finding violations.
- f. Will answer complaints and code enforcement.

g. Report monthly using spread sheets to the County Manager who will report to BOC.

Nix/Craft Commissioner Saling and Commissioner King opposed. Chairman Berg voted to approve.

Under old business Commissioner Saling wanted it noted that we will be moving forward with the Commissioner's Salary Committee's report on the Commissioner's Salary at a future Work Session.

NEW BUSINESS:

Community Development Block Grant

Chairman Berg reported that Sheila Steele had come before the Board at a Work Session requesting the Boards approval to move forward with an application for the Community Development Block Grant.

Motion passed unanimously to endorse the process for the Community Development Block Grant.
Saling/Nix

Georgia Recreational Trails Program

Chairman Berg explained that Don Wells had come before the Board at last weeks Work Session and presented the Georgia Recreational Trails Program. With approval of the Board, Chairman Berg had already signed an endorsement for the Program.

Motion passed unanimously to ratify the endorsement of the Georgia Recreational Trails Program.
Saling/Craft

Approval/Authorization for two Vehicles for Senior Center and Resolution to approve financing through United Community Bank

Chairman Berg explained that the addition of two vehicles would be used to accommodate the Meals on Wheels Program providing a more cost efficient use of gas. Along with the approval of the two vehicles, it is necessary to approve a Resolution for financing the vehicles. United Community Bank submitted the best interest rate for the purchase.

Motion passed unanimously to approve two vehicles for the Senior Center and approve the Resolution to obtain financing through United Community Bank. Nix/Craft

Purchase and Disposal of Water Storage Tanks

Motion passed unanimously to move forward with the purchase and reconstruction of two water tanks from the City on locations at Sassafras Mountain and on the site of the Georgia Forestry Commission on 183 pending their final approval. Saling/Craft

Solid Waste Hauling Bid

Public Works Director Bowen stated that the current hauler would continue to haul waste material from the Transfer Station for the remainder of the year, but beginning in January prices would rise to the ones submitted in his bid proposal. Commissioner Saling questioned whether he would provide services on a month to month basis. Bowen stated that the current hauler has agreed to continue on a monthly basis. County Manager Anderson communicated that by the end of January 2006 the Board would be in a position to make a decision on what we would like to do with the Transfer Station on a long term basis. Commissioner Nix questioned whether we would have to receive additional bids before a decision could be made. Chairman Berg explained that after receiving CH2M Hill's recommendations bids would be accepted based on their findings.

Motion passed unanimously to reject the bid submitted by RW Wallace for waste hauling for 2006 and further that we continue with the existing contract with the understanding that the price will adjust in January 2006 according to their proposal. Saling/King

Contract with GDOT for five various County Roads

Chairman Berg stated that the contract with GDOT had been presented to Board members at last weeks Work Session.

Motion passed unanimously to approve the contract with GDOT for five various County Roads. Saling/King

PUBLIC COMMENT: (5 minute limit)

Gia Eckert spoke to Board voicing her concerns about Couch Road. Eckert stated that in 2002 homeowners on Couch Road received a letter stating that improvements would be made to Couch Road with the completion of Kilough Elementary School. After reviewing Board Minutes online, nothing further had been mentioned about Couch Road after February 11, 2002. Increased traffic on Couch Road has made it dangerous for travel. To avoid buses on the road, cars have to pull onto the shoulder to avoid accidents. The maintenance on Couch Road has increased due to heavy buses. Traffic on Couch Road exceeds the posted 35 mph speed limit and Eckert suggested speed bumps to reduce this hazard in the heavy residential section close to the school. Eckert wants to know when something will be done about the conditions on Couch Road.

Motion passed unanimously to go into executive session concerning legal and personnel. Saling/Nix

Motion passed unanimously to come out of executive session. King/Saling

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. King/Saling

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - December 8, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, DECEMBER 8, 2005

_____ DAWSON COUNTY LIBRARY - 4:00 p.m. _____

1. 2005 BOC and County Manager Expenses – Lowayne Craig/Phil Anderson

This item to be placed on the Regular Meeting Agenda – 12/15/05

2. Surplus Property Eligibility Resolution State of Georgia – Lanier Swafford/ Scott Wallace/Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 12/15/05

3. EMS Vehicle Bids – Lanier Swafford/Billy Thurmond

This item to be placed on the Regular Meeting Agenda – 12/15/05

4. Phase II Comprehensive Planning Services Consultant – Cindy England

This item to be placed on the Regular Meeting Agenda – 12/15/05

5. Approval/Authorization for a Ford F-150 – Cindy England

This item to be placed on the Regular Meeting Agenda – 12/15/05

6. Liquor Sales in Package Stores – Bill Saling

This item to be placed on the Work Session Agenda – 1/12/06

7. Election Process for District Commissioners – Bill Saling

This item to be placed on the Regular Meeting Agenda – 12/15/05

8. Library Appointment – Mike Berg

This item to be placed on the Regular Meeting Agenda – 12/15/05

Planning Commission Appointment

This item to be placed on the Regular Meeting Agenda – 12/15/05

9. Office Lease – Mike Berg

This item to be placed on the Regular Meeting Agenda – 12/15/05

10. Joint Development Authority for Dawson and Lumpkin County – Joey Homans

This item to be placed on the Regular Meeting Agenda – 12/15/05

11. Fuel Draft Agreement with BOE – Joey Homans

This item to be placed on the Regular Meeting Agenda – 12/15/05

12. Road Abandonment – Dianne Circle – Joey Homans

This item to be placed on the Regular Meeting Agenda – 1/05/06

13. County Manager Report – Phil Anderson

Airport Committee Meeting will be held at the Dawson County Board of Commissioners office at 10:30 on 12/20/05

14. County Attorney Report – Joey Homans

School Board Tax Authorization to be placed on the Regular Meeting Agenda – 12/15/05

Motion passed unanimously to go into Executive Session for possible litigation, and personnel issues.
Saling/Craft

Motion passed unanimously to come out of Executive Session. Saling/Craft

Regular Meeting Minutes - December 15, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES - THURSDAY, DECEMBER 15, 2005

Dawson County Courthouse - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia. Commissioner King, District 3 was absent.

OPENING PRESENTATION: Young Life – Bill Burt and Shawn Dutcher

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

Motion passed unanimously to approve Minutes of Regular Commission Meeting held on December 1, 2005. Saling/Craft

ZONING –

VR 05-31: Heard Properties, LLC has made a variance request to Section 307.B.1 of the D.C. Land Use Resolution in order to reduce subdivision lot sizes to 3 acres instead of the 5 acres required. TMP: 59-8, Zoned RA, Location: Kelly Bridge Road

Planning Staff recommended Approval & Planning Commission denied request

Chairman Berg announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they will have to fill out a form which will be made available to them. Under

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

Chairman Berg read the variance request for VR 05-31 and asked if the applicant was present to speak to the Board. Hugh Heard came forward and explained that due to the lay of the land it was more feasible to have 3 acre lots instead of the 5 acre lots required. He wants families to be able to own and have horses on the property. Lauren McGehe, a real estate agent, said they would like to comply with the future land use plan which requires 3 acre lots. The homes to be built are in the \$300,000 range and there will be only thirteen homes built because to topography. The homes will not be starter homes but for families already established.

Chairman Berg asked if anyone wished to speak in favor or opposition to the application. Charles Howard came forward to speak in opposition to VR 05-31. Mr. Howard would like the BOC to maintain the uniqueness and beauty of Dawson County by denying this variance.

David George spoke in opposition explaining that the variance would be in direct violation of Dawson County regulations. He believes that they should be able to adhere to regulations and put the homes on the required 5 acres. The homes to be built are 1600 square feet which would be considered starter homes.

Robert Edwards stated that the area needed to be either a subdivision or the land use regulations need to be amended.

Greg Hicks stated that the land use resolution was very clear requiring a minimum of 5 acres for residential agriculture. Mr. Hicks said that a person needed 2 acres per horse to adequately pasture each horse. The property is mostly 35 degrees or greater in slope and there is no pasture except for approximately about 2 to 3 acres in the front. Instead of less acreage, more should be required due to the topography. Letters of opposition from Shirley Frix and Edward Bradley were given to the Board of Commissioners.

Donna Hicks, whose property is right next to the proposed subdivision, asked the Board of Commissioners to preserve the beauty of the land by denying VR 05-31.

Martina Carlton was not notified of this variance. She believes that the land is not conducive to 3 acre lots with horses on these acres. She is not opposed to a subdivision as long as it is the required 5 acre minimum.

Chairman Berg closed the floor and opened discussion on the Board. Commissioner Saling pointed out that they had just spent two years redoing the Future Land Use Plan for Dawson County that had tremendous citizen input. Chairman Berg stated that according to the future land use plan the acreage is to be 3 acres per unit but the issue now is that we have not developed specific zonings yet to match up to the new long range land use plan. At this stage the land use states 5 acres agriculture and 1 ½ acres non- agriculture. The builder wants to be able to put horses on 3 acres instead of 5 acres and a decision has not been made whether 3 acres can accommodate horses. Commissioner Saling questioned which guidelines the Board should use to make their decision. Chairman Berg recommended using the current zoning districts and using as tools both the current long range land use plan and the long range land use plan that we have adopted.

Motion passed unanimously to deny VR 05-31. Nix Craft

ZA 05-20: Rowland Development Co. has made a request to rezone 26.92 acres of TMP 118-8 Split from RPCD (Residential Planned Comprehensive Development) to R3 (Residential Multi-Family) in order to develop an 80-lot/unit development. Location: Henry Grady Road

Planning Staff recommended Approval with stipulations & Planning Commission recommended Denial

Chairman Berg read zoning request ZA 05-20 and explained that a letter had been received from Rowland Development Company requesting a thirty day postponement.

Motion passed unanimously to honor the request to postpone ZA 05-20 for thirty days. Nix/Saling

ZA 05-21: Chestatee Development has made a request to revise the RPCD master development plan to allow 26.92 acres split (Reference ZA 05-20). TMP 118-8 Split, Location: Hwy. 400 N, Henry Grady Road & Dogwood Way

Planning Staff recommended Approval with stipulations & Planning Commission recommended Denial

Chairman Berg read the zoning request for ZA 05-21 and stated that the parcels of land are together and it would be proper to hear both zonings together. He explained that the Board would have the opportunity to hear the application and both those wishing to speak in favor of or opposition to ZA 05-21 and then make a decision whether to table this zoning because of the subsequent zoning that matches it. Chairman Berg asked if the applicant was available to address the Board. Bill Blalock, attorney for Chestatee Development, explained that this was an application to amend a master plan that was approved by the Commission in 1997. What the applicant is actually asking for is the removal of

6.1 acres from the 540 acres that was approved in the original master plan. Bradley Dunkle explained that removing the 6.1 acres requires the Boards approval to reduce the maximum unit count from 540 units to 537 units. The Planning Department requested that the following items be addressed as part of the revision: termination of Landrum Road, existing and proposed open space, relocation of amenities and the future development areas. Mr. Dunkle explained that the 6.1 acres is not contiguous with any other existing or future residential development areas within Chestatee. It would be difficult to market a Chestatee style and priced home at this location and they feel the best use of the 6.1 acres would be to combine it with the 20 acres located to the south of the parcel of land. Mr. Dunkle believes there would be no negative impact to neighbors in this area.

Chairman Berg asked if anyone wished to speak in favor of zoning ZA 05-21. Dick Bergman came forward and suggested to the Board that ZA 05-20 and ZA 05-21 be heard together. Mr. Bergman had the following modifications to the stipulations set forth by the Planning Staff: stipulation #2 states applicant is limited to a total of 530 units – Bergman suggests 530 units be changed to 537 units, eliminate stipulation #3, add to stipulation #5 that it needs to be completed in a one year time period and stipulation #6 should add that applicant is to construct amenities as shown by the time the 400th unit is completed - if not complete Dawson County will cease the issuance of building permits until the amenities are completed. Mr. Bergman would like two stipulations added: barrier of trees between proposed condominiums and the golf course and clarify the Bed and Breakfast area to better delineate the location of the proposed B&B. Chairman Berg questioned Bergman about the attachment of recommendations on a master plan that is really not part of the zoning issue. Bergman explained that since the proposal was a modification of the original master plan it triggered a review of the entire master plan and a new complete master plan has been proposed.

Chairman Berg asked if anyone was present to speak in opposition. Cathleen Mango spoke of her concerns about too many unanswered questions that need to be addressed; what is being split from the Chestatee master plan 6.1 acres or 26.92 acres, are six units or thirteen units being removed and where is the original master plan? Mango pointed out that the R3 zoning that the applicant is requesting does not conform to the future land use plan for Dawson County.

Dan Tennant spoke of the many concerns involving the original master plan and what changes are being made to it. Tennant stated that everyone who had bought a house at Chestatee was shown a map that has now changed. Duplexes are now a part of the master plan and many homeowners are concerned about the value of their homes. He believes that viewing the original master plan is necessary to evaluate the net effect the changes will have on the Chestatee development.

Betsy Conner read part of the Chestatee covenants which stated that they are a community of single family housing. Home owners in Chestatee are expected to live by the covenants and Conner believes that Mr. Ferris should also have to follow the covenants.

Ken Carpenter is very concerned about the property values and the investment that he and his family have made in their home at Chestatee.

Catherine Smith stated her concerns about the proposed road that would be twenty two feet from her property. Smith feels that the additional road traffic created by eighty units would greatly diminish the property value of her home.

Dave Medindorf requested that the Board of Commissioners delay their decision on ZA 05-21 until they have the original master plan and all the revisions that have since been made to that plan.

D.W. Moss has concerns about the moving of the property line and the distance that the proposed road will be from the homes.

George David has property on Henry Grady Road and the traffic is a problem now and with the additions it would create an even bigger problem. He also feels that Chestatee should not be able to change their master plan without the agreement of the owners of homes already in Chestatee.

Bill Blalock stated that the proposed amenities are an insubstantial change to a master plan. The only thing that should be in question is the appendage at the bottom of the master plan which is separated by Henry Grady Road. Blalock informed the BOC about the Planning Department recommendations that this should be done and that the proposal met with the future land use plan, met with the type of land uses that surround the property and that it was consistent with the zoning around the property. The questions about the amenities promised by Chestatee Development should be resolved by the developer and the home owners not by the Board of Commissioners. The issue of the removal of 6.1 acres from the master plan should be heard on its own and not with ZA 05-20.

Commissioner Saling commented that he would like to delay making a decision on ZA 05-21 to clarify questions and concerns so the BOC could make an informed decision about the zoning issue.

Motion passed unanimously to table ZA 05-21 for thirty days until the January 19, 2006 Board of Commissioners meeting and at a BOC Work Session have information from the Planning Department which includes the original planning plat that was filed and approved and any subsequent documented changes that were made. Saling/Craft

County Attorney Joey Homans pointed out that tabling ZA 05-21 would require proper advertisement for the meeting in January and the BOC would be able to receive information from the Planning Department but would not be able to discuss the information without a public hearing.

ZA 05-23: Clark & Walters, LLC has made a request to rezone 10 acres of TMP 119-46 from RA (Residential Agricultural) to RPCD (Residential Planned Comprehensive Development) in order to add to initial development for a 100-lot subdivision (Reference ZA 05-15 & ZA 05-24). Location: Henry Pirkle Drive

Planning Staff & Planning Commission recommended Approval with stipulations

Chairman Berg read the zoning request for ZA 05-23 and asked if the applicant wished to speak. Elliott Smith came forward to request the rezoning of 10 acres to allow for a total of 100 lots in the proposed development. The applicant also requested changes to the stipulations set forth by the Planning Commission on the previous zoning issues; item #1 be taken out because no variances are being requested, item #6 be changed to one unit per acre, item #7 be changed to the Etowah Water and Sewer Authority and an additional item #11 the subdivision development shall be a separate land disturbance permit from the permits for Pirkle Ferry Road improvements and the sewer treatment plant. Certificate of Occupancy shall not issue on homes until the road improvements and treatment plant are complete.

Chairman Berg asked if anyone wished to speak in favor of or opposition to ZA 05-23. No one came forward.

Motion passed unanimously to approve zoning request ZA 05-23 deleting Planning stipulations items #1 and #6 and adding stipulation #11. Nix/Saling

ZA 05-24: Clark & Walters, LLC has made a request to revise master plan of zoned 90 acres TMP 120-17 and proposed 10 acres of TMP 119-46 from RA (Residential Agricultural) to RPCD (Residential Planned Comprehensive Development) in order to develop 100 +/- lot subdivision. Request is to remove stipulation of allowing only 90 units. Location: Henry Pirkle Drive

Planning Staff & Planning Commission recommended Approval with stipulations

Chairman Berg asked if anyone wished to speak in favor of or opposition to zoning request ZA 05-24. No one came forward.

Motion passed unanimously to approve zoning request ZA 05-24 with the same stipulations as zoning request ZA 05-23. Saling/Craft

PUBLIC HEARINGS:

New Definitions for Home Occupations

Chairman Berg opened the Public Hearing on New Definitions for Home Occupations stating that this was the 2nd hearing and inviting comments from the floor. Jane Graves, Mary Kay consultant, came forward with concerns about the language in different areas of the Home Occupations Ordinance. These areas were in Section V K and Section VI B. Graves urged the Commissioners to change the language to protect the livelihood of Dawson County home based direct sellers.

Attorney Homans informed the Board about a letter he had received from Linda Williams with concerns about different retail business such as scrap booking, Tupperware, jewelry and cosmetic dealers. Williams was also concerned about the screening from view issue and if that would include magnetic signs on the sides or tops of cars or even a pink car of a Mary Kay dealer.

Chairman Berg closed the hearing.

Commissioner Saling asked that the Home Occupations Ordinance be brought before a BOC Work Session to discuss the language that could be adopted without missing the intent of the ordinance.

Road Standards

Chairman Berg opened the public hearing on Road Standards by explaining that the Board had reviewed Road Standards at several Work Sessions and by inviting comments from the floor. Hearing no one, Chairman Berg closed the Road Standards part of the public hearing.

Motion passed unanimously to approve the adoption of the Ordinance for Road Standards as published. Saling/Nix

OLD BUSINESS:

NEW BUSINESS:

2005 BOC and County Manager Expenses

Chairman Berg asked the County Manager Anderson to confirm that all expenses do not have to be approved within the same calendar year.

Motion passed unanimously to approve the 2005 BOC and County Manager expenses as provided.
Nix/Craft

Surplus Property Eligibility Resolution State of Georgia

Chairman Berg explained that the Surplus Property Eligibility had been brought before the Board at a prior Work Session.

Motion passed unanimously to approve the recommendation of the Surplus Property Eligibility Resolution State of Georgia. Saling/Craft

Approval/Authorization for EMS Vehicle Bid and Resolution for Financing

Chairman Berg stated that John Megel Chevrolet had the low bid of \$25,249 and BB&T offered the lowest interest rate of 4.21%.

Motion passed unanimously to approve the low bid from John Megel Chevrolet and the Resolution for Financing through BB&T. Nix/Craft

Phase II Comprehensive Planning Services Consultant

Motion passed unanimously to approve low bidder MACTEC to provide the Phase II Comprehensive Planning Services. Saling/Craft

Election Process for District Commissioners

Chairman Berg explained that the Board is being asked to approve or not approve putting this on a referendum for the election in the fall of 2006. The Election Process for District Commissioners would have to be heard at two public hearings before a vote is taken. Commissioner Nix had spoken with a member of the ACCG who was opposed to the election process for district commissioners and Nix thought it might be a good idea for him to speak to Board members at a work session. Commissioner Saling believes that the people of Dawson County should have the opportunity to have the debate and vote on this issue. Saling believes people should know that we have a rural component to this County and that the money and growth will be centered around 400.

Commissioner Saling moved to approve the district election process allowing citizens to make the decision on district elections. Motion dies for lack of a second.

Commissioner Craft is not in favor of the district election process because he feels that he represents the people of Dawson County and not just the people in his district.

Commissioner Saling requested that the Election Process for District Commissioners be placed on the Board of Commissioners next Work Session Agenda on 12-22-05 for further discussion.

Library Appointment

Chairman Berg had received two recommendations for the position available on the Library Board; Butch Sipher was recommended by the Library Board and Lynn Sweatte was recommended by Commissioner King. Chairman Berg had asked the Library Board earlier this year to increase the Library Board from 8 to 9 members so that each Commissioner eventually would have two members and the Chair would have one. The Library Board agreed and identified the new 9th member as the Chairman's appointment.

Motion passed unanimously to appoint Lynn Sweatte to the Library Board. Saling/Craft

Planning Commission Board Appointment

Chairman Berg announced that Commissioner Nix's spot on the Planning Commission Board will be open for the 2006 and 2007 calendar years.

Motion passed unanimously to appoint to the Planning Commission Board Vernon Smith and as an alternate Peter Hill for the 2006 and 2007 calendar year. Nix/Saling

BOC Office Lease

Chairman Berg stated there was no increase in cost for the BOC Office Lease.

Motion passed unanimously to approve the BOC Office Lease. Craft/Saling

Joint Development Authority for Dawson and Lumpkin County

County Attorney Homans explained that he has not yet heard from Lumpkin County concerning the Joint Development Authority.

Motion passed unanimously to approve the Joint Development Authority for Dawson and Lumpkin County. Saling/Nix

Fuel Draft Agreement

County Attorney Homans presented Chairman Berg with a letter from the Board of Education asking the Board of Commissioners to postpone the Fuel Draft Agreement until they have had time to discuss one item.

Motion passed unanimously to table the Fuel Draft Agreement for two weeks. Nix/Craft

School Board Tax Authorization

Motion passed unanimously to approve the School Board Tax Authorization. Nix/Craft

PUBLIC COMMENT: None

Motion passed unanimously to go into executive session concerning legal business. Saling/Craft

Motion passed unanimously to come out of executive session. Saling/Craft

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Saling/Craft

APPROVE: ATTEST:

Mike Berg, Chairman Tammy Clement, Interim County Clerk

Work Session Minutes - December 22, 2005

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES - THURSDAY, DECEMBER 22, 2005

_____ DAWSON COUNTY LIBRARY - 4:00 p.m. _____

ROLL CALL: Those present were Chairman Berg; Commissioner Saling, District 1; Commissioner Craft, District 2; Commissioner Julie Hughes Nix, District 4; County Attorney Homans; County Manager Anderson; Interim County Clerk Clement and interested citizens of Dawson County, Georgia. Commissioner King, District 3 was absent.

1. Commissioners' Salary Report – Ann Williams/Committee

This item to be placed on the Regular Meeting Agenda – 01/05/06

2. Kitchen Food Services Bids – Kevin Tanner

This item to be placed on the Regular Meeting Agenda – 01/05/06

3. Structure Separation and Commercial Sprinkler System Ordinances – Tim Satterfield

This item to be placed on the Regular Meeting Agenda – 01/05/06

4. New Definitions for Home Occupations – Cindy England

This item tabled.

5. Election Process for District Commissioners – Bill Saling

This item to be placed on the Regular Meeting Agenda – 01/05/06

6. Appointments for Development Authority Board and Industrial Authority Board – Mike Berg

This item to be placed on the Regular Meeting Agenda – 01/05/06

7. Dawson County Manager, County Clerk and County Attorney Contracts – Mike Berg

This item to be placed on the Regular Meeting Agenda – 01/05/06

8. County Manager Report – Phil Anderson

9. County Attorney Report – Joey Homans

Motion passed unanimously to go into Executive Session for Land Acquisition and legal issues. Saling/Nix

Motion passed unanimously to come out of Executive Session. Saling/Nix