

Regular Meeting Minutes - January 3, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, JANUARY 3, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County.

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Chief Superior Court Judge Fuller's summary judgment decision regarding the Etowah Valley Sporting Clay Park, LLC case 2006-CV-272A. Chairman Berg stated the Board can now move forward in the process.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on December 20, 2007. Pichon/Nix

ZONINGS:

Motion to amend the agenda and hear item #2, USS Georgia (SSGN 729) Day Proclamation under New Business before any Public Hearings. Motion passed unanimously to amend the agenda. Connor/Pichon

NEW BUSINESS:

USS Georgia (SSGN 729) Day Proclamation

Mr. Danny Lewis, Director of the GMRDC reported there are four submarines; USS Georgia, USS Florida, USS Michigan, USS Ohio that are being "Returned to Service" as opposed to being recommissioned since all submarines were commissioned upon entering active service. Mr. Lewis, Mr. Harley Jones with the US Navy League and Chief Chapman are traveling to each county in Georgia to present the Georgia State Flag to each county. The USS Georgia will be stationed at King's Bay Naval Submarine Base, St. Mary, Georgia.

Chairman Berg read the USS Georgia (SSGN 729) Proclamation. Chairman Berg and Mr. Lewis signed the Proclamation and Georgia State Flag Log Entry. March 28, 2008, will be known as USS Georgia (SSGN 729) Day in Dawson County, Georgia.

Motion passed unanimously to approve the USS Georgia (SSGN 729) Day Proclamation. Connor/Nix

PUBLIC HEARINGS:

E-911 Phase II Resolution

Communications Director for the Dawson County Sheriff's Department, Cpt. Debra Wimpy asked the Board of Commissioners to approve the E-911 Phase II Resolution as presented at last week's Work Session. Cpt. Wimpy stated the money collected with help locate citizens using their cell phone within 20-30 feet in a missing persons or accident situation. Cpt. Wimpy reported the County would receive approximately \$1.05 of each \$1.50 collected by the cell phone companies. This fee is considered as a user only fee; the remaining \$0.45 would go to the actual collection of the fees. Cpt. Wimpy added that the equipment is already in place by the County so any money that was paid out of pocket in advance should be paid back in full within a short time.

Commissioner Pichon inquired as to which fund the fees would be in. Chairman Berg and EMA Director Billy Thurmond reported the monies collected would go into a separate fund for the E-911 fee collection and not the General Fund.

Chairman Berg stated this would be the only public hearing held on this matter.

Chairman Berg asked whether anyone wished to speak as to the E-911 Phase II Resolution and seeing none closed the second hearing.

Motion passed unanimously to approve the E-911 Phase II Resolution as submitted. Nix/Connor

NEW BUSINESS:

Reinstatement of Grandfathered Business License – Handy Corner

Interim County Manager Ross Hubbard stated the business license of Handy Corner was expired for two years. County Manager Hubbard reported the clause in the Zoning Ordinance states abandoned areas which are nonconforming must reapply and be rezoned. The County Manager added Mr. Gilreath has been in constant operation for the time in question and therefore does not fall under the clause.

Chairman Berg asked County Manager Hubbard to initiate a process in changing the policy to stop business owners from having to go before the Board of Commissioners for reinstatement purposes. County Manager Hubbard reported he was working with County Attorney Joey Homans to bring a policy to the Board. County Attorney Homans stated he feels an amendment to the County's Zoning Resolution/Ordinance is not in order rather an internal policy that would work with the current situation. Chairman Berg directed County Manager Hubbard to put this item on a future Work Session agenda.

Mr. Donald Gilreath, owner and proprietor of Handy Corner/Amicalola's Extra Attic asked the Board approve the reinstatement of his business license and forgiving him for failing to do so for the past two years without penalty. Mr. Donald Gilreath of 7791 Hwy 53 East, Dawsonville, Georgia stated he had retained all other licenses needed to run his businesses but simply forgot to obtain the license to operate. Mr. Gilreath has been in business continuously for twenty-five years.

Motion passed unanimously to approve the Reinstatement of Grandfathered Business License of Handy Corner with normal customer fees without penalty. Nix/Tragesser

Bid on 2000 International EVI 18' Service Truck

EMA Director Billy Thurmond presented information to the Board at the Work Session on December 27, 2007 requesting permission to bid on the International EVI 18' Service Truck on the website www.GovDeals.com. Permission would be given to Mr. Thurmond and Jill Rathe, County Purchasing Agent. The maximum bid would be \$85,000.00.

Motion passed unanimously to approve the Bid on 2000 International EVI 18' Service Truck. Pichon/Nix

Resolution to Approve Participation in the National Incident Management System

Chairman Berg stated information was given at last week's Work Session regarding this resolution.

Motion passed unanimously to approve the Resolution to Approve Participation in the National Incident Management System. Connor/Pichon

Resolution Establish/Joining the Georgia Mutual and Resource Pact

Chairman Berg reported the resolution was presented at the Work Session on December 27, 2007.

Motion passed unanimously to approve the Resolution Establish/Joining the Georgia Mutual and Resource Pact. Connor/Pichon

ADJOURNMENT:

Motion passed unanimously to go into executive session to discuss land, legal, and personnel issues.
Nix/Connor

Motion to exit Executive Session. Pichon/Nix

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - January 6, 2005

MINUTES

REGULAR MEETING OF THE DAWSON COUNTY BOARD OF COMMISSIONERS

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

Regular Meeting Minutes - January 17, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, JANUARY 17, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County.

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on January 3, 2008. Nix/Tragesser

Motion passed unanimously to amend the agenda to add ZA 07-20. Connor/Tragesser

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 explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZONINGS:

ZA 07-18:

Rymer Development LLC has made a request to rezone 15.45 acres of TMP 106-062,106-296,106-213,106-054,106-054.001 from RA (Residential Agricultural) to R3 (Multi-Family Residential) to develop a mixed use adult community, included in this request is also a variance from Section 304.E.7 (Maximum Units per Building) and Section 304.E.8 (Maximum Density). Location: Dawson Forest Road.

ZA 07-19:

Rymer Development L.L.C. has made a request to rezone 82.028 acres of TMP 106-062,106-296, 106-213, 106-054, 106-054.001 from RA (Residential Agricultural) to CPCD (Commercial Planned Comprehensive Development) to develop a mixed use adult community, included in this request is also a variance from Section 404.C.7.C (Maximum 6 Density of 6 Units per Acre up to a Maximum of 100 Units) and Section 404.C.7.5 (Minimum 50% of Uses for Non-Residential Uses). Location: Dawson Forest Road.

Chairman Berg stated the Board of Commissioners has already held the hearings needed for the zoning requests on December 20, 2007. Chairman Berg stated the matter was tabled for 30 days and is now being recalled from the table.

Developers John Rymer and JL Rymer of 327 Dahlonga Street, No. 304, Cumming, GA 30040 addressed the Board to discuss the zoning and to answer any questions. Mr. John Rymer stated he feels the design is in the best interest of the County. Mr. Rymer stated the design guidelines were turned in July 2007 with the zoning application.

Mr. Rymer stated he agreed to change the wording stipulation #2 and #3 from should to shall. Therefore reading:

2. An additional potential access point shall be considered for the northeastern portion of the property, which would permit extension into future adjoining developments;
3. The Applicant shall coordinate with the Board of Education's transportation department to determine the location of a bus stop at the entrance of the development, and that adequate school bus turn-around areas should be provided in the interior of the site, if applicable;

Mr. Rymer stated there will be an age requirement in the Active Adult Community to be 55+ age qualified. This will be included in the zoning conditions. Mr. Rymer added 170,000 sq. ft. of commercial development will be developed first. Mr. Rymer reported there will be two actual entrances with the

possibility of a third when and if that area is developed in the future. This entrance will be gated and allow emergency vehicles to enter with a code or keys.

Commissioner Pichon asked County Attorney Homans if emergency vehicles would need to come across the adjoining land owner's property and destroy a part of their property whether they would have any legal recourse against the County. County Attorney Homans stated they would be entitled to any damages done by the County.

Mr. Rymer asked the Board to table discussions if they were not able or ready to make a decision on the zonings at this time. Mr. Rymer stated he would rather the Board take more time rather than deny zoning due to negative issues.

Commissioner Nix inquired as to the sidewalks in the development. Mr. Rymer would prefer the four foot side walk in the community. Mr. Rymer stated the five foot sidewalks consume too much space in someone's front yard with the curb and two foot beauty strip before the sidewalk begins. Commissioner Nix added she would prefer the five foot sidewalks to allow room for individuals in wheelchairs. Mr. Rymer reported they are not entirely an assisted living facility but an active adult facility. The assisted living is a 70,000 sq. ft. community. He added the walking trails are five foot wide.

Commissioner Nix reported she has concern of the location of the swimming pool due to the noise pollution. Mr. Rymer stated there was a 50' heavily planted buffer therefore toning down the noise. He added the amenities were only accessible by walking and not driving.

Commissioner Pichon inquired as to the density of the apartment complex. The apartments will probably not have the 55+ age requirements to accommodate the community at large. Mr. Rymer reported the lease agreement would range from \$1,000.00 to \$2,000.00 per month. 6 apartments per acre and 100 town home units are allowed under CPCD currently. Mr. Rymer stated as a developer, he will sell the assisted living; apartment; retail builders; and medical building parcels to co-developers. He added they have tried to keep in the "spirit" of inter access.

Mr. Rymer stated he would add the other 30,000 feet of commercial if that was hindering the Board from approving the zoning. Mr. Rymer states he feels the extra commercial development would be detrimental to the development itself.

Motion passed by majority to table ZA 07-18 and ZA 07-19 for 60 days as a new zoning to ensure the hearing process will begin again. (3-1) Pichon/Nix. Commissioner Connor opposed the motion.

ZA 07-20:

Cindy Jones has made a request to rezone .757 acres of TMP: 092-053 from R1 (Residential Single Family Restricted) to CCB (Community Business Commercial) to allow the applicant to conduct a Counseling business at her residence. Location: 1076 Highway 9 North

Mrs. Lynn Tully, Community Development Director explained this zoning was advertised in the legal organ by the Planning and Zoning Department.

Mr. Robert Jones of 459 Gold Ridge Road, Dahlonega, GA 30534 was present to answer questions of the Board. Mr. Jones reported he is the Executive Director of TENAH, he hold a Masters in Social Work from Georgia State University and is a Certified Addiction Counselor. Mr. Jones stated he is DHR certified to treat multi-offenders of DUI's, certified by the Department of Corrections, performs anger management, domestic violence, and marriage counseling in his business. Mr. Jones reports referrals from the Department of Family and Children Services from both Lumpkin and Dawson counties, Probation and Parole.

Mr. Jones stated he has been operating in Dawson County for approximately for four and half years. The lease is up and a new owner wants the building of other purposes. He states he has never had problems with his clients causing problems in the community. Mr. Jones states the meetings he would hold would be approximately two hours, cars would be limited to about four or five vehicles. The building was formerly used by the ABBA House of Cumming, Georgia. Mr. Jones states he understands this business does not fall within the guidelines of the Future Land Use Plan but with understands there are many businesses within the area that have received variances.

Mr. Robert Jones read the following letters of support:

Given the enormous drug problem in North Georgia, a drug rehab facility for addicts is a necessary force in the community. Mr. Bobby Jones has done an excellent job of facilitating rehab treatment in the county and should be given all due consideration.

Sincerely,

Gary C. Berliner, MD

Chestatee Emergent Medical Care

2395 Thompson Road, Dawsonville, GA 30534, 706-265-6866

Dear Honorable Board Members:

I am writing this letter in support of the rezoning request submitted by Dawson County Counseling on the above property. I have know Robert F. Jones for more than fourteen years and believe the use to which he will put the property, alcohol and drug abuse counseling and rehabilitation services, is if vital importance to the community. Accordingly, I strongly support his applications.

I trust the above will assist the Board is acting favorably upon Mr. Jones' request. If you have any questions, I may be reached at the above telephone numbers or at 706-216-3853. I look forward to hearing from you.

Thank you for your consideration,

Sincerely,

Robert R. McNeil

323 Paradise Drive, Dawsonville, GA 30534, 706-338-1115

Commissioner Pichon inquired as to the property serving as a residential facility. Mr. Jones reported only a manager will be living at the facility.

Chairman Berg asked if anyone wished to speak in favor or opposition of the application and seeing none asked if anyone wished to speak in opposition of the application.

Chairman Berg inquired as to a conditional use. Mrs. Tully explained under CPCD the Board can stipulate a conditional use zoning. County Attorney Homans agreed that a conditional use zoning is legal and has been done before. Mrs. Tully reported the property in question is not in the City limits.

Commissioner Pichon expressed concern that the zoning sign at the property was not viewable from the street. Mrs. Tully reported all property owners near the property were notified of the hearing tonight.

Chairman Berg asked County Attorney Homans if the conditional use zoning could be reviewed after a set period of time. County Attorney Homans reported the Board could make the applicant reapply after the period of time specified but then the County would have to move forward on the zoning. A Home Occupation Use zoning has be allowed previously and is reviewed every year.

Motion passed unanimously to keep the zoning the same and approve a Home Occupational Use with the following stipulations:

1. Reapplication of Home occupational use after one year
2. Hours of Operation from 5am-10pm

3. Limited number of persons to 25

4. No amplified noise

Pichon/Connor

PUBLIC HEARINGS:

NEW BUSINESS:

Burn Ban Repeal

Chairman Berg stated the Burn Ban repeal would allow burning on a day to day basis.

Motion passed unanimously to approve the Burn Ban Repeal. Nix/Tragesser

RFP for Courthouse

Chairman Berg addressed item #5 on the RFP. Purchasing Agent Jill Rathe stated David Headley, County Engineer reported the County would benefit from selecting the Geological Materials testing vendors in house rather than letting the architectural firm to perform that task. Mrs. Rathe feels it is a control factor in cost savings. Also, item #6, LEEDS would be apart of the RFP sent to the architectural firms, although building sustainability would be the first priority.

Motion passed unanimously to approve the RFP for the Courthouse as presented. Pichon/Connor

Approval of Board of Commissioners Expenses for 2007

Chairman Berg stated the Board of Commissioners expenses for 2007 was \$13,585.98.

Motion passed unanimously to approve the Board of Commissioners Expenses for 2007. Nix/Tragesser

Qualifying Fees

Chairman Berg stated the qualifying fees are for 8 different positions up for reelection this year.

Motion passed unanimously to approve the Qualifying Fees as stipulated. Pichon/Nix

Appointment Renewals of the County Attorney, County Clerk, County Manager and the Vice Chairman of the Dawson County Board of Commissioners

Motion passed unanimously to approve Joey Homans as the County Attorney. Pichon/Tragesser

Motion passed unanimously to approve Davida Simpson as the County Clerk. Tragesser/Pichon

Motion passed unanimously to approve Ross Hubbard as the County Manager. Connor/Nix

Motion passed unanimously to approve Julie Hughes Nix as the Vice Chairman of the Dawson County Board of Commissioners. Tragesser/Connor

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Nix/Connor

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - February 7, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, FEBRUARY 7, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County.

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Georgia's Severe Weather Awareness Week is February 3-9, 2008. There will be tornado drills on February 8, 2008 in the morning in Dawson County and across Georgia.

RACA Director Barbara Baptista was pleased announced the first Recreation Community Activities Guide will be mailed to every household in the County.

County Manager Ross Hubbard announced David Headley will be the new Public Works director as well as the County Engineer. Mr. Headley took over as the department head on February 1, 2008.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on January 17, 2008. Connor/Pichon

ZONINGS:

None.

PUBLIC HEARINGS:

Proposed Environmental Health Fees

Kent Garrison, County Environmental Health Director answered questions for the Board. Commissioner Nix inquired when the fees would go into effect. Mr. Garrison stated once the Board of Commissioners approved the change in fees they would then go into effect. Commissioner Connor inquired fees for charitable events being exempt from fees and asked for that exemption to be made in writing. Commission Tragesser asked if these fees covered all costs incurred by the Health Department. Mr. Garrison stated not all costs are being met but it should average out in the year and is a "fair fee". Chairman Berg directed County Attorney Homans to make the necessary changes to the ordinance as to the portable restroom fee.

Chairman Berg asked if any citizen wanted to make public comment regarding the proposed environmental health fees. Hearing none closed the first public hearing. The next public hearing will be February 21, 2008.

NEW BUSINESS:

Family Connection requesting County as Fiscal Agent

Chairman Berg stated Family Connection is requesting the County to be the fiscal agent as they have done in the past. Marjean Miller and Daniel Goode were present to answer any questions.

Motion passed unanimously to approve the County serving as the fiscal agent for Family Connection.
Nix/Connor

Digital Orthophoto Imagery Services for County RFP Results

Purchasing Agent Jill Rathe stated she presented the RFP results two weeks ago. She was asked by the Board to inquire into Aryes Associates. Mrs. Rathe stated she ran a D&B report and they had not had any problems in the past. Never had a lawsuit filed against the company.

Motion passed unanimously to approve the Digital Orthophoto Imagery Services for County RFP Results as presented. Pichon/Tragesser

IGA for Water Service in the Reserve Subdivision

Community Director Lynn Tully stated this agreement is with Forsyth County. The Reserve Subdivision is partly in both Forsyth County and Dawson County. Etowah Water and Sewer Authority have submitted a letter stating they agree with the IGA and allow Forsyth County to provide water services to those Dawson County residents affected. County Attorney Homans stated DCA would have to be notified of a change in the Service Delivery Strategy. Commissioner Pichon made sure this IGA would only speak to the water service for those homes directly affected by the change.

Motion passed unanimously to approve the IGA for Water Service in the Reserve Subdivision.
Pichon/Connor

Facilities Condition Assessment Bid Results and Internal Results

Lynn Tully stated the assessment includes six buildings in the County that have not recently been updated. Mrs. Tully stated the assessments will speak to paint, structure, materials, exterior, plumbing and electrical, etc. Mrs. Tully stated these buildings have space in them that can be occupied but that the buildings needed to be assessed before that could take place. Mrs. Tully added the County currently operates twenty five buildings but these six were the largest and needed the most attention. Chairman Berg asked whether the old Sherriff's Department as being utilized. Fire Marshall Tim Satterfield stated there are some issues with the building but the hallway is being used possibly for storage. Commissioner Tragesser inquired as to the Fouts Building. Commissioner Tragesser reported major concerns for this building. Director Tully stated the assessment will tell the County whether or not the building is salvageable. Chairman Berg asked whether the study could be terminated if they decided a building should be demolished. Mrs. Tully stated she would stipulate that if any building needs to be removed then the assessors should not look at any other options or alternatives and give a cost strictly for demolition.

Motion passed unanimously to approve the Facilities Condition Assessment Bid Results and Internal Results as stipulated. Pichon/Nix

Lease Agreement on Suites #140/150/160 Memory Lane

County Manager Ross Hubbard requested the Board to approve the above named lease agreement as presented in the last work session. The Board of Election and Registrar will be in this facility. The cost of the lease for the three suites is \$2000.00 per month at approximately 2500sq.ft.

Commissioner Pichon inquired into the net cost for the County. County Manager Hubbard stated it will cost the County +\$24,000.00. Daniel Goode reported this cost is already in the Facilities Budget.

Motion passed unanimously to approve the Lease Agreement on Suites #140/150/160 Memory Lane. Pichon/Connor

Joint Development Authority Board Appointment of Gary Van Wambeke

Motion passed unanimously to appoint Mr. Gary Van Wambeke to the Joint Development Authority Board. Tragesser/Connor

Department of Family and Children Services Board Appointment of Vicki Porter

Motion passed unanimously to Vicki Porter to the Department of Family and Children Services Board. Nix/Tragesser

Motion to enter into Executive Session to discuss land, legal and personnel issues. Connor/Nix

Motion to return to Open Session. Connor/Tragesser

Motion to approve purchase of the Hughes Property for \$950,000.00 for 5 acres as described in the current purchase and sale agreement and to continue active negotiations as to the details of that agreement. This land is to be used for a new fire station, sheriff's annex and a future library. Pichon/Nix

Motion to enter into Executive Session. Tragesser/Nix

Motion to return to Open Session.

Motion for a proclamation for outstanding citizenship. Connor/Tragesser Motion for Call for Question. Pichon/Tragesser Question was approved. Main motion defeated 4-0.

Motion approved unanimously to direct Government Affairs Representative Cathy Brooks to proceed with the following: to name a library room after an individual and/or proclamation for outstanding citizenship.

ADJOURNMENT:

Motion passed unanimously to adjourn the meeting. Tragesser/Nix

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - February 14, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, FEBRUARY 14, 2008

Rock Creek Park Community Room – 4:00 p.m.

ANNOUNCEMENTS:

Chairman Berg announced receipt of a letter requesting his signature in reference to four County roads and one City road that will receive LARP funds. Those County roads are: Audubon Court, Heard Drive, River Valley Road, and Smith Circle; City road is Allen Road.

Chairman Berg also announced four commissioners attended the ACCG Spring Legislative Session in Atlanta. Chairman Berg stated there were some issues that arose from that meeting. There is a House Bill that would allow for a tax break for conservation properties of over 2,000 acres that could pertain to Dawson County. Also, Special Election days have changed. In an election year those two days would be the Primary and General election days and non-election years would be March and General election.

Chairman Berg announced he attended the County Commissioners Managers Meeting in which they voted to go to the Legislature to increase the salary for Commissioners for attending the Certified Commissioner Advanced Program for \$100.00. Dawson County has already adopted this policy.

Commissioner Connor recommended the Board set up a rotating schedule where each Commissioner will come to the meeting one hour early to hear feedback from citizens and/or have quarterly Town Hall meetings. Chairman Berg wanted this to be added to the next Work Session Agenda.

Commission Connor expressed concern in reference to the Chestatee lawsuit. Commissioner Connor wanted to have a land use expert lawyer to help County Attorney Joey Homans in advance. Chairman Berg stated this will be discussed in Executive Session next week but will be voted on in Open Session.

WORK SESSION AGENDA:

1. Changing Animal Control Fees – Jill Martin, Dawson Co. Humane Society

This item to be placed on the Regular Meeting Agenda – 02/21/08

2. Approval of Counselor for Drug Treatment Court – Judge Jason Deal

This item to be placed on the Regular Meeting Agenda – 02/21/08

3. Audit Services for FY2007 – Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 02/21/08

4. Operating Procedures – Lynn Tully

County Attorney to bring back before Board for approval at a later time.

5. Bannister Road/GA Power Agreement Approval – Ross Hubbard

This item to be placed on the Regular Meeting Agenda – 02/21/08

6. Amend Variances: Procedures and Planning Commission Review & Recommendations – Joey Homans

This ordinance was sent back to the Planning Commission for further review. After the Planning Commission approves, this item will be brought back to the Board for final approval.

7. Lease Agreement for 76 & 78 Howard Ave Suites – Joey Homans

This item to be placed on the Regular Meeting Agenda – 02/21/08

8. Security – Chairman Berg

This item was sent back to the Dawson County Sheriff's Department for further review and information.

9. Bank Service Agreement – Lowayne Craig

This item to be placed on the Regular Meeting Agenda – 02/21/08

10. Sale of GA400 Property – Chairman Berg

This item to be placed on the Regular Meeting Agenda – 02/21/08

11. County Manager Report

12. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - February 21, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, FEBRUARY 21, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County. Chairman Berg was absent.

OPENING PRESENTATION – Nancy Stites – Family Connection

INVOCATION: Vice Chairman Nix

PLEDGE OF ALLEGIANCE: Vice Chairman Nix

ANNOUNCEMENTS:

Vice Chairman Nix made the following announcements:

- Mike Berg is ill and regrets not being able to attend the meeting tonight.
- Park & Recreation is hosting the 7th District Basketball tournament at Rock Creek Park. The tournament begins tonight at 6pm. Visitors and teams will be arriving around 5pm. In addition to the district tournament this week, we will also be hosting the State tournament next week. Please pardon the noise associated with these events.
- Park & Recreation Community Input Meeting will be Saturday, February 23 at Veteran's Memorial Park at 10am
- The Long Range Planning Committee will meet tomorrow, Friday, February 22 at Rock Creek starting at 2pm to discuss the COMP Plan.
- Northeastern Judicial Drug Treatment Court held DUI Court Graduation today.

Vice Chairman Nix read the following proclamation honoring Roy Coleman for his dedication, commitment and many hours of service to Dawson County:

PROCLAMATION

Honoring Roy Coleman

Whereas, Roy Coleman has made Dawson County his home for over 25 years.

Whereas, Roy Coleman has contributed to the community through his service on numerous boards and committees including:

Chestatee Regional Library System Regional Board of Trustees

Dawson County Library Board of Trustees

Friends of the Dawson County Library

Keep Dawson County Beautiful

Dawson County Kiwanis Club

Dawson County Homeowners Association

Georgia 400 Task Force

Long-Range Planning Committee

Several other community organizations

Whereas, Through hard work, tireless efforts, and exemplary citizenship, Roy Coleman has brought meaningful change to Dawson County.

Therefore, The Dawson County Board of Commissioners does hereby proclaim

April 3, 2008 as "Roy Coleman Day" in Dawson County.

Further, In honor of Roy Coleman's contributions to the community, by the authority of the Dawson County Board of Commissioners, the meeting room of the Dawson County Library shall thereafter be known as "The Roy Coleman Room."

This 21st day of February, 2008.

Vice Chairman Nix reported Dawson County and the Chestatee Regional Library along with Friends of the Dawson County Library will be celebrating Roy Coleman Day on April 3, 2008 at 4pm in the Roy Coleman Meeting room. Refreshments will be served.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on February 7, 2008. Tragesser/Connor

Vice Chairman Nix 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.

ZONINGS:

ZA 08-01:

Marvin Gibson has made a request for a zoning change from R-A Agricultural Residential to C-IR Commercial Industrial Restricted District. Location: 1399 Highway 9 North, Dawsonville, GA.

Applicant Marvin Gibson, 1399 Highway 9 North, Dawsonville, GA appeared before the Board requesting approval for rezoning. Mr. Gibson stated he has owned the property since 1987 but was gone for 10 years. Mr. Gibson had sold land around where he is currently but told the Board that all buyers knew he would be returning and would be running a commercial business out of that location. Mr. Gibson brought letters of support and pictures of his property for the Board. Mr. Gibson stated he contracts with different agencies paving parking lots, the State doing asphalt work. During the winter months work is slow and all vehicles are brought in for repair and storage.

Vice Chairman Nix asked if anyone wishes to speak in favor of the application and seeing none asked whether anyone wanted to speak in opposition of the application.

Mr. Robert Head of 40 Joseph Lane, Dawsonville, Georgia spoke in opposition of the application. Mr. Head stated he built his home in 1996 and was told by the real estate agent that Mr. Gibson would not be returning to the property nor would a business be ran out of that location. Mr. Head stated he opposes having residential and commercial in that close proximity to each other without a buffer. Mr. Head reported losing a substantial amount of money in land value because of Mr. Gibson's business.

Vice Chairman Nix asked if anyone else wishes to speak in opposition of the application and seeing none closed the hearing portion of the zoning.

Commissioner Connor stated if the Board approved the rezoning request they would then need to approve a variance for the rezoning. Commissioner Connor stated this was a complex situation. Commissioner Pichon stated the Board has grandfathered in businesses that have continued to operate without lapse and without permits. Since this business has failed to continue to operate for ten years they would not be eligible for a grandfather exception.

Motion passed unanimously to deny ZA 08-01. Tragesser/Pichon

PUBLIC HEARINGS:

Proposed Environmental Health Fees

Kent Garrison, County Environmental Health Director was available to answer questions for the Board.

Vice Chairman Nix asked if any citizen wanted to make public comment regarding the proposed environmental health fees.

Kurt Kratenger of 243 Blacks Mill Road, Dawsonville, Georgia stated he had a septic leak and had to pay \$100.00 to get it fixed. Mr. Kratenger feels instating a fee for permitting may cause some citizens to hide the need for Environmental Health to come out to their property as opposed to taking care of it in a correct manner.

Vice Chairman Nix asked if any citizen wanted to make public comment regarding the proposed environmental health fees. Hearing none other closed the second public hearing.

Kent Garrison stated citizens are going to do what they want whether there is a fee or not. Mr. Garrison stated the fee will offset the costs for two trips to the property, soil test kits, inspector salary and other expenses. County Attorney Homans added he had made the amendment to the exemption of portable restrooms for charitable events.

Motion passed unanimously to approve the Environmental Health Fees as submitted. Tragesser/Pichon

NEW BUSINESS:

Application for Beer and Wine License – Bruce's Grocery

Bruce's Grocery is located at 2334 Dawson Forest Road East. The store was formerly Mike's Grocery, which closed in early January. Mr. Bruce Waters has a commercial business lease for this store and is the applicant for subject alcohol license. He is a Dawson County resident. Federal and State background

checks are complete. The applicant is seeking an exception to the six month waiting period for issuance of the license. Mr. Waters has submitted the affidavit and the \$1,500.00 bond and he meets all other requirements for issuance of the license.

Commissioner Pichon asked the applicant whether he was aware of past alcohol violations with other businesses in the County. Mr. Waters said he was aware of the violations and he will do due diligence to avoid any such violation. Mr. Waters has never owned a convenience store before. Mr. Waters reported the business is primary retail store.

Motion passed unanimously to approve the Application for Beer and Wine License – Bruce’s Grocery with the waiver of the six month waiting period. Connor/Pichon

Changing Animal Control Fees

Ms. Brenda Lee, Board of Directors of the Dawson County Humane Society was available for questions. County Attorney provided the lease agreement and the current Animal Care and Control Agreement for the Humane Society. Section 3 of the Agreement state “Dawson County shall pay to the Humane Society the sum of \$60.00 per animal for any animal housed by the Humane Society.” County Attorney Homans stated the Humane Society is requesting that sum be doubled to \$120.00 per animal.

Commissioner Connor expressed concern for animals enduring pain if no one was available to euthanize the animal. Ms. Lee stated Dr. Mills, the shelter director, two alternate shelter workers along with other on call veterinarians in the community would be available to euthanize any animal if needed.

Motion passed unanimously to approve the Animal Control fees as presented. Pichon/Tragesser

Approval of Counselor for Drug Treatment Court

Court Administrator Reggie Forrester requested approval for an additional Drug Treatment Court counselor. Mr. Forrester reported in 2008, the Drug Treatment Court will have 60 participants in the program. Mr. Forrester stated two benefits of having a Drug Treatment Court in saying the participants are not in jail and are productive citizens of the community. Mr. Forrester added the recidivism rate in Hall County was less than 5%. Mr. Forrester thanked the Board of Commissioners for their continued support.

Motion passed unanimously to approve the approval of a Drug Treatment Court counselor. Connor/Tragesser

Audit Services for FY2007

Finance Director Lowayne Craig presented information to the Board at last week's Work Session regarding the Audit Service for FY2007. Mrs. Craig reported this would be the third year with a 5% increase with Bates, Carter and Company. Mrs. Craig added she would like to negotiate a fourth year with the CPA since this firm has been very helpful. Bates, Carter and Company received the bid for Audit Services through an RFP two years ago. If the Board denies the request, she will need to do an RFP for FY2008. Recommendation from staff is to utilize Bates, Carter and Company for four years. County Manager Hubbard stated in his experience three to five years is average for this type of contract. Commissioner Connor feels the Finance Department should extend an RFP for FY2008.

Motion passed by majority to approve the Audit Service for FY2007. Pichon/Tragesser Commissioner Connor opposed the motion.

Bank Service Agreement

Finance Director Lowayne Craig requested an extension on the Bank Service Agreement with United Community Bank for 90 days at a rate of 3.10%.

Motion passed unanimously to approve the approval of the Bank Service Agreement. Tragesser/Pichon

Bannister Road/GA Power Agreement Approval

County Manager Hubbard reported he has already signed the agreement but would like the Board to ratify the contract between Dawson County and Georgia Power. County Manager Hubbard made one correction. The original cost presented was \$18,000.00 but \$19,602.00 is correct.

Motion passed unanimously to approve the approval/ratification of the Bannister Road/GA Power Agreement. Pichon/Tragesser

Lease Agreement for 76 & 78 Howard Ave Suites

County Attorney Joey Homans requests the Board approve the Lease Agreement for 76 & 78 Howard Avenue Suites with a few stipulations. The indemnity clause of the lease only applies to the landlord and the Chairman would not sign a guarantee in the contract. This lease would be for the buildings where the Board of Commissioners and County Administration is located. This lease is renewed every year. There was an increase in price to \$8,870.00 per month.

Commission Pichon stated he would like to see the agreement before voting on it.

Motion to table the Lease Agreement for 76 & 78 Howard Ave Suites until the next Work Session dated February 28, 2008. Pichon/Tragesser

Sale of GA400 Property

Vice Chairman Nix stated the Board received all the information in reference to the sale of the GA400 property. Vice Chairman Nix stated she would need a motion to instruct the County Manager to sell the property which will be done in a sealed bid process.

Commissioner Pichon asked for a brief history of the land. County Attorney Joey Homans stated the County acquired the property from GDOT as part of the construction of GA400. When Commissioner Cox was in office a portion of the land was used to connect Lee Castleberry Road to GA400. There is a parcel of land in between Lee Castleberry Road and the property in question. County Attorney Homans reported the only way a County can dispose of real property is through a sealed bid or an auction. County Attorney Homans added that any and all bids can be rejected. All commission needs to be added in the bid cost. The County will be looking at the highest net bid.

Motion passed unanimously to approve the approval of Sale of GA400 Property as described.
Pichon/Connor

ADJOURNMENT:

Motion passed unanimously to enter into Executive Session to discuss one legal issue. Tragesser/Connor

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - March 6, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, MARCH 6, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County. Chairman Berg was absent.

OPENING PRESENTATION – Richard Sims & Wayne Watkins – Dawson Co. CERT

INVOCATION: Vice Chairman Nix

PLEDGE OF ALLEGIANCE: Vice Chairman Nix

ANNOUNCEMENTS:

Vice Chairman Nix made the following announcements:

- Monday, March 10, 2008 the Board of Commissioners will be attending communications training at Amicalola State Park. No County business will be discussed.
- The Work Session scheduled for Thursday, March 11, 2008 has been rescheduled for Tuesday, March 11, 2008, due to three commissioners being at ACCG Spring training at Callaway Gardens March 13-14, 2008.
- Daniel Goode is home with his sister recovering from quadruple heart bypass.

Commissioner Connor announced he will be available for an hour before the first meeting of each month for an open discussion with any interested citizen. Commissioner Connor stated he is working on a Town Hall meeting and will announce a date at a later time.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on February 21, 2008. Pichon/Tragesser

OLD BUSINESS:

E-911 Contract

Commissioner Nix stated the Board approved the E-911 Contract on January 3, 2008 unanimously. This request is to approve the language of the contract. Public hearings have already been completed.

Motion passed unanimously to approve the language of the E-911 Contract. Pichon/Tragesser

NEW BUSINESS:

War Hill Park recommendations

Dick Scharf was recapped his presentation to the Board and answered any questions. Mr. Scharf stated the Park Board and RACA staff recommends the following:

1. Approve the conceptual Recreational Master Plan. This is needed in order to immediately acquire the land for the East Central active park.
2. Fully fund necessary renovations and improvements addressed in Phase 2 of the War Hill Park Master Plan.
3. Give approval to lease War Hill Park.
4. Send a statement of intent to US Army Corps of Engineers for other four properties on the lake. 5. Fund a study for phasing of other US Army Corps of Engineers properties through the lease process starting with Toto Creek and Pea Ridge.

Mr. Scharf recommends that the Board direct staff to develop a construction plan and a timeline. With that look back at what the proportionate revenues would be. He stated all operating and maintenance costs would not be completely covered but he believes the fees would offset by 65%-70%. Mr. Scharf stated he would like to see the Recreational Master Plan incorporated into the Comprehensive Plan.

Commissioner Connor asked about costs for leasing War Hill Park. Mr. Scharf reported the County currently splits the costs of operating and maintenance with the US Army Corps of Engineers at a total cost of \$24,000.00. Leasing the property would be \$1.00. There would be approximately \$300,000.00 worth of improvements needed. Mr. Scharf recommends completing the upgrade of Phase 1 and installing a gate for control purposes. He recommends a manned gate as opposed to an honor gate. Mr.

Scharf added that upon leasing the park, the County agrees to put the park in operational condition equal to or better than we received it.

Commissioner Pichon stated if the County failed to obtain the park it would go to someone else and the County would never be able to afford to buy it back. Commissioner Pichon stated there is some capital costs that needs to be considered. Some costs would be approximately \$200,000.00 per year for personnel and security.

Commissioner Tragesser would like to see a traffic counter at the park to get an idea of the amount of citizens coming to the park. Commissioner Nix stated she would like to see a lot of the work on War Hill Park to be done "in house".

County Manager Hubbard stated he would recommend the following: Approve the Conceptual Master Plan of War Hill Park, staff to work on the lease that includes a schedule and appropriate costs and send a letter of intent to the US Army Corps of Engineers.

Motion passed unanimously to approve the War Hill Park recommendations to approve the conceptual Master Plan and send a letter of intent to the US Army Corps of Engineers. Connor/Tragesser

Bid Results and Award recommendation for Taylor Road construction

Purchasing Agent Jill Rathe requests approval for T.W. Phillips for the contractor for Taylor Road at a cost of \$258,512.00 with additional costs of relocating utilities of \$41,818.00. Mrs. Rathe reported that references were added to the materials submitted to the Board. T.W. Phillips had failed to submit bidder credentials. All references were verified and good.

Commissioner Connor reported he does not understand why Taylor Road is so important when Diane Circle is a dangerous road and needs immediate repair. County Engineer Dave Headley stated the policy was if the homeowners petitioned the County to repave the road and gave up the right of way, they would take precedence. They are moved forward so the County does not hold their property without due cause. Commissioner Connor asked Mr. Headley to look at Diane Circle. Commissioner Conner expressed concern of a developer completing a project poorly then the residents are stuck with the problem. Commissioner Tragesser asked whether there was a policy on this subject. She stated this would be a good topic for a town hall meeting.

County Attorney Joey Homans stated the residents on Taylor Road have been trying to get the road paved for years. County Attorney Homans stated a prior Board approved this policy. County Attorney

reported a certain number of houses must petition before they would qualify for road resurfacing; adding in the past citizens signed a petition but would not sign a right of way deed. County Attorney Homans reported the money to pave Taylor Road is from SPLOST IV dollars.

Commissioner Nix inquired as to the lack of bidder credentials in this case and in the past. Commissioner Nix asked what we can do to stop this from happening in the future. Mrs. Rathe stated she will be more explicit in the documents given to bidders. In other counties, Boards will pre-qualify bidders but Mrs. Rathe believes this would limit competition.

Motion passed unanimously to approve the low bid by T.W. Phillips of \$258,512.00 with utility relocation costs of \$41,818.00. Pichon/Connor

Hiring Attorney to review the COMP Plan and adopting schedule for COMP Plan

Community Development Director Lynn Tully presented last week a preliminary scope of work for an attorney to review the Community Agenda/COMP Plan. Mrs. Tully has contacted two attorneys well known in their work on land use. Mr. Frank Jenkins with Jenkins & Olson the other is Mr. David Kirk with Troutman Sanders. Both firms would bill a fixed fee following an hourly fee once the COMP Plan was reviewed. Mr. Kirk's fixed fee is \$3,000.00 with an hourly fee of \$350.00. Mr. Jenkins has not responded with costs. Jenkins & Olson's references are mainly government while Troutman Sanders are mixed between government and private development.

Commissioner Tragesser stated she would like to be able to add some items to the COMP Plan such as transferring development rights.

Mrs. Tully stated the timeline presented is fairly aggressive but is needed in order to get the COMP Plan to DCA. County Manger Hubbard stated staff wanted to verify the Board was aware this process will move quickly and the Board will be asked to approve items. County Manager Hubbard stated the staff is not in control of the schedule, the Board was.

Motion passed unanimously to approve Jenkins & Olson as the attorney to review the COMP Plan. Pichon/Tragesser

Motion passed unanimously to approve the timeline to submit the COMP Plan to DCA as submitted. Connor/Tragesser

Approval of Lease Agreement for County offices located at 76& &78 Howard Ave East

County Attorney Homans requests the Board to approve the lease with two modifications: strike through indemnity clause (page 3, paragraph 19, section A) and the guarantee portion of the lease. County Manager stated we are in the normal range per square feet.

Commissioner Connor asked for the stipulation that the Board of Commissioners will start looking for another location prior to moving into the new County Administrative Building in a few years.

Motion passed by majority to approve lease agreement for County offices located at 76 & 78 Howard Ave East 3-1. Commissioner Connor opposed the motion.

Amendment to Environmental Health Fees Ordinance

Commissioner Nix stated there was a typing error and the Board is being asked to approve this fee schedule.

Motion passed unanimously to approve the corrected version of the Environmental Health Fees Ordinance. Pichon/Connor

Approval of contract for purchase for future Fire Station/Library/DCSO Annex

County Attorney Homans stated the Board had the proposed contract with the special stipulations from the seller. The seller would like the library to be named after their grandmother Gladys B. Hughes. The seller understands in order to qualify for the regional library system the library would need to be named Dawson County Library but there would be a plaque honoring their grandmother.

Commissioner Connor expressed concern with naming the facility after someone when the County has purchased the land. Commissioner Nix stated she would like to see a plaque at the canoe launch.

Motion passed unanimously to approve the approval of the Contract for the Purchase for the future Fire Station/Library/DCSO Annex. Pichon/Tragesser

ADJOURNMENT

APPROVE: Julie Hughes Nix, Vice Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - March 11, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – TUESDAY, MARCH 11, 2008

Rock Creek Park Community Room – 4:00 p.m.

ANNOUNCEMENTS:

Chairman Berg stated there was an emergency request to add an item to the agenda. Our Senator and House Representative have requested local legislation from the County to pass a Community Improvement District resolution. Charlie Auvermann, Director of the Development Authority will present to the Board.

WORK SESSSION AGENDA:

1. Community Improvement District resolution – Charlie Auvermann

The Board directed Mr. Auvermann to proceed with CID Legislation process.

2. Bid Results and Award Recommendations for four Pumper Tankers – Jill Rathe

This item to be placed on the Regular Meeting Agenda – 03/20/08

3. Drug Court Contract with New Hope Counseling – Jill Rathe

This item to be placed on the Regular Meeting Agenda – 03/20/08

4. Presentation by Finalist for the Courthouse Architect – Jill Rathe

County Clerk will schedule time for the Board to site visit one location designated by each finalist. This item will be placed on a later agenda for a vote.

5. Discussion of the Long Range Planning Committee – Commissioner Terri Tragesser

This item to be placed on the Regular Meeting Agenda – 03/20/08

6. Amended Variances: Procedures and Planning Commission Review & Recommendations – Joey Homans

This item to be placed on the Regular Meeting Agenda – 03/20/08

7. Appointments of Planning Commission – Chairman Berg

Chairman Berg stated there are three positions that are due for appointment or reappointment as needed. These positions will continue to serve until that time as stated in the ordinance. Those positions are: District 1, District 4 and the Chairman's choice. This item to be placed on the Regular Meeting Agenda – 03/20/08

8. County Manager Report

9. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - March 20, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, MARCH 20, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Doris Cook – Dawson County Meth Taskforce

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the Development Authority will meet on Friday at 9am at the Lake View Center on Hwy 9.

Chairman Berg reported Big Canoe has invited the Board of Commissioners to a reception on April 28, 2008 if anyone wanted to attend.

Chief Frank Hooper Chairman of the State Certification program presented the Georgia State Certification plaque to Sheriff Carlisle.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on March 6, 2008. Pichon/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 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 explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZONINGS:

ZA 07-18:

Rymer Development LLC has made a request to rezone 15.45 acres of TMP 106-062,106-296,106-213,106-054,106-054.001 from RA (Residential Agricultural) to R3 (Multi-Family Residential) to develop a mixed use adult community, included in this request is also a variance from Section 304.E.7 (Maximum Units per Building) and Section 304.E.8 (Maximum Density). Location: Dawson Forest Road.

Chairman Berg announced ZA 07-18 and ZA 07-19 will be treated as new hearings giving citizens an opportunity to speak if they so desired.

Developer John Rymer of 327 Dahlonga Street, No. 304, Cumming, GA 30040 requested the Board rezone 97 acres from RA to R3 and CPCD. Mr. Rymer thanked the Board for the time they have invested in this development. Mr. Rymer stated the Dawson County Development Authority supported this development. Mr. Rymer read a letter from Charlie Auvermann, Director of the Development Authority. Mr. Rymer addressed the concerns the Board had mentioned in past hearings. Those concerns are as follows: Conversion of apartments to condominiums; Sidewalks to width of five feet; Met additional buffer requirements; Removal of the secondary pool from plans; Emergency access through Country Crossings; Covenants specifically mandating age 55+ throughout the entire development. Mr. Rymer stressed that no person under the age of 18 is allowed to live in the entire project. Mr. Rymer also stated this plan is consistent with the Future Land Use Plan (FLUP).

Mr. Rymer compared North Georgia Village with the neighboring development of Riley Place located on Dawson Forest Road. Mr. Rymer stated North Georgia Village was low impact density in having 4.3 units per acre with the average number of household residents of 1.6 compared to Riley Place's 10 units per

acre with 2.4 average residents in one household. Mr. Rymer explained why this project is low impact density in stating there are fewer occupants per home, 55+, fewer cars, lower traffic and lower impact on social services such as school and law enforcement. Mr. Rymer cites this project to be a strong source of revenue for the County with real estate taxes, sales taxes and purchasing consumer goods in the community.

Mr. Rymer reported 60%-70% of greenspace is the total vegetative area where 40% of the total property is undisturbed greenspace.

Mr. Rymer reported this development is ¼ mile from The North Georgia Premium Outlet Mall and the new Sembler retail mall. Mr. Rymer reported North Georgia Village is consistent with Dawson County's Vision for Growth as stated in the Land Use Element.

Mr. Rymer presented pictures of similar projects in home design. The price point is from \$250,000.00 to \$350,000.00.

Mr. Rymer closed in saying the State of Georgia Dawson, County Development Authority, Community Development Department, and the Planning Commission all support this project concept and design.

Mr. Rymer answered questions from the Board of Commissioners. Mr. Rymer stated a builder will come in a build his plans as stated in the materials submitted. Commission Nix inquired if the seniors of Dawson County could use the all-season swimming pool. Mr. Rymer stated the HOA of North Georgia Village would need to approve non-residents using the pool. Commissioner Tragesser stated she would like to see a 50' buffer and a 25' undisturbed buffer to have a total of 75' buffer. Mr. Rymer reported there would be a 25' undisturbed buffer within the 50' buffer.

Mr. Rymer stated he was under the assumption the Urban Activity Center (UAC) would be ratified by November 2007.

Chairman Berg asked if anyone wished to speak in favor of the applicant.

Development Authority Director Charlie Auvermann, 137 Prominence Court Ste. 230, Dawsonville, Georgia, gave a presentation to the Board. Mr. Auvermann stated the Development Authority is not a need for them to be involved in the residential side of the development, only the retail/commercial aspect. Mr. Auvermann thanked Jim Kinsey and the residents of Country Crossings for working with the developer on the side emergency entrance. This entrance will be gated and only accessible by the fire department. This entrance will be unpaved.

Mr. Auvermann reported the LOCI model from commercial assisted living part only. The doctors' offices and retail is not included. There will be a positive net value of tax benefits to the County from the project of \$706,000.00. There will be projected annual sales taxes realized of \$21,232, with a singular \$64,436.00 sales tax spike associated with the local purchase of construction materials. Only 30% of the materials are expected to be sourced locally. There will be \$26,928 to \$147,348 in property tax generated annually from the project. There will be 24 jobs with 13 local. These jobs when applied to standard industry multipliers generate 36 total jobs with an annual new income of \$1.3 million. Using the average annual salary of \$34,000.00 with the standard industry multipliers the net increase in general retail sales purchases from these jobs will equal \$554,897 thus generating \$38,900.00 in retail sales tax annually.

Mr. Auvermann continued in speaking about the Future Land Use Plan and Map. Mr. Auvermann reported this project is in a complicated area. Mr. Auvermann states there is a problem area where Urban Activity Center, Light Industrial, Campus Style Business Park, Village Activity Center and Multi-Family Use. Mr. Auvermann asked for direction from the Board regarding the zoning. Mr. Auvermann believes there is not a development that would be compatible (on paper) with this plan.

Mr. Auvermann reported this development is very close, ¼ mile from Dawson County's highest commercial density. Mr. Auvermann added this project is close to every major medical facility, shopping, grocery and pharmacy Dawson County has to offer which is important to those in the assisted living or active adult community. Mr. Auvermann stated this is a logical location for this development. Mr. Auvermann reported Mr. Rymer is a "green builder".

Commissioner Connor stated the Future Land Use Map does not match the Plan. Commissioner Connor asked what the Plan said as to the zoning. Mr. Auvermann reported the Plan is not complete. Mr. Auvermann stated he was under the expectation that the County would have UAC/VAC in writing by the time the developer wanted to start. Commissioner Connor pointed out the staff is working to straighten out the problems between the Future Land Use Plan and Map.

Mr. Jeff Schneider, 977 Wildwood Road, Atlanta, Georgia, stated he works for the law firm of Weissman, Nowack, Curry & Wilco, P.C. Mr. Schneider represents Debbie Mills, executor of the will of an owner of the property in question. Ms. Mills is in North Africa and is unable to attend the hearing. Ms. Mills' family has been residents of Dawson County. Ms. Mills would like to liquidate the estate and move on.

Ms. Mills feels this development is a responsible means to sell the property and would be a good legacy for her family as opposed to a "big box" company no one wants to drive past. Mr. Schneider reports if the development is not approved, the family will not be able to leave the legacy they want for Dawson County not just the land value. Mr. Schneider asked the Board to consider the impact is lower than Riley Place because of the age requirements.

Chairman Berg asked if anyone wished to speak in opposition to the project.

Mr. Jim Kinsey, 86 Huckleberry Ford, Dawsonville, Georgia. Mr. Kinsey stated he was not necessarily in opposition of the application but he does have some concerns. Mr. Kinsey stated some previous concerns he expressed were the proximity of the swimming pool which has been moved; buffers between Country Crossings neighborhood and the development have been changed to 50' total with a 25' undisturbed area. Mr. Kinsey would like to see a 50' buffer and a 25' undisturbed buffer for a total of 75'; Conceptual agreement as to the emergency access; Density issue. Mr. Kinsey reported this property is fragile in stating there are topographical issues that the developer will need to think about.

Mr. Rymer stated the multi-family portion of the project is approximately 300' away from Country Crossings neighborhood. Mr. Rymer stated within the 50' buffer, he would plant more heavily if that was the wish of the Board. Mr. Rymer stated he would allow any owner of Country Crossings to come into the buffer if they needed to.

Commissioner Pichon asked Mrs. Tully if the R3 rezoning request fits with the current and adopted Future Land Use Plan. Mrs. Tully reported the rezoning request somewhat fits. She added there are four available land uses within this parcel. Commissioner Berg reported the County did try to follow parcel lines but in this area it didn't work. Commissioner Pichon asked whether the adopted Future Land Use Plan intended on high density (in terms of people) where the condominiums would be located. Mrs. Tully reported high density was intended. Commissioner Pichon asked whether the zoning request (RA to R3) of the variances requested fit the normal and customary standards for granting variances. Mrs. Tully reported this is not a normal request because of the size of the property. Commissioner Pichon read the following statement: "the extraordinary and exceptional conditions particular to the site, application of regulations which create a practical difficulty or unnecessary hardship, relief which would not cause substantial detriment to the public good or other purposes intent of these regulations and the literal interpretations of the zoning variance would deprive the applicants of rights others in the same district have allowed." Mrs. Tully affirmed the criteria.

Commissioner Tragesser asked if this property was located within the GA 400 Corridor Overlay and would have impact fees. Mrs. Tully reported the development would be subject to impact fees but it would not include the road portion.

County Attorney Joey Homans reported Mr. Schneider has submitted The Constitutional Preservation of Rights. This information will be made part of the record.

Commissioner Tragesser would like to see a 50' buffer with the additional required setbacks of 25' adjacent to Country Crossings. Mr. Rymer said he would agree to this stipulation if the Board needed it to approve this request. Commissioner Tragesser added the turn lane concerns.

The following motion with stipulations was made as to ZA 07-18:

1. Storm water management and soil erosion controls shall be strictly adhered to given the presence of steep slopes, a tributary to the Etowah River and drainage basins;
2. An additional potential access point shall be considered for the northeastern portion of the property, which would permit extension into future adjoining developments;
3. The Applicant shall coordinate with the Board of Education's transportation department to determine the location of a bus stop at the entrance of the development, and adequate school bus turn-around areas should be provided in the interior of the site, if applicable;
4. Access will require an exclusive right turn lane from the westbound Dawson Forest Road, and a left turn and right turn coming out of the site (per the traffic impact study prepared as part of the DRI process);
5. The proposed sidewalk/trail system must be reviewed and approved by the Community Development staff to ensure adequate connectivity between uses and pathways;
6. Sidewalks shall be a minimum of five (5) feet in width;
7. Open space, parking lots, roadways, pathways, entryways and signage shall be permanently maintained via HOA as part of language in deeds and covenants;
8. Building and site design shall be consistent with "Design and Development Guidelines: North Georgia Village," as submitted by the Applicant with the zoning application materials;
9. Parking spaces should be reduced where they exceed the minimum number required to reduce the amount of impervious surface, or extra spaces should utilize pervious surface where applicable;
10. Minimum of 50 feet width of undisturbed buffer shall be provided along the perimeter of the project site where the project is adjacent to Country Crossings and additional buffer of 25 feet will be provided;
11. A landscape area having a minimum horizontal dimension of 15 feet shall be provided along vehicular use areas which adjoin a public right-of-way;
12. The final site plan for this rezone shall be subject to approval of the Board of Commissioners;
13. Applies only to R3 Multi-Family a minimum of 800sqft of heated space for each unit;

*see page 2, line 12 for age restrictions.

Motion passed unanimously to approve ZA 07-18 with stipulations. Tragesser/Nix

Motion passed unanimously to approve variance in stating the density per acre to 7 units and waive maximum unit per building. Tragesser/Nix

ZA 07-19:

Rymer Development L.L.C. has made a request to rezone 82.028 acres of TMP 106-062, 106-296, 106-213, 106-054, 106-054.001 from RA (Residential Agricultural) to CPCD (Commercial Planned Comprehensive Development) to develop a mixed use adult community, included in this request is also a variance from Section 404.C.7.C (Maximum 6 Density of 6 Units per Acre up to a Maximum of 100 Units) and Section 404.C.7.5 (Minimum 50% of Uses for Non-Residential Uses). Location: Dawson Forest Road.

Mr. Rymer reminded the Board this is low impact density; less than 2 people per household. Mr. Rymer stated he is trying to stay in the price point he feels that seniors need and density is the key. Mr. Rymer reported without the density requested, the development would be at a higher cost per unit.

Chairman Berg asked whether anyone wished to speak in favor or opposition of the application and hearing none closed the hearing.

The following motion with stipulations was made as to ZA 07-19:

1. Storm water management and soil erosion controls shall be strictly adhered to given the presence of steep slopes, a tributary to the Etowah River and drainage basins;
2. An additional potential access point shall be considered for the northeastern portion of the property, which would permit extension into future adjoining developments;
3. The Applicant shall coordinate with the Board of Education's transportation department to determine the location of a bus stop at the entrance of the development, and adequate school bus turn-around areas should be provided in the interior of the site, if applicable;
4. Access will require an exclusive right turn lane from the westbound Dawson Forest Road, and a left turn and right turn coming out of the site (per the traffic impact study prepared as part of the DRI process);
5. The proposed sidewalk/trail system must be reviewed and approved by the Community Development staff to ensure adequate connectivity between uses and pathways;
6. Sidewalks shall be a minimum of five (5) feet in width;

7. Open space, parking lots, roadways, pathways, entryways and signage shall be permanently maintained via HOA as part of language in deeds and covenants;
8. Building and site design shall be consistent with "Design and Development Guidelines: North Georgia Village," as submitted by the Applicant with the zoning application materials;
9. Parking spaces should be reduced where they exceed the minimum number required to reduce the amount of impervious surface, or extra spaces should utilize pervious surface where applicable;
10. Minimum of 50 feet width of undisturbed buffer shall be provided along the perimeter of the project site where the project is adjacent to Country Crossings and additional buffer of 25 feet will be provided;
11. A landscape area having a minimum horizontal dimension of 15 feet shall be provided along vehicular use areas which adjoin a public right-of-way;
12. The final site plan for this rezone shall be subject to approval of the Board of Commissioners;
13. The minimum percentage of the project land area (82.028) acres proposed (CPCD zoning) that is required to be commercial, office, public, personal services, restaurant or similar uses shall be no less than 35%;
14. Commercial component shall be part of the first phase of development;
15. Adoption of covenants;

Motion passed unanimously to approve ZA 07-19 with the stipulations. Tragesser/Nix

Motion passed unanimously to approve variance in allowing no more than 114 units. Tragesser/Nix

ZA 08-02: Appalachian Community Bank has made a request to rezone 2.85 acres from RA (Residential Agricultural) to C-HB (Commercial Highway Business) to be able to build a banking facility. TMP: 114 013; Location: 4200 Dawson Forest Road, East.

Chairman Berg read all stipulations recommended by the Planning Commission.

Mr. Greg Gordon, 1726 Howser Mill Road, Dawsonville, Georgia. Mr. Gordon stated Appalachian Community Bank would like to build a branch office on Dawson Forest Road. Mr. Gordon stated they want to build a building similar to the one in Dawsonville. This building would be a one story as opposed to two stories.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Charlie Auvermann, 137 Prominence Court, Ste 230, Dawsonville, Georgia spoke in favor of the application. Mr. Auvermann stated there would be a positive cash flow on property taxes. This business would be consistent with the FLUP as Commercial Highway Business.

Chairman Berg asked whether anyone wished to speak in opposition of the application and hearing none closed the hearing.

Mrs. Tully stated this plan is consistent with the FLUP and the zoning required is constant with the ordinances.

Chairman Berg inquired as to stub outs. Mrs. Tully stated there will be stub outs but the plan presented is conceptual.

Stipulations are as follows:

1. The project shall comply with the Development and Design Guidelines for the Georgia 400 Corridor, including but not limited to standards for signage, building design, buffers, sidewalks, and site and parking lot landscaping.
2. Applicant shall coordinate with the Dawson County Engineer to determine feasibility of restricting entrance/exit to one driveway per Section 4.1. Principal Site Access of the Development and Design Guidelines for the Georgia 400 Corridor.
3. The proposed detention pond will be designed to be easily removed and replaced to accommodate future extension of the Dawson Forest Road/Power Center Drive intersection.
4. Stub outs on the East and South and an easement on the West.

Motion passed unanimously to approve ZA 08-02 with stipulations. Pichon/Nix

NEW BUSINESS:

Package Liquor Store License: Kindred Property Group, LLC - d/b/a Premium Package Outlet

County Attorney announced Doug Cotter has withdrawn his package store license. County Attorney Homans reported the applicant is seeking conditional approval of this alcohol license pending build-out

of the suite. State and Federal background checks are complete for three members of Kindred Property Group, LLC. All member of the LLC are Dawson County residents. The license application was advertised on March 12 and March 19.

County Attorney Homans reported under the existing ordinance at anytime a business is not in businesses or not moving forward for 30 days the Board shall give the party notice and a hearing.

Ridge Rairigh, Counsel of applicant, 362 Jack Heard Road, Ste 230, Dawsonville, Georgia. Commissioner Pichon asked what provisions this employer will have to prevent the sale of alcohol to minors. Mr. Rairigh reported the applicant will follow all state laws, ID everyone that purchases alcohol and the date of birth must be entered into the register.

County Attorney Homans reported to the Board this motion would be conditional to the structure meeting all requirements of the ordinance. Mr. Rairigh reported the structure has received its CO.

Motion passed unanimously to approve the application of Kindred Property Group, LLC - d/b/a Premium Package Outlet. Pichon/Nix

Retail Package Beer and Wine License – M&M Super Mart

M&M Super Mart is located at 7430 Elliott Family Parkway. This store was formerly the Corner Store, which closed March 1, 2008. The store reopened on March 12, 2008 without alcohol sales. Mr. Chris Moore owns the property and store, and he is the applicant for subject alcohol license. He is a Dawson County resident. Federal and State background checks are complete. There is no advertising requirement for this application. County Attorney Homans stated the applicant has paid the \$1500.00 bond and meets all other requirements for issuance of the license.

Motion passed unanimously to approve the application of M&M Super Mart. Pichon/Tragesser

Approval of letter to Legislation regarding CID Legislation

Chairman Berg stated this legislation will allow Dawson County to introduce a CID in the future. This should be advertised this coming week.

Motion passed unanimously to send a letter to the Legislation regarding CID Legislation. Tragesser/Nix

Bid Results and Award Recommendation for four Pumper Tankers

Purchasing Agent, Jill Rathe requested the Board approve the low bid of \$677,600 from Freedom Fire Equipment of Marietta, GA for four Pumper/Tanker Trucks as bid in response to \$6308IFB.

Motion passed unanimously to approve the low bid of \$677,600 from Freedom Fire Equipment of Marietta, GA for four Pumper/Tanker Trucks as bid in response to \$6308IFB. Pichon/Tragesser

Approval of Drug Court Contract with New Hope Counseling

Purchasing Agent, Jill Rathe requested the Board to approve the contract amendment to allow New Hope Counseling to provide counseling for first time marijuana offenders, which allows six months of early intervention treatment to the DUI Court Treatment Services.

Motion passed unanimously to approve the addendum to the New Hope Counseling Contract.
Nix/Pichon

Discussion of the Long Range Planning Committee

Commissioner Tragesser reported the Long Range Planning Committee was started in 2005 and is a very valuable resource to Dawson County. Commissioner Tragesser requests the Board to approve the Long Range Planning Committee as a standing committee as opposed to an ad hoc committee. Upon approval of the committee being established Commissioner Tragesser recommends the Board direct the committee to identify members and their term lengths. Commissioner Tragesser recommends the two members of the Board, members of the Long Range Planning Committee and staff propose this criteria. Commissioner Tragesser reports the committee will be looking at these major projects: Village and Urban Activity Centers, 53 Corridor Overlay, subdivision and traditional neighborhood design among various other projects. Commissioner Tragesser reports the committee has the potential to be ongoing with all the developments that the committee could oversee.

Commissioner Pichon states he has spoken to other counties and believes the cycle of Future Land Use Plan adjustments has been five years. This committee condenses the public comment to the planners and others involved in drafting language in the Community Agenda.

Chairman Berg reported being on the Long Range Planning Committee as a Planning Commissioner. Commissioner Berg went on to say the Long Range Planning Committee was established to present a Community Agenda to the Board; the Hwy53 Overlay has already been completed, although the current Board and one prior have never seen the overlay. Commissioner Berg wished to see the LRPC as an ad

hoc committee that oversees projects, passes on information to the Planning Commission who in turn gives the final information to the Board of Commissioners.

Motion passed by majority to make the Long Range Planning Committee an ad hoc committee and dissolve within 30 days from March 20, 2008. Pichon/Nix Opposed by Tragesser/Connor

Amended Variances: Procedures and Planning Commission Review & Recommendations

Chairman Berg reported this is the ordinance that would allow the Board of Commissioners to hear certain variances within a defined period of time the Planning Commission had already voted on. County Attorney Homans stated the Board would hear the variances, at their choice, from beginning regardless of the decision of the Planning Commission. As it is now, the applicant and effected property owner may file an appeal to the Board of Commissioners. County Attorney Homans stated the Board would need to decide whether or not to hold public hearings on this matter.

Commissioner Nix made a motion to leave the ordinance as is and not hold public hearings. Died for lack of second.

Motion passed by majority to hold public hearings regarding Amended Variances: Procedures and Planning Commission Review & Recommendations. Pichon/Tragesser Commissioner Nix opposed the motion.

Appointment of Planning Commission

Chairman Berg reported there are three seats available for appointment on the Planning Commission.

Commissioner Julie Hughes Nix reappoints Mr. Vernon Smith (prime) and Mr. Peter Hill (alternate) for the District 4 Planning Commission seat.

Motion passed unanimously to approve the reappointment of Mr. Vernon Smith (prime) and Mr. Peter Hill (alternate) to the Planning Commission. Nix/Pichon

Commissioner Terri Tragesser reserves the right to appoint members to the Planning Commission Board.

Chairman Berg reappoints Mr. Dick Bergen (prime) and Mr. Mike Wenson (alternate) to the Planning Commission. Chairman Berg stated the current members of the Board will continue to serve until Commissioner Tragesser makes her appointments.

Motion passed by majority to approve the reappointment of Mr. Dick Bergen (prime) and Mr. Mike Wenson (alternate) to the Planning Commission. Pichon/Nix Commissioner Connor opposed the motion.

Motion passed unanimously to enter into executive session. Nix/Tragesser

Motion passed unanimously to come out of executive session. Pichon/Nix

ADJOURNMENT

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - March 27, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – TUESDAY, MARCH 27, 2008

Rock Creek Park Community Room – 4:00 p.m.

ANNOUNCEMENTS:

Chairman Berg announced the Board of Commissioners will be conducting interviews for the County Manager position tomorrow, March 28, 2008. The interviews will take place at Southern Catholic College in Dawsonville.

Finance Director Lowayne Craig announced one new member and one promotion within her staff. Mrs. Christina Palacios has been named the new Budget Manager and Ms. Elizabeth Ashworth has been promoted to Accounting Manager from Budget Analyst.

Human Resources Director Jay Sessions welcomed Kathy Hardy an HR Specialist to the Dawson County team.

WORK SESSION AGENDA:

1. The Lab Depot Fee Refund request – Don Westall/John Seelke

This item to be placed on the Regular Meeting Agenda – 04/03/08

2. Discussion of the Water Emergency Plan – Commissioner Gary Pichon

This item to be placed on the Regular Meeting Agenda – 04/03/08

3. Discussion of the 10,000 Acers – Chairman Mike Berg

This item to be placed on the Regular Meeting Agenda – 04/03/08

4. County Manager Report

5. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - April 3, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, APRIL 3, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Judge Deal and Reggie Forrester – Drug Courts

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Commissioners Gary Pichon and Mike Connor have received their ACCG Commissioners certification.

Chairman Berg stated the Library hosted Roy Coleman Day earlier this afternoon. Chairman Berg added it was very moving and successful.

Chairman Berg announced the County received \$2500 Health Grant from ACCG.

IT Director Mark Tursich welcomed John Barclay as the new Network Administrator in the Information Technology Department.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on March 20, 2008. Nix/Pichon

PUBLIC HEARINGS:

Business License Ordinance

Chairman Berg announced although this hearing had been advertised for tonight the public hearing regarding Business License Ordinance would be on April 17, 2008 and May 1.

Amended Variances: Procedures and Planning Commissioner Review and Recommendations – 1st of 2 hearings

Chairman Berg explained adopting this variance would allow the Board of Commissioners to review any decision made by the Planning Commission concerning variances.

Chairman Berg asked whether anyone wished to speak in favor or opposition of the Amended Variances: Procedures and Planning Commissioner Review and Recommendations.

Mr. Vernon Smith, 182 East View Drive, Dawsonville, Georgia spoke in opposition of the amended variances. Mr. Smith reported he is starting his second term as a Planning Commissioner. Mr. Smith read the following letter that was submitted to the Board of Commissioners on February 19, 2008.

The following members of the Dawson County Planning Commission recommend that the Proposed Change not be approved for the following reasons:

1. The proposed Ordinance is not in the public interest. The time frame added to review Planning Commissioner minutes and other supporting documentation, to decide whether to conduct a Board-enacted review, vote in a public hearing on whether to review, to properly advertise the review, and to execute the review will substantially delay closing many Variances, most minor in nature, brought before the Planning Commission. This may result in untimely delays to contractor work in progress or work soon planned to be in progress.
2. The proposed Ordinance is not in the best interest of Dawson County's Board of Commissioners. As the Commissioners currently serve on a part-time basis, adding responsibilities of reviewing and publicly

hearing Variances will increase the workload of the Commissioners, potentially at the expense of more pressing and involved County business.

3. The proposed Ordinance is not in the best interest of maintaining harmony between Dawson County's Board of Commissioners and that of the Planning Commission. The Planning Commission may take enactment of this Ordinance as a statement of no confidence. Experience has shown that override of Planning Commission decisions on variances has been rare. Only once in the past four years has this even occurred and then the overridden decision resulted in applicant litigation and an eventual judgment found against the County.

Rather, the Planning Commission recommends that communication between the County's Board of Commissioners and the Planning Commission be improved. Each member of the Board of Commissioners appoints a member to the Planning Commission. Should a Commissioner reach a clear position on a critical upcoming variance before the Planning Commission, that Commissioner should share their thoughts with their appointee and openly discuss any relevant information. In addition, the Planning Commission respectfully suggests that if there are issues with the County's land Use Resolution then the Resolution itself be changed rather than changing processes.

Respectfully recommended,

Chairman, Planning Commission

Planning Commission, District 1

Planning Commission, District 2

Planning Commission, District 3

Planning Commission, District 4

Mr. Smith went on to read the vision of the Planning Commission as listed on the County's website:

"Through the Planning Commission a comprehensive and continuous planning program was undertaken for the County. The Dawson County Planning Commission was established to assist in guiding and accomplishing a coordinated and harmonious development for the County which will, in accordance with existing and future need, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development. The Planning Commission reviews, investigates and render decisions concerning Variances to the Land Use Regulations of Dawson County and other ordinances. The Commission is also called upon to recommend action to the Board of Commissioners regarding requests for Rezoning of real property. Further the Planning Commission proposes amendments to the ordinances and conducts public hearings. Membership is appointed to the Commission by each District Commissioner and the Chairman of the Board of Commissioners."

Members

Dick Bergen (Chairman)

158 River Overlook Road

Dawsonville, GA 30534

(706) 216-7005

Term ends December 31, 2009 Mike Wenson, Alternate

65 Taylor Court

Dawsonville, GA 30534

(706) 216-1511

Term ends December 31, 2009

Jason Hamby, District 1 (Vice Chairman)

Bailey Waters Road

Dawsonville, GA 30534

(706) 265-1382

Term ends December 31, 2008 Craig Price, Alternate

10811 Big Canoe

Jasper, GA 30143

(706) 579-1982

Term ends December 31, 2008

Robert Corey, District 2

1061 Riverbend Road

Dawsonville, GA 30534

(706) 216-3409

Term ends December 31, 2007 Kurt Krattinger, Alternate

P.O. Box 855

Dawsonville, GA 30534

(706) 216-4722

Term ends December 31, 2007

Lionel Graves, District 3

224 Park Cove Road

Dawsonville, GA 30534

(706) 216-0177

Term ends December 31, 2008 Arlene McClure, Alternate

1006 Stowers Road West

Dawsonville, GA 30534

(706) 216-1483

Term ends December 31, 2008

Vernon Smith, District 4

2057 Dawson Forest

Dawsonville, GA 30534

(706) 216-1022

Term ends December 31, 2009 Pete Hill, Alternate

45 Heath Road

Dawsonville, GA 30534

(706) 531-9998

Term ends December 31, 2009

Mr. Smith read the following sections from the County's Land Use Resolution; Article VIII – Variances Section 800 (Purpose), Section 801 (Conditions), Section 802 (Criteria for Granting Variances)

Mr. Smith reported the Board of Commissioners would have to follow the same rules the Planning Commission would follow. Mr. Smith stated he feels the two Boards work well together. Mr. Smith suggests communication between the Board of Commissioners and the Planning Commission is the best

way to resolve the issue at hand. Mr. Smith respectfully requested the Board not approve the Amended Variances: Procedures and Planning Commission Review and Recommendations.

Chairman Berg asked whether anyone else wished to speak and hearing none closed the hearing. Chairman Berg announced on April 17, 2008, the Board of Commissioners will hold the next public hearing and will vote on the Amended Variances ordinance.

NEW BUSINESS:

The Lab Depot Fee Refund Request

Development Authority Director Charlie Auvermann, 136 Prominence Court, Ste 230, Dawsonville, Georgia, represented The Lab Depot. Mr. Auvermann reported Mr. Seelke nor Mr. Westall are unable to attend tonight due to prior business commitments. Mr. Auvermann reported research shows 70% of new business in the County comes to location initially by references from other business owners or managers.

Mr. Auvermann reported The Lab Depot first came to the Board and requested a zoning change in September 2007, where the Board took no action. The Board heard the zoning application in November 2007 in which the Board denied the request. The Lab Depot then requested a refund of \$2500.00 based on the following points: The zoning classification of CPCD was given to The Lab Depot by the County when the business came before the Board in 2003. The Lab Depot does not feel it should be encumbered by CPCD fee level for a buffer hearing (November 2007). Mr. Auvermann reports the Community Development did not require to work at a level typical of an initial CPCD hearing (no new images by staff, plats, etc.); The Community Development department did not need to prepare additional traffic studies; environmental studies or any other reviews that are normally completed nor was any documentation needed for a DRI to be submitted to the State. The level of due diligence was not found in this case.

Mr. Auvermann added that The Lab Depot is a low impact business and generates a significant tax boost to Dawson County. In 2006, The Lab Depot paid \$25,395.00 in sales tax and \$10,516.00 in land and building taxes to Dawson County.

Commissioner Connor asked whether The Lab Depot paid the fee contingent on approval. Mr. Auvermann stated The Lab Depot would have to pay the fee no matter the outcome. Commissioner Pichon asked if any costs were encumbered for this buffer hearing. Community Development Director Lynn Tully reported the fees are based on the zoning classification that is requested. Chairman Berg

reported there was a site plan change that was being requested in November 2007, where a warehouse was removed. Mrs. Tully reported most surrounding counties do not typically offer refunds.

Motion passed unanimously to deny The Lab Depot Fee Refund Request. Connor/Pichon

Approval of the Water Emergency Plan

Commissioner Pichon presented a report at the Work Session on March 27, 2008. Commissioner Pichon requests the following: 1) The Board use its influence with the Legislature to make the target of 10% reductions remain in effect; 2) The County Attorney research the emergency powers law so that we may draft and adopt ordinances which will allow the Sheriff's Department to enforce water conservation in the event of an emergency; 3) Through the County Manager and Purchasing Agent find the correct water tanks and supplier and have a purchase order ready if the need arose.

County Attorney Homans reported the County does not have any local ordinances in effect but we could adopt the State ordinances.

Motion passed unanimously to approve Water Emergency Plan. Pichon/Nix

Approval of outsourcing the 10,000 Acres presentation

Chairman Berg requested the Board approve the outsourcing the 10,000 Acres presentation not to exceed \$15,000.00.

Commissioner Tragesser asked whether the Purchasing Agent would put this out to bid. Chairman Berg stated this motion would allow for an RFQ. Commissioner Tragesser inquired into the County's vision for the property and when that discussion would take place. Chairman Berg stated that vision will come later along with any other group that helped acquire the property, 11 groups at this point. Chairman Berg stated this is simply a starting point.

Commissioner Connor asked for clarification of how the County would send out an RFQ. Chairman Berg stated the RFQ would be broad at this point. In turn, those groups would then tell the Board what the scope of their presentations would be and the Board would need to vote. Purchasing Agent stated she is concerned about doing an RFQ at this price point. Mrs. Rathe asked for more information. Chairman Berg directed Mrs. Rathe to the presentation given last week. County Manager Ross Hubbard stated he and Mrs. Rathe would develop the RFQ.

Commissioner Pichon stated he feels that a presentation of this magnitude would need to be outsourced professionally. Commissioner Pichon added this presentation will be a selling tool. Chairman Berg stated the presentation will be needed by the end of May 2008.

Motion passed unanimously to send out a Request for Qualifications for the 10,000 Acre presentation.
Pichon/Nix

ADJOURNMENT

Motion passed unanimously to adjourn. Tragesser/Pichon

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - April 10, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – TUESDAY, APRIL 10, 2008

Rock Creek Park Community Room – 4:00 p.m.

WORK SESSSION AGENDA:

1. Application for County Permit to use Historic Courthouse – Diane Avery

This item to be placed on the Regular Meeting Agenda – 04/17/08

2. PROCLAMATION: Small Business Week – Linda Williams, Chamber of Commerce

This item to be placed on the Regular Meeting Agenda – 04/17/08

3. Acceptance of Highland Pointe at Oakmont into County road system – Dave Headley

This item to be placed on the Regular Meeting Agenda – 04/17/08

4. Approval of Board procedures based on CVIOG Workshop – Ross Hubbard

This item to be placed on the Regular Meeting Agenda – 04/17/08

5. Approval of Public Works request to exercise paving options – Dave Headley

This item to be placed on the Regular Meeting Agenda – 04/17/08

6. Business License Ordinance – Joey Homans and Robbie Irvin

This item to be placed on the Regular Meeting Agenda – 04/17/08

7. Approval of Dawson County Humane Society Contract – Joey Homans

This item to be placed on the Regular Meeting Agenda – 04/17/08

8. DCAR GIS with Etowah Water and Sewer Authority IGA – Joey Homans

This item to be placed on the Regular Meeting Agenda – 04/17/08

9. County Manager Report

10. County Attorney Report

Motion passed unanimously to enter into executive session. Tragesser/Pichon

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - April 17, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, APRIL 17, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Sue Poynter and Pat Cavanaugh for Dawson County Woman’s Club: Support letter for Corps of Engineer parks and 10,000 acres

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the County had applied for the Transportation Enhancement project through GDOT and for a trail way has been approved for \$135,793.00.

Chairman Berg announced receipt of a letter from GEMA approving Billy Thurmond as the Emergency Management

Chairman Berg stated Roy Coleman has passed away Wednesday morning. The family will receive friends Friday at Bearden’s Funeral Home from 4pm-8pm. The funeral will be held Saturday at Church of the Apostles at 11am.

Chairman Berg reported there will be a Community Forum on April 22, 2008 at the Dawson County Library from 3pm-5pm. The first part of the meeting will focus on Entrepreneur Friendly Week.

Chairman Berg added the County is in receipt of a check from ACCG for the Health Grant in the amount of \$2500.00.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on April 3, 2008. Tragesser/Nix

PUBLIC HEARINGS:

Amended Variances: Procedures and Planning Commissioner Review and Recommendations – 2nd of 2 hearings

Chairman Berg stated this variance would change the process by which the variances are heard to allow the Dawson County Board of Commissioners to request to hear a variance that may be approved or denied by the Planning Commission.

Chairman Berg asked whether anyone wished to speak in favor or opposition of the Amended Variances: Procedures and Planning Commissioner Review and Recommendations.

Mr. Richard Bergen, 158 River Overlook Road, Dawsonville spoke in opposition to the change in variance on behalf of the Dawson County Planning Commission. Mr. Bergen referenced the letter written by the Planning Commission dated February 19, 2008 (see April 3, 2008 minutes). Mr. Bergen sited it was not in the community's best interest due to time restraints. Mr. Bergen reported the manner in which the variance is currently written, the Board of Commissioners would hear a variance sixteen days later 28% of the time and 72% of the time they would hear the variance within forty-eight hours. Mr. Bergen does not feel this is fair to the applicant, public nor the Planning Commission. Mr. Bergen stated the variance is not in the best interest of the Board of Commissioners because of the added responsibility and that it is not needed since the Board of Commissioners has only overturned one decision in the past four years. Mr. Bergen added the Planning Commission feels it is in the best interest of harmony between the two Boards this variance not be approved. Mr. Bergen stated in his experiences he feels only where "gross incompetence" is at hand should micromanagement be needed. Mr. Bergen reported better communication between the members of the Planning Commission and the Board of Commissioners since this variance was presented. Mr. Bergen requested the Board wait to see whether communication has improved and then reconsider adopting this amended variance.

County Attorney Homans reported the variance states "...the Board of Commissioners shall have through the Board of Commissioners' next regularly scheduled meeting following action by the Planning Commission or ten (10) days, whichever is later, to decide to review a decision of the Planning Commission." If the Board of Commissioners elects to hear a variance in the case of the sixteen days notice, a Special Called meeting would be needed.

Mr. Vernon Smith, 182 East View Drive, Dawsonville, Georgia spoke in opposition of the amended variances. Mr. Smith thanked Commissioner Nix for her open discussion and review on variances brought to the Planning Commission.

Ms. Arlene McClure, 1006 Stowers Road, Dawsonville, Georgia spoke neither in favor or opposition of the variance. Ms. McClure stated the Board would have much better communication with the members of the Planning Commission if at the time the Commissioners are elected they should appoint a new member to the Planning Commission as opposed to appointing members on the Commissioners' last year.

Mr. Mike Wenson, 6410 Taylor Creek Court, Dawsonville, Georgia stated he is unclear as to why this variance has been proposed. Mr. Wenson reported he sent a letter to the Board of Commissioners regarding communication years ago. Mr. Wenson feels better communication rather than more legislation would best serve the community.

Mr. Bill Goode, 700 Lula Garrett Road, Dawsonville, Georgia spoke on behalf of the Home Owners Association. Mr. Goode spoke neither in favor or opposition of the variance. Mr. Goode stated he feels the motive for the variance was based on good intentions because citizens should have the right to appeal but questions whether this variance the correct way to accomplish the matter at hand. Mr. Goode stated if a citizen disagrees with the decision of the Board then that citizen should file an appeal through the proper channels as opposed to the Board of Commissioners having to review every decision. Mr. Goode reported there would be confusion on the part of the applicant due to not knowing whether the decision of the Planning Commission will stand or the Board of Commissioners will review the application. Mr. Goode asked the Board to reconsider the variance based on these issues.

Chairman Berg asked whether anyone else wished to speak and hearing none closed the hearing. Chairman Berg reported since both hearings have been heard, the Board of Commissioners can vote on the Amended Variances ordinance.

County Attorney reported the State has added Subsection C to the code and requests the Board do the same. Subsection C reads "...The proponent shall have a minimum time period to ten minutes to present data, evidence, and opinions and an equal minimum time period of ten minutes shall be permitted for

presentation by opponents of each request..." County Attorney Homans reported this is what the Courts have added and the County needs to follow their direction. County Attorney Homans requests the Board approve Subsection C for the current ordinances.

Commissioner Connor stated the citizens do not have an appeals board to turn to and the Board of Commissioners would serve in that capacity. Commissioner Connor thanked the Planning Commission for all their dedication and asked the Planning Commission not to take this variance as a criticism. Commissioner Tragesser added this variance would give the public a voice in an unexpected event, which takes three votes from the Board of Commissioners to bring the variance up for review. Both Commissioner Connor and Tragesser stated communication is the key to success.

Chairman Berg stated the Board of Commissioners does act as the ultimate authority but there have not been any major issues to address. Chairman Berg agreed with Commissioner Connor in saying this variance was never meant to slight the Planning Commission. Chairman Berg added there does need to be a forum for all citizens, who can show harm, to appeal a decision made by the Planning Commission making this variance to be that appeals process. All appeals would be filed with the County Clerk.

Motion to pass Amended Variances failed to obtain majority vote. Commissioners Connor and Tragesser voted to approve the motion. Commissioners Pichon and Nix voted to deny the motion. Chairman Berg broke the tie and voted to deny the motion.

Chairman Berg asked for an alternate motion.

Motion passed unanimously directing the County Attorney to draft a new ordinance for the public, who can show harm, to appeal variances through the County Clerk. Nix/Pichon This draft will be placed a Work Session Agenda for more information.

Motion passed unanimously to incorporate Subsection C of the Amended Variances Ordinance into the current Land Use Resolution. Tragesser/Nix

Business License Ordinance-1st of 2 hearings

Chairman Berg stated this ordinance is a complete rewrite of the current ordinance. The calculations of fees is the most dramatic change.

Chairman Berg asked whether anyone wished to speak in favor or opposition of the Business License Ordinance and hearing none closed the hearing.

Chairman Berg stated there will be one more hearing on May 1, 2008 and the Board could take a vote at that time.

NEW BUSINESS:

Application for County Permit to use Historic Courthouse

Motion passed unanimously to allow the applicant to use the Historic Courthouse for a small wedding. No fees will be incurred. Tragesser/Connor

Proclamation for Small Business Week

Chairman Berg reported the Proclamation was read last week.

Motion passed unanimously to approve the Proclamation for Small Business Week. Pichon/Tragesser

Acceptance of Highland Pointe subdivision roads into County road system

Chairman Berg stated County Engineer/Public Works Director Dave Headley gave a presentation last week requesting Highland Pointe subdivision roads be accepted into the County road system.

Motion passed unanimously to accept Highland Pointe subdivision into the County road system. Pichon/Connor

Approval of Board Procedures based on CVIOG Workshop

Chairman Berg stated the Board received these recommendations last week. Chairman Berg requested one wording change to the procedures. The County Manager will negotiate contracts directed by the Board of Commissioners. County Manager Hubbard made one other change. The County Manager will assist the County Clerk with a new records retention policy.

Motion passed unanimously to approve the Board Procedures based on CVIOG Workshop.
Connor/Pichon

Approval for Public Works Request to Exercise Paving Options

Chairman Berg reported Public Works Director Dave Headley presented information to the Board at last week's Work Session. Approval would allow Public Works to pave some roads based on ROW.

Motion passed unanimously to approve Public Works request to exercise Paving Options.
Connor/Pichon

Approval of the Dawson County Humane Society Contract

Chairman Berg reported one variance to the contract. County Attorney Homans reported the Humane Society Board has not met to discuss the changes to the contract. County Attorney Homans stated under paragraph three under "fees" the following would be added "...forty dollars shall be refunded or credited to Dawson County if the animal is retrieved within two days or forty eight hours of delivery to the Humane Society."

Motion passed unanimously to approve the Dawson County Humane Society contract with the change in paragraph three. Pichon/Connor

Approval of DHR Transit contract for Senior Center

Chairman Berg stated all material was presented in last week's Work Session.

Motion passed unanimously to approve the DHR Transit contract for Senior Center. Connor/Nix

Approval of GDOT road certifications for Taylor Road

County Attorney Homans reported this contract was in response from a group of property owners on Taylor Road to pave their road. County Attorney Homans stated in order for Dawson County to receive any, State money the Board must approve this contract. County Attorney Homans added this is the State document certifying the Right of Way on Taylor Road.

Motion passed unanimously to approve the GDOT road certifications for Taylor Road. Tragesser/Connor

DCAR GIS with Etowah Water & Sewer Authority IGA

Chairman Berg stated the County is entering into contracts with three other agencies for the DCAR GIS. Commissioner Tragesser requested information for citizens on what the DCAR GIS system is. County GIS David McKee reported the County is entering three Intergovernmental Agreements with Etowah Water & Sewer Authority, Board of Education and the Dawson County Development Authority. Mr. McKee reported the GIS system can be used to see crowd hot spots; topography data for EMS in the event of a missing person; water and sewer infrastructure; and better mapping and zoning. Most data will be made public on a subscription based network. Mr. McKee added this is a very accurate program. Chairman Berg added this will be a cost savings for everyone. This program will be sold by shares based on use but not intended to become a profit generating entity for the County. County Manager Hubbard added this has been set up as an enterprise account to offset production costs.

Motion passed unanimously to approve the DCAR GIS with Etowah Water & Sewer Authority IGA.
Tragesser/Connor

Approval of the DCAR GIS with Board of Education IGA

Motion passed unanimously to approve the DCAR GIS with the Board of Education IGA as submitted.
Connor/Tragesser

Commissioner Connor reported Mrs. Betsy Connor and RACA Director Barbara Baptista have been working on a stage for the Board of Commissioners meeting. Commissioner Connor reported he spoke to Dawsonville Mayor Joe Lane Cox in regards to the Board of Commissioners holding meetings in the Municipal Complex at no cost to the County in order to save costs on building a new stage. Chairman Berg directed the County Clerk to add this item to the Work Session agenda of April 24, 2008.

Motion passed unanimously to enter into Executive Session to discuss one personnel item. Connor/Nix

Motion passed unanimously to enter back into open session. Nix/Pichon

Chairman Berg stated the County has gone through an extensive search for a new County Manager over the last few months. On behalf of the entire Board of Commissioners, Chairman Berg thanked County Manager Ross Hubbard for all his hard work.

Motion to extend the County Manager position to Mr. Kevin Tanner subject to contract negotiations passed by majority. Commissioner Connor requested to have Chairman Berg recuse himself based on a

conflict of interest. Commissioner Connor reported Mr. Tanner works at the same bank as the Chairman. Chairman Berg denied the request because he and Mr. Tanner do not work at a bank. Pichon/Nix voted in favor of the motion. Commissioners Connor and Tragesser opposed the motion.

ADJOURNMENT

Motion passed unanimously to adjourn. Nix/Pichon

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - April 24, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – TUESDAY, APRIL 24, 2008

Rock Creek Park Community Room – 4:00 p.m.

WORK SESSSION AGENDA:

1. Banking Services bid results – Jill Rathe

This item to be placed on the Regular Meeting Agenda – 05/01/08

2. Updating Rural Land Schedule – Clarence Brown and John Stegall

This item was for information only.

3. Give Burn the Boot drive – Deputy Chief Tim Satterfield

This item to be placed on the Regular Meeting Agenda – 05/01/08

4. Acceptance of Prominence Court subdivision roads into the County road system – Dave Headley

This item to be placed on the Regular Meeting Agenda – 05/01/08

5. Acceptance of Oak Forest subdivision roads into the County road system – Dave Headley

This item to be placed on the Regular Meeting Agenda – 05/01/08

6. Dawson County Board of Education Tax Levy Resolution - Cory Kirby, Dawson County Board of Education

This item to be placed on the Regular Meeting Agenda – 05/01/08

7. Quarterly Reports from Community Development – Lynn Tully

This item was for information only.

8. DCAR GIS with Development Authority IGA – Joey Homans

This item to be placed on the Regular Meeting Agenda – 05/01/08

9. Proposal to move BOC meetings into City Hall – Commissioner Mike Connor

This item to be placed on the Regular Meeting Agenda – 05/01/08

10. County Manager Report

11. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - May 1, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, MAY 1, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Kevin Tanner; Interim County Manager Hubbard; County Clerk Simpson and interested citizens of Dawson County. Those absent were Commissioner Tragesser, District 2.

OPENING PRESENTATION – Dr. Robert Keller – Mountain Conservation Trust of GA

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg wished Ross Hubbard farewell and thanked him for his service to Dawson County.

Chairman Berg welcomed new County Manager Kevin Tanner as tonight is his first Board meeting.

Chairman Berg reported some Board members, County Attorney, County Clerk and new County Manager attended the ACCG Convention in Savannah. Chairman Berg was named as District 2 representative Board of Managers and he will also sit on the Executive Board of ACCG.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on April 17, 2008. Nix/Pichon

APPROVAL OF THE AGENDA:

Motion to amend the agenda by adding the approval of the County Manager contract under Old Business. Pichon/Nix

Motion to approve the agenda. Nix/Pichon

PUBLIC COMMENT: None

Chairman Berg listed the following the policy change regarding Public Comment:

- Public Comment will be at the beginning of the Voting Sessions concerning agenda items only (excludes zoning).
- Public Comment will be 3 minutes in length each for a total of 15 minutes maximum.
- Citizens wishing to speak must notify the County Clerk by Friday at noon before the Voting Session (five days advance notice). In notifying the applicant must give the topic to be discussed.

ZONINGS:

None

PUBLIC HEARINGS:

Business License Ordinance – 2nd of 2 Hearings

Chairman Berg announced this is the 2nd of 2 hearings.

Chairman Berg asked whether anyone else wished to speak in favor or opposition of the Business License Ordinance and hearing none closed the hearing. Chairman Berg reported the Board may vote because both hearings have been advertised and held.

Commissioner Pichon expressed concern regard fees to be charged in regards to the Home Occupation/Office licensing. Some examples of Home Occupation/Office businesses would include internet businesses, trucking (not-for-hire), taxis, etc. Currently the home occupation/office fees are approximately \$30.00. The new policy will charge a \$100.00 flat fee to all businesses. Fire Chief Tim

Satterfield reported approximately 300 Home Occupation/Office business licenses out of 1100-1200 business in Dawson County. County Attorney Homans reported it had been several years since the last increase in fees. The Business License Ordinance was originally adopted in 1989. Code Enforcement Officer Robbie Irvin reported Home Occupation businesses are not addressed in the Business License Ordinance because it is addressed in the Land Use Resolution.

Chairman Berg inquired into a gradual increase in fees. County Attorney Homans reminded the Board they are prohibited from binding a subsequent Board.

County Attorney Homans suggested to the Board they impose a civil penalty to all violations but could impose criminal sanctions to those businesses that pose a risk to public health. If the Board approved this variance, County Attorney Homans recommended a criminal sanction for that purpose only. County Attorney Homans added if the Board approved the criminal penalty then the Board must provide a public defender for the business. County Attorney Homans recommended the Board solely use civil penalties as a matter of procedure.

Motion passed unanimously to table the Business Licenses Ordinance, until May 15, 2008, in order for staff to suggest appropriate fees for Home Occupation/Office business license and for the County Attorney to look at the criminal sanctions. Pichon/Nix

OLD BUSINESS:

Approval of the County Manager contract

County Attorney Homans reported he had given the Board a draft copy of the County Manager contract two weeks ago. Mr. Homans reported two modifications. The terms of the contract would be annually renewable unless the Board notified the County Manager that the Board may terminate his duties at the end of the year, which the position is an annual appointment and the condition the County Manager would be entitled to severance if he was terminated not for cause.

Motion passed unanimously to approve the County Manager contract as prescribed. Pichon/Nix

NEW BUSINESS:

Banking Services bid results

Chairman Berg reported Jill Rathe, Purchasing Director presented material at last week's Work Session. This contract would be effective for one year and shall automatically renew for an additional four years unless notice is given.

Motion passed unanimously to approve the United Communities Bank, RFP# 6508, to provide banking services for all County accounts. Pichon/Nix

Give Burns the Boot Drive

Fire Chief Tim Satterfield reported the fundraiser will start on May 2, 2008.

Motion passed unanimously to approve the Give Burns the Boot Drive. Nix/Pichon

Acceptance of Prominence Court roads into the County Road System

Public Works Director, Dave Headley reported to the Board at last week's Work Session. Mr. Headley reported the normal waiting period for the County to accept roads is 18 months.

Motion passed unanimously to accept Prominence Court roads into the County Road System. Pichon/Nix

Acceptance of Oak Forest subdivision roads into the County Road System

Motion passed unanimously to accept Oak Forest subdivision roads into the County Road System. Pichon/Nix

Dawson County Board of Education Tax Levy Resolution

Motion passed unanimously to accept the Dawson County Tax Levy Resolution dated April 7, 2008 as submitted. Pichon/Nix

DCAR GIS with Development Authority IGA

Development Authority Director, Charlie Auvermann reported the Dawson County Development Authority reviewed the intergovernmental agreement earlier this week and stand behind the agreement. There were minor modifications to the agreement. The fee of \$5800.00 was initially planned but was modified to \$6,000.00 and the signature page was changed to show the new chairman.

County Manager Hubbard explained the percentage of shares to the Board.

Dawson County 12.462

Development Authority 1.538

Board of Education 1.000

Etowah Water & Sewer 5.000

Charlie Auvermann submitted the DCDA will fund two full shares but the County will hold .4615 parts of one share due to budget constraints.

Motion passed unanimously to accept the DCAR GIS with the Dawson County Development Authority Intergovernmental Agreement as submitted. Pichon/Nix

Proposal to move BOC meetings into City Hall

Chairman Berg reported the Board must hold two public hearings before the Board may move locations of weekly meetings. Commissioner Pichon noted the enabling legislation allows the Board to move meeting venues but discourages frequent changes.

County Attorney Homans added the Board must advertise a move, once approved in a vote, for at least 30 days prior to that move.

Motion passed unanimously to hold two public hearings on whether or not to move the Board of Commissioners meetings into the Municipal Complex. Pichon/Nix

Motion passed unanimously to enter into Executive Session for land and legal issues. Nix/Pichon

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - May 8, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – TUESDAY, MAY 8, 2008

Rock Creek Park Community Room – 4:00 p.m.

ANNOUNCEMENTS:

Commissioner Tragesser announced on May 17, 2008, the Dawson County Humane Society will host the “Hoe Down”. Tickets will be \$50.00 per person (includes the cost of meals) and available through the Humane Society; times of the fundraiser are from 4pm-10pm.

WORK SESSION AGENDA:

1. Utility Truck bid results – Jill Rathe

This item to be placed on the Regular Meeting Agenda – 05/15/08

2. Approval of the Plan Graphics contract – Jill Rathe

This item to be placed on the Regular Meeting Agenda – 05/15/08

3. Approval of the Community Agenda – Lynn Tully

This item needs further review and will be placed on a future agenda.

4. SPLOST Project Manager – County Manager Tanner

This item to be placed on the Regular Meeting Agenda – 05/15/08

5. County Manager Report

6. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - May 15, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, MAY 15, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Warren King & Mary Bob Fox – Arts Council

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on May 1, 2008. Pichon/Nix

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda. Tragesser/Pichon

PUBLIC COMMENT:

None

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 explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZONINGS:

ZA 08-05: Noah Sanders has made a request from the Dawson County Land Use Resolution, Section 307.A.4, for a permissive use of a dog kennel; TMP: 069-043.01; Zoned R-A;
Location: 1301 Elliott Family Parkway.

Chairman Berg read the Planning Commission's recommendations:

1. Installation of a GODT approved asphalt driveway apron to the back of the State Right of Way and located at the entrance to the property at Highway 183;
2. Additional information to further identify the location of the outside pens/runs/training area to include the height and material used in fencing and/or other method of enclosure;
3. Additional information to identify the landscaping and/or barriers intended to mitigate and effects of sound and/or visual appearance;
4. Animals shall be housed inside a soundproofed structure after 7:00pm;
5. No noxious odors are to be created or permitted;
6. No noise nuisance after 7:00pm.

Chairman Berg reported the Planning Commission approved the application 3-1. Chairman Berg stated the Planning Department recommended two additional stipulations:

7. Allowing retail sales;
8. Leland Cypress buffer as proposed.

Chairman Berg asked persons wishing to speak would sign in for the purpose of minutes.

The applicant's attorney Jeffrey L. Cox, 74 West 1st Street, Dawsonville, Georgia spoke on behalf of the applicant. Mr. Cox reported he has submitted his Constitutional Challenges to the Board. Mr. Cox gave a few of the constitutional challenges of the applicant, Mr. Noah Sanders. They are as follows: Section 307.A .3 of the Land Use Resolution is unconstitutionally vague. Further, there are two dog kennels and a beagle club within one mile of the proposed site. Mr. Cox reported denial of this application would violate Mr. Sanders Federal and State constitutional, statutory and legal rights. Mr. Cox requested the Board consider all relevant data relating to public interest including noise factors, topography/buffers, possibility of noxious odors. Mr. Cox continued in reporting this facility would not create any noxious odors because the animals will be kept inside at all times unless being trained in a one-on-one session with a trainer. Mr. Cox stated the facilities will be cleaned at a minimum twice daily. The facility will have sound barriers therefore the noise will not affect neighbors. If the Board approves this zoning the applicant will own a total of 17 acres.

Mr. Noah Sanders, 1301 Elliot Family Parkway, Dawsonville, Georgia addressed a few concerns voiced by citizens. Mr. Sanders reiterated the noise and noxious odors will not be cause for concern for any citizen in Dawson County. Mr. Sanders reported the animals will be housed in a clean, soundproof, concrete building, with air conditioning if needed. Dogs will be outside on a one-on-one basis with a trainer and will not be outside after 7:00pm. Mr. Sanders reported no one will be able to hear or see the animals due to topography and acreage. The waste of animals will be housed in a septic tank underground. Mr. Sanders reported he has trained dogs for the past 13 years in the military and civilian realms. Mr. Sanders has won many competitions with the animals he trained. Currently, Mr. Sanders sells dogs to people in the United States and abroad. Mr. Sanders does train other dogs. Mr. Sanders reports the Presna Canario is a very stable, trainable dog. Mr. Sanders stated the dogs will be behind two separate perimeter fences for protection and that no dog could escape.

Mr. Sanders gave more information as to the set up of the facility. Mr. Sanders reported there will be a live-in employee on the property for safety (of the animals) reasons and to complete various tasks at the facility; a section for mothers and puppies; client meeting area; and a specialty shop. Commissioner Nix stated this is why Mr. Sanders received a stop work order from Community Development. Mr. Sanders agreed he had started the project without proper permits first being in place.

Commissioner Connor stated human error always exists no matter how many precautions are in place to prevent such error. Commissioner Connor asked the applicant why he is relocating. Mr. Sanders gave the following reasons: he wants more acreage for the kennel; capability of having a state of the art facility; does not want to disturb adjoining property owners; noticed other kennels were within one mile of this land parcel; he likes Dawson County. Commissioner Connor questioned his motives and asked whether he had any problems in Cherokee County. Mr. Sanders reported he had purchased land that was adjacent to 600 acres of undeveloped property. Eventually, that property was bought and

developed into a country club. Mr. Sanders reported he wants more land not to disturb anyone and for more space for his dogs. Commissioner Connor asked for more information about "ring sport". Mr. Sanders stated ring sport is a competition in obedience, track, agility and personal protection. Commissioner Connor expressed his concern as to the safety of this breed of dog.

Commissioner Tragesser cited an incident report from Cherokee County dated January 17, 2007 the Marshall's Office reported several dogs chained up outside the business/residence. Mr. Sanders rebutted saying it would be a new procedure for his business only to have one animal outside the kennel at a time. Commissioner Tragesser continued to report a man was hesitant to measure the distance from the dogs to a fence and Mr. Sanders had to assist him in doing so due to the nature of the animals. Mr. Sanders stated the dogs are very safe and approachable. Commissioner Tragesser read from another incident report dated August 27, 2007. Mr. Sanders plead guilty to a (noise) nuisance violation. Mr. Sanders then agreed to move the animals outside Cherokee County within 90-120 days. Mr. Sanders reported this move brought him to Dawson County.

Chairman Berg questioned Mr. Sanders how many dogs would be on the property versus the number of handlers. Mr. Sanders reported he hopes to have between 50-70 dogs and three employees.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Mr. Jeff Zager, 3355 Lenox Road, Atlanta, spoke in favor of the applicant. Mr. Zager reported he had purchased a dog, for companionship and protection purposes, from the applicant after knowing him for four months. Mr. Zager and his nine year old son, Brock presented pictures to the Board asking them to approve the zoning request. Mr. Zager stated he preformed extensive background checks on Mr. Sanders. Mr. Zager reported the temperament in a Presna Canario is much more stable than other protection dogs such as German Sheppards or Boxers. Mr. Zager took one of Mr. Sanders' Presnas to the veterinarian as a precaution prior to purchasing the animal. The veterinarian reported the dog was in better condition than most house pets. Mr. Zager added the facility in Cherokee has always been in excellent condition.

Mr. Mike and Mrs. Christine Hammersmith, 1869 Volberg Street, NW, Atlanta, spoke in favor of the applicant. Mr. Hammersmith reports he has known the applicant for 12 years. Mr. Sanders has trained numerous German Sheppards for him and is currently in process of training two more puppies. Mr. Hammersmith reports these animals are for companionship purposes. Mr. Hammersmith states Mr. Sanders is an excellent trainer and breeder. The reason for training the dogs were to be able to control their reactions if the public responds poorly. Mr. Hammersmith and his wife, Christine requested the Board approve the rezoning request.

Dr. Walton Waller, 2675 Ballground Hwy, Canton, Abundant Animal Care Veterinarian Hospital spoke in favor of the applicant. Dr. Waller reports being the veterinarian for Sanders' Kennel for the past four years. Dr. Waller adds Mr. Sanders' dogs are very well mannered and easy to handle as opposed to many house pets his office is use to. Dr. Waller characterized the Sanders Kennel as world class. Dr. Waller reports no injuries indicative of dog fighting come in to his facility. Dr. Waller is recommending Presnas for police and military K9 purposes because of the temperament. Dr. Waller requests the Board to approve the rezoning request.

Chairman Berg stated the time to speak in favor has expired.

Chairman Berg asked whether anyone wished to speak in opposition of the application. Chairman Berg reported four petitions have been submitted requesting the Board deny the application. All petitions will be filled with the County Clerk as a part of the official minutes.

Mr. Jody Colley, Esq., 298 Cochran Drive, Gainesville, spoke in opposition of the application. Mr. Colley appeared on behalf of his client, Ms. Jane Gilreath, an adjoining property owner of the applicant. Mr. Colley submitted his constitutional objection earlier this week with the Board of Commissioners. Mr. Colley reports this special use request is not in line with the RA zoning currently in place by the Future Land Use Plan/Map due to the commercial aspects of the applicant's intentions. Mr. Colley feels if the Board allowed this zoning it would directly be against Dawson County's Comprehensive Plan. Mr. Colley added the Board needs to evaluate the zoning request based on the three issues under Section 307, noise, topography and other factors. Mr. Colley contends it would be improbable for a kennel of this size not to permeate significant odors or noise. Ms. Gilreath's deck is 300 feet away from the proposed kennel site. Ms. Gilreath feels that the activities as such as the ones described by Mr. Sanders' website fall under the State of Georgia's Statute definition of a dangerous dog stating, a dangerous dog is one which will bite a human being. Mr. Colley submitted pictures taken off Mr. Sanders' website showing the dogs being aggressive. Mr. Colley expressed his concern about dogs escaping and hurting children or the surrounding neighbors. Mr. Colley reported in March 2007, Mr. Sanders was convicted of two separate unnamed violations. One incident report was closed due to Mr. Sanders agreeing to leave Cherokee County and subsequently relocating to Dawson County. Mr. Colley requested the Board to deny the application.

Ms. Candy Adams, 864 Price Road, Dawsonville, spoke in opposition of the application. Ms. Adams is the current president of the Dawson County Humane Society. Ms. Adams reported she visited the proposed facility today and if the applicant fulfills his intentions, it will be a state of the art facility. Ms. Adams expressed her concerns about the dogs. Ms. Adams stated these dogs are not for the average dog owner. Ms. Adams read from the Sanders' website is stating proper training and socialization are needed when owning a Presna. Ms. Adams feels the average citizen will expect to have a ready to perform guard dog without investing the money to ensure proper training. The Dawson County Humane Society's concern is more animals in the shelter than are already there. Also, these dogs would be hard

to place in the average home. Ms. Adams reported in the early 18th century, these dogs were used in dog fighting.

Mr. George David, 651 Dearleak Road, Dawsonville, spoke in opposition of the application. Mr. David submitted he was a member of the Dawson County Humane Society. Mr. David stated he had visited the Sanders' website and has numerous concerns about the aggressive tendencies this breed has. Mr. David submitted there are better guard dogs with better reputations.

Ms. Pam Hamalainen, 200 Cathy Lane, Dawsonville, spoke in opposition of the application. Ms. Hamalainen stated lives ¼ mile of the property in question. Ms. Hamalainen expressed her concerns about the safety the Sanders' Kennel. Ms. Hamalainen has a Maltese dog and five grandchildren. Ms. Hamalainen reports these dogs are not intended to be man's best friend but are trained to be vicious attack dogs. Ms. Hamalainen added the average person does not pay \$20,000.00+ for a pet. Ms. Hamalainen reports that Georgia ranks high on the list for dog bites nationwide. Ms. Hamalainen requests the Board to deny the zoning request as submitted to the Board.

Mr. Jan Grimes, 305 Mount Brick Road, Dawsonville, spoke in opposition of the application. Mr. Grimes had all citizens in attendance stand in opposition of the application. Mr. Grimes reported the only reason no additional work has been performed by the applicant is due to the builders following procedure and obtaining the correct permits. Mr. Grimes stated the commercial nature of the Sanders Kennel is prohibited under the Future Land Use Plan and does not understand how the Planning Commission could have approved the initial request. Mr. Grimes asked the Board of Commissioners request the resignation of the entire Planning Commission and make the necessary changes in the administrative department of Community Development. Mr. Grimes requested the Board deny the application based on the best interest of the citizens of Dawson County.

Chairman Berg reported the opposition spoke for four minutes longer and gave the Applicant more time to address the Board.

Mr. Joe Stauffer, attorney for Mr. Sanders, 74 West 1st Street, Dawsonville, Georgia spoke on behalf of the applicant. The applicant's constitutional objections were submitted by counsel and will be a part of the official minutes.

Mr. Sanders spoke to the containment of the dogs. The dogs will be housed in a concrete building surrounded two separate fences. Mr. Sanders reported there will be a caretaker on the grounds at all times for additional supervision and safety. Mr. Sanders stated the pictures submitted by the citizens opposing his application are of him training the dogs in a humane manner.

Chairman Berg asked whether items will be for sale in a shop on the property. Mr. Sanders stated there will be items for sale under the permissive use permit but will agree not to have a store on the property if need be. Mr. Stauffer reported the Planning Commission did not feel it was necessary to take away the store. Chairman Berg asked if Mr. Sanders would be selling animals at this location. Mr. Stauffer said Mr. Sanders would have dogs for sale at the kennel.

Commissioner Connor asked how the applicant justifies selling a dog for \$30,000.00-\$50,000.00. Mr. Sanders reported some animals have been trained for more than a year in all situations to be obedient and controlled. Mr. Sanders reminded the Board this cost is for a protection dog which many of celebrities do not mind paying the asking price.

Chairman Berg closed the public comment portion of the hearing and asked for discussion from the Board.

Commissioner Pichon inquired as to the permitting process that was followed for this property. Community Development Director Lynn Tully reported the County received a complaint that construction was underway without the proper permits. Mrs. Tully reported her department investigated the complaint and a stop work order was issued. Mrs. Tully reported there were many erosion control issues that needed to be addressed. Also, the erosion has not left the site.

Chairman Berg stated there is planned commercial activity at this location against the Future Land Use Plan.

Motion passed unanimously to deny the zoning request as submitted as ZA 08-05. Nix/Tragesser

PUBLIC HEARINGS:

Moving BOC meetings to Municipal Complex 1st of 2 Hearings

Chairman Berg announced this is the 1st of 2 hearings.

Chairman Berg asked whether anyone wished to speak on moving the Board of Commissioners meetings to Municipal Complex.

Mr. Ed Jester, 75 Mary Sapphire Road, Dawsonville stated he recently visited the Municipal Complex. Mr. Jester feels since the citizens are already paying for this 'state of the art' facility and the City agrees to let the County use it, then the County should hold all meetings at the location.

Chairman Berg asked whether anyone else wished to speak on moving the Board of Commissioners meetings to Municipal Complex and hearing none closed the hearing. Chairman Berg reported the second hearing will be held on June 5, 2008 and at that time the Board will be able to vote if they wish.

OLD BUSINESS:

None

NEW BUSINESS:

PROCLAMATION: Emergency Medical Services Week

Chairman Berg read the following proclamation:

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, the members of emergency medical services teams in Dawson County are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians basic and intermediate, cardiac technicians, paramedics, firefighters, educators, administrators, and others; and

Whereas, the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, Dawson Countians benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

Whereas, injury prevention and appropriate use of the emergency medical services system will help reduce health care costs;

Now, therefore, I Mike Berg, Chairman of the Dawson County Board of Commissioners, in recognition of this event do hereby proclaim the week of May 20-26 as EMERGENCY MEDICAL SERVICES WEEK and encourage the citizens of our great county to observe this week with appropriate programs, ceremonies, and activities.

Mike Berg, Chairman

Dawson County Board of Commissioners

Motion passed unanimously to approve the Proclamation designating the week of May 20-26, 2008 as Emergency Services Week. Connor/Tragesser

Utility Truck bid results

Purchasing Agent, Jill Rathe presented the bid results for two Non-Walk-In Utility Trucks to the Board at last week's Work Session. These trucks would provide additional equipment to the Dawson County Emergency Services. Mrs. Rathe reported the County must fund a portion of the \$164,066.00 from interest accrued from impact fees.

Deputy Chief Tim Satterfield was asked to give more detail on the \$5,934.00 remaining balance that was appropriated for vehicle acquisition. Deputy Chief Satterfield submitted a report explaining how the remaining money would be spent.

Motion passed unanimously to accept the low bid of \$164,066.00 from Southern Fire Services of Jasper, Georgia for two Non-Walk-In utility trucks as bid in response to \$6608IFB. Pichon/Connor

Approval of the Plan Graphics contract

Jill Rathe presented the final contract for the Plan Graphics contract at the Work Session on May 8, 2008. Mrs. Rathe is asking the Board approve the contract as submitted.

Motion passed unanimously to approve the Plan Graphics contract as submitted. Nix/Tragesser

Ad hoc committee for Community Agenda

Chairman Berg stated Commissioners Pichon and Tragesser have agreed to serve on an ad hoc committee regarding the Community Agenda. County Manager Tanner reported there is a tentative meeting set for next week to start the review process.

Motion passed unanimously to approve the Ad Hoc Committee for the Community Agenda review.
Nix/Connor

SPLOST Project Manager

County Manager Tanner reported on the SPLOST Project Manager last week. County Manager Tanner stated the Board had approved this position previously. Mr. Phil Anderson was the SPLOST Project Manager prior to becoming the County Manager. Once Mr. Anderson was appointed to that position, the post was never filled. Mr. Tanner is asking the Board to authorize funding for the position.

Commissioner Connor stated before he would support adding another position to the County staff he would like a comparison between the advantages and disadvantages of having the SPLOST Project Manager consultant as opposed to having an in house employee. Commissioner Connor feels there is no rush to approve the position. Commissioner Connor added with a consultant the County could offer incentives for completing the project early or under budget. Further, Commissioner Connor would like to see all labor come from within the County.

County Manager Tanner stated the urgency in hiring someone now with the vote for the Courthouse Architect coming up in a matter of weeks. County Manager Tanner said in his experience it is better to have all parties involved from the beginning rather than catching up. County Manager Tanner stated the County could have another person called a CM as Risk to handle

Commissioner Tragesser inquired as to the benefits of the SPLOST Project Manager as proposed. County Manager Tanner stated in the past the position did have full benefits and a county vehicle. The county vehicle would be needed for all trips made to the architects and other office visits.

Motion passed by majority to approve funding for the SPLOST Project Manager position as submitted.
Pichon/Nix Commissioner Connor opposed the motion.

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - June 5, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, JUNE 5, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Diane Turner – Circle of Friends

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the grand opening of the Adult Literacy Center tomorrow, June 6, 2008 at 10am and welcomed all who could attend. Chairman Berg stated the building was paid for out of the CDBG fund. This was a joint effort by the Dawson County Board of Commissioners, Board of Education and the Lanier Tech Foundation.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on May 15, 2008. Tragesser/Nix

APPROVAL OF THE AGENDA:

Chairman Berg asked to the Board to consider moving the discussion of the Courthouse Architect before any public hearings due to the large amount of people waiting to hear information on this topic.

Motion passed unanimously to approve the agenda with the stipulation of changing the order of the agenda mentioned above. Nix/Tragesser

Chairman Berg announced the order of the Architects: Facility Design Group, HoK and Rosser. Chairman Berg explained to the audience that after visiting three facilities featuring the architects, the Board has asked the firms to come back for a question and answer session. The Board may take a vote after hearing from each group tonight.

Courthouse Architect recap and discussion:

Facility Design Group: Denis Parker, Chief Executive Officer of the Smyrna office. Mr. Parker stated there is a difference between the Facility Design Group and the other two firms. Mr. Parker stated the Facility Design Group has all disciplines needed for this project, those being: planning; engineering; architecture; builders and people specializing in cost control and scheduling. Mr. Parker reminded the Board his firm does have a department that specializes in justice and courthouse facilities. Mr. Parker stated since all these departments work together regularly they have an advantage against the other two firms bidding for the project.

Mr. Parker spoke to three key points: Knowledge, Innovation and Integration. Knowledge is using past experiences and understanding the needs of Dawson County; Innovation is 300 justice projects nationally with over 35 in Georgia; Integration is using a collaborative process with open communication with Dawson County on a daily basis, using the latest design software as well as BIM, and having a commitment to quality while maintaining cost and schedule control.

Mr. Gary Patel, designer and project manager of the Romae T. Powell Juvenile Justice Center & Dunbar Library answered questions from the Board. Mr. Patel reported the project was 190,000 sq.ft, eight courtrooms, a public library and a fully accredited juvenile justice holding center in the basement. Mr. Patel reported the project was approximately \$32million or \$160.00 per square foot.

Commissioner Pichon asked what the construction costs would be per sq.ft. in today's market. Mr. Parker reported what he sees currently is approximately \$225-\$230, depending on quality the price can go as high as \$400.00/sq.ft. Commissioner Pichon asked what the best and worst of the Fulton County project. Mr. Patel felt giving Fulton County a working building with all end-users and public needs met was the high point of the project. He also reported the only drawback was not having more money to design more facilities or higher end finishes in the building.

Chairman Berg asked about the carpet quality and who made the final decision to select that type flooring. Mr. Patel reported it was the best decision at the time but was not sure who made the final decisions on flooring. Chairman Berg also asked about the difficulties they faced having many different users in one building that weren't associated with the Courts. Mr. Patel said having a public library in building made security even more of an issue. The area in the basement was originally a holding center for the court and became a full juvenile justice holding center. Chairman Berg stated all three facilities visited had entry and exit problems and asked how they would complete that aspect of the project differently. Mr. Patel stated this building was pre-9/11 and security is now a major issue than years past.

HoK: Mr. John Eisenlau stated in the past three years he has gained experience with the County which enables him to understand the business approach and sensibilities that make life important to the citizens of Dawson County. Mr. Eisenlau added he feels he has a grasp on where Dawson County has been as well as where it is heading with this project. Mr. Eisenlau added HoK has designed over 85 courthouses nationwide.

Mr. Eisenlau stated HoK referred the Board to the Harold R. Banke Justice Complex because of the following factors: 1) it is site inclined specific location. The original site was an old airport making it an interesting task; 2) linear courtroom set up which is very cost effective; 3) separation between the public and private buildings; 4) courtroom size is about the same with 1800 sq.ft.; 5) connection with the jail. Mr. Eisenlau also reported the Harold R. Banke Justice Complex has become an economic driver for Jonesboro and sees the same for Dawson County.

Mr. Eisenlau forecasts a very aggressive schedule being 30 months and feels the cost of this project to be in the mid-range at approximately \$275.00 per sq.ft. This is all very similar to the new Law Enforcement Center in Dawson County.

Commissioner Pichon asked HoK what they thought were the best and worst aspects of the Jonesboro project was. Mr. Eisenlau reported the delivery method was wrong and could have achieved a higher level of quality if the delivery method was different. Mr. Eisenlau stated there were significant cost issues and trying to get them within the overall costs parameters. Mr. Eisenlau stated the biggest triumph was taking the money saved building the new justice center and renovating the old courthouse. Making the citizens very happy with the overall development. Mr. Eisenlau reported the specific needs of the users drove the location of the grand jury room to the first floor of the complex. He added in the future as the Courts grow, this space will grow

Chairman Berg asked why the building was set up to be a shallow rectangle as opposed square like. Mr. Eisenlau reported that decision was made by the owners because they wanted a glamorous lobby that

made a statement. Chairman Berg asked whether the elevator was an afterthought. Mr. Eisenlau stated the users did not want to move down a complete level so they opted for a split-level making a handicapped elevator a necessity. Chairman Berg asked about security and the entry/exit problems. Mr. Eisenlau reported most of the current projects have single points of entry and would never recommend this strategy again. Also, HoK would give adequate staging areas for security.

Commissioner Tragesser asked where Mr. Eisenlau thought the higher price would come from. Mr. Eisenlau feels the higher prices would come from higher costs in steel. He felt the best way to lock in the prices is to bid now on construction materials. He reported he would wait on electronic security and technology.

Rosser International: Mr. Doug Shaw presented information for Rosser. Mr. Shaw stated he wanted the Board to walk away with an experience from visiting the Columbia County courthouse. Mr. Shaw said he wanted the Dawson County courthouse to fit with the Future Land Use Plan and for the end user to play a major role in the design of the facility. The contracting method was design-bid-build. Actual construction on the Columbia County courthouse took 16 months. Mr. Shaw stated they would design the entrances and exits would be different if it was built today. Mr. Shaw told the Board this project is more than a \$40 million investment into a courthouse but a \$40 million investment into downtown Dawsonville. Mr. Shaw stated all aspects of the project will be done within the company.

Commissioner Tragesser asked Mr. Shaw if he felt Rosser could give Dawson County the atmosphere desired given the space and economy. Mr. Shaw said Rosser could deliver but he would want to reconfirm the vision from the Board and the Courts. Mr. Shaw reported a few problem areas, like parking need to be addressed.

Mr. PJ Daka stated the courtroom set up was very specific to Columbia County in that no courtroom was solely for the use of one particular court. Commissioner Pichon asked for the strengths and weaknesses of the project. Mr. John Pilot stated to be able to change the design to fit the day to day operations of the facility to meet the end users needs was fulfilling. Mr. Pilot stated the Magistrate Court had a very progressive idea and needed a 24 hours facility with a secondary entrance. Mr. Pilot stated knowing this project would be completed in phases when needed was important to the vision of the project.

Motion passed unanimously to award the contract to construct the new courthouse and renovated the existing courthouse to Rosser International Inc. Pichon/Tragesser

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Moving BOC meetings to Municipal Complex 2nd of 2 Hearings

Chairman Berg asked whether anyone wished to speak to moving the Board of Commissioners meetings to the Municipal Complex and hearing none closed the hearing.

Motion passed unanimously to move the Board of Commissioners meetings to the Municipal Complex.
Connor/Tragesser

Chairman Berg stated two stipulations needed to be included: 1) a contract for a fee will need to be drafted and 2) the first available date for the move would be August 7, 2008 due to all current advertisements.

Motion passed unanimously to amend the first to include the two stipulations listed above.
Connor/Tragesser

Commissioner Tragesser thanked the hospitality of the City in welcoming the Board to their complex.

2009-2011 Budget - 1st of 3 hearings

Chairman Berg stated this hearing is the first of three hearings. Chairman Berg asked whether anyone wished to speak to the proposed budget and hearing none closed the hearing. Chairman Berg announced the next hearing will be June 19, 2008.

The proposed budget is available online, in its entirety to the public. Copies are also available today.

OLD BUSINESS:

Business License Ordinance:

Chairman Berg stated the Board has received a lot of information regarding the Business License Ordinance in the past few weeks. The Home Occupancy fee is \$75.00 and the criminal penalties have been removed.

Motion passed unanimously to adopt the Business License Ordinance as submitted. Pichon/Nix

NEW BUSINESS:

Application for Retail Beer & Wine License: Sybil Thurmond d/b/a Sweetwater Market

County Attorney Homans reported Sweetwater Market is located at 4822 Highway 53 West. Expected store opening is mid-August. Ms. Sybil Thurmond is the owner of the property and the store; she is the applicant for subject alcohol license and is a Dawson County resident. Federal and State background checks are complete. There is no advertising requirement for this application. The applicant is seeking: Conditional approval of this alcohol license pending completion of the structure and an exception to the six-month waiting period for issuance of the license (as described below.) The applicant has submitted a \$1500.00 bond as required. Ms. Sybil Thurmond appeared before the Board to answer questions.

Commissioner Pichon reminded the applicant of past violations of the Alcohol License in Dawson County and asked them to do everything they can do avoid such a violation.

Motion passed unanimously to approve the Application for Retail Beer & Wine License: Sybil Thurmond d/b/a Sweetwater Market. Pichon/Connor

Annual Fundraiser for Station #6 "Wild land Firefighting Fundraiser"

Fire Chief Tim Satterfield presented information to the Board two week asking for approval of the fundraiser. Date of the event is June 14, 2008 from 11am-2pm.

Motion passed unanimously to approve the Annual Fundraiser for Station #6 "Wild land Firefighting Fundraiser". Nix/Tragesser

Burn Room and Tower bid results

County Purchasing Agent Jill Rathe stated she presented the results at the Work Session two weeks ago and requests the Board award the contract to WHP Training towers. In addition, the Board is asked to approve the request to designate the budget balance up to \$31,685.00 for site preparation, paving and concrete. Ms. Rathe reported \$20,377 includes paving costs. Fire Chief Tim Satterfield reported this facility will be used for training but the citizens will not see any flames as the fire is small and contained in the building. Chief Satterfield reported having this facility will lower the ISO rating by one point.

Motion passed unanimously to award the contract in the amount of \$148,315 to build the fire training Burn Room and Tower as proposed by WHP Training towers, a division of Jahnke & Sons Construction in response to Dawson County \$6708RFP. In addition, the Board approved the request to designate the budget balance up to \$31,685.00 for site preparation, paving and concrete. Nix/Tragesser

Letter of Support for North Georgia Regional Fiber Project-One Georgia Authority BRIDGE Grant application

Development Authority Director Charlie Auvermann stated the City of Dawsonville approved the motion to send a letter of support as well as the Board of Commissioners for the following counties: White, Lumpkin, Union and Forsyth County have added it to their agenda for vote. Mr. Auvermann added North Georgia College and State University and Sen. Chip Pearson have also sent letters of support.

Motion passed unanimously to approve the Letter of Support for North Georgia Regional Fiber Project-One Georgia Authority BRIDGE Grant application. Nix/Tragesser

Changing BOC meeting date from July 3, 2008 to July 10, 17, 24 & 31, 2008

Chairman Berg announced the Board would like to change the dates in order for some members of the Board to attend vacation.

Motion passed unanimously to change BOC meeting date from July 3, 2008 to July 10, 17, 24 & 31, 2008. Pichon/Nix

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - June 12, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JUNE 12, 2008

Rock Creek Park Community Room – 4:00 p.m.

WORK SESSSION AGENDA:

ANNOUNCEMENTS:

County Manager Tanner presented EMA Director Billy Thurmond a plaque for 30 years of service to the citizens of Dawson County.

1. ISO Re-evaluation Summary – Director Billy Thurmond

This item was for information only.

2. PROCLAMATION: Trail of Tears – Myra Reidy

This item will be placed on the Regular Meeting Agenda on 06/19/08.

3. Blue Cross/Blue Shield Inmate Medical Saving – Jay Sessions

This item will be placed on the Regular Meeting Agenda on 06/19/08.

4. Inmate Food Service bid results – Jill Rathe

This item will be placed on the Regular Meeting Agenda on 06/19/08.

5. Dawson Drug Treatment Court contract renewal – Jill Rathe

This item will be placed on the Regular Meeting Agenda on 06/19/08.

6. Cleve Wright Road Bridge Replacement – Jill Rathe

This item will be placed on the Regular Meeting Agenda on 06/19/08.

7. Budget to Actual for all Funds 2007 – Lowayne Craig

This item will be placed on the Regular Meeting Agenda on 06/19/08.

8. Lanier Tech/BOE Second Parcel Dawson Campus – Charlie Auvermann

This item will be placed on the Regular Meeting Agenda on 06/19/08.

9. Voice over Internet Protocol (VoIP) Resolution – County Manager Tanner

This item will be placed on the Regular Meeting Agenda on 06/19/08.

10. Acceptance of Donated Land– County Manager Tanner

This item will go to the County Attorney for processing and then to voting agenda.

11. Special Purpose Funds presentation – Chairman Berg

This item was for information only. The next hearing for the proposed 2009-2011 budget will be June 19, 2008.

12. County Manager Report

- Facilities Assessment

Information will be provided to the Board next week.

- Lease for Land for a youth club facility

County Manager will obtain information and give to County Attorney for legal advisement and then to voting session.

- Fireworks

The County Manager will pay \$3,000.00 towards contract for July 4th fireworks.

13. County Attorney Report

- Resolution: In Rem Tax Foreclosure.

This item will be placed on the Regular Meeting Agenda on 06/19/08.

- Animal Care and Control Contract

This item will be placed on the Regular Meeting Agenda on 06/19/08.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - June 19, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, JUNE 19, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Chestatee Regional Library – Stacey Leonhardt as Booker the Dog and Tracy Walker

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported the land donation from Mr. George David will be on an agenda in two weeks after County Attorney Homans has more time to review the information. This land is intended to be for parking at the Senior Center. Chairman Berg added the land Mr. David would like to lease to the County for various purposes needs more information. The County Manager and County Attorney will request this item be on a future agenda at that time.

Commissioner Tragesser stated the Dawson County Humane Society needs more volunteers to participate in the dog walk program.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on June 5, 2008. Nix/Connor

APPROVAL OF THE AGENDA:

Chairman Berg asked to the Board to consider adding the fast track hardship zoning to be heard on July 24, 2008.

Motion passed unanimously to approve the agenda with the stipulation of changing the order of the agenda mentioned above. Tragesser/Connor

PUBLIC COMMENT:

None

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.

ZONINGS:

ZA 08-07: The applicant has submitted a request to rezone 40 acres from R2, Single Family Residential to CHB, Commercial Highway Business for the purpose of operating a baseball field complex for youth teams 8-18 years of age; TMP #113-032; Location: Lumpkin Campground Road.

Chairman Berg noted both parties have requested, in writing, this matter be tabled until July 24, 2008, for various purposes. Chairman Berg stated since the applicant requested a continuance after the fifteen days prior to this meeting, the Board must vote whether or not to table the item.

Motion passed unanimously to table ZA 08-07 until July 24, 2008. Nix/Tragesser

PUBLIC HEARINGS:

2009-2011 Budget -2nd of 3 hearings

Chairman Berg stated this hearing is the second of three hearings. Chairman Berg added copies of the full budget are online at www.dawsoncounty.org and a summary of the budget is available tonight at the table at the door.

Chairman Berg asked whether anyone wished to speak to the proposed budget and hearing.

Mr. Quinton Shadix, Bailey Waters Road, Dawsonville spoke in opposition to the assessed value of his home increasing. Mr. Shadix feels given that the economy is down, property values are lower than previous years, he feels the County should constrict its spending. Mr. Shadix stated he feels it is cheaper to donate land to the County as opposed to paying taxes on it. Mr. Shadix requested only American citizens be employed to construct these projects.

Mr. George David, 651 Deer Leak Road, Dawsonville spoke neither in opposition nor in favor of the budget. Mr. David requested more information be provided at the time the of budget presentation and considers this the first hearing on the budget, not the second. Mr. David requested a comparison of years past to the proposed budget. Chairman Berg stated the handouts provided include years from 2006-2011. Mr. David asked the re-evaluation of property values not be raised.

Chairman Berg announced at next week's Work Session the Tax Assessor will be give an update to the Board of Commissioners on the tax appraisals for rural land.

Mr. Clinton Chumbley, Shoal Creek Road, Dawsonville spoke in opposition to the budget. Mr. Chumbley stated there have been many changes in Dawson County that he is opposed to. Mr. Chumbley reported he is a life-long resident. Mr. Chumbley reported his father paid \$300.00 in taxes on the land he is now paying \$100,000.00 in taxes. Mr. Chumbley feels there is a lot of waste. Mr. Chumbley felt the County does not need a new motor grader. Mr. Chumbley also feels the County employs too many law enforcement officers and would like to see the Sheriff's Department downsize.

Chairman Berg asked whether anyone wished to speak to the proposed budget and hearing none closed the hearing. Chairman Berg announced the next hearing will be July 10, 2008.

OLD BUSINESS:

None

NEW BUSINESS:

PROCLAMATION: Trail of Tears

Chairman Berg stated the Proclamation was read into the minutes at last week's Work Session.

Motion passed unanimously to approve the Proclamation for Trail of Tears as presented. Nix/Tragesser

Blue Cross/Blue Shield Inmate Medical Savings

Human Resources Director Jay Sessions reported ACCG has negotiated with BC/BS of Georgia to use the savings offered to County employees to our inmates. Mr. Sessions reported the money is already budgeted.

Motion passed Blue Cross/Blue Shield Inmate Medical Savings as submitted. Nix/Tragesser

Inmate Food Service bid results

County Purchasing Agent Jill Rathe stated she has submitted all the financial proposal information to the Board as requested. Mrs. Rathe reports Correctional Resource Group is the second lowest bid by pennies on the dollar. Mrs. Rathe reported with the committee's ranking, this firm is still the highest ranking bidder.

Chairman Berg asked what the price per meal would be if the company had a performance bond. Mrs. Rathe stated the bidder declined to submit a price because the price would have been "absurd" eliminating his company from the completion. The principal stated most agencies do not require such and only do if they want to exclude smaller businesses. Dawson County initially requested 100% of the contract which is approximately \$245,000.00 per year. Dawson County's exposure would not be \$245,000.00 since Dawson County would not have that much food onsite.

Sheriff Billy Carlisle answered questions from the Board. Sheriff Carlisle reported the invoices would be paid weekly. Sheriff Carlisle added the principal of this company worked for the current vendor in the past.

Chairman Berg asked why Dawson County is requesting RFQ requirements as well as RFP. Mrs. Rathe reported the Purchasing Department uses the RFP approach to discover what firm the department wants to use based on quality as opposed to using the straight bid approach. At that time, the financials are opened and the department may or may not like the price quoted. Mrs. Rathe added most the bidders using the process like the way the purchasing department requests for bids now.

Motion passed unanimously to waive #7108RFP requirement for bonds and ratify the selection of Correctional Resource Group to be the Inmate Food Services provider for the Dawson County Detention Center. Nix/Tragesser

Dawson County Treatment Court contract renewal

Chairman Berg announced this contract was presented last week at the Work Session.

Motion passed unanimously to approve the Dawson County Treatment Court contract renewal with New Hope Counseling through June 2009. Nix/Tragesser

Cleve Wright Road Bridge replacement

Motion passed unanimously to accept the low bid of \$174,584.88 from Colwell Construction of Blairsville, Georgia for the Cleve Wright Road bridge replacement project as bid in response to \$6808IFB; waiving bidder's credential submitted within the bid requirements. Tragesser/Nix

Budget to Actual for all Funds for 2007

Mrs. Lowayne Craig presented all information to the Board at the Work Session on June 12, 2008.

Motion passed unanimously to approve the Budget to Actual for all Funds for 2007. Nix/Tragesser

Appraisal for the Lanier Tech/BOE second parcel Dawson Campus

Charlie Auvermann reported parcel would be .5 of an acre next to the replacement middle school and the Arts Council. Mr. Auvermann estimates the cost being between \$1,500.00-\$2,000.00. This cost would be split between the three partners in the Intergovernmental Agreement.

Motion passed unanimously to approve Appraisal for the Lanier Tech/BOE second parcel Dawson Campus. Tragesser/Nix

Voice over Internet Protocol Resolution

Motion passed unanimously to approve the Voice over Internet Protocol Resolution. Nix/Tragesser

Resolution: In Rem Tax Foreclosure

43:50 County Attorney Homans requested the Board impose criteria in the resolution. County Attorney Homans stated he and the Tax Commissioner would work together and bring this item back before the Board for a vote at a later date. County Attorney Homans stated one criterion the Board might look at is foreclosing on the portion of property that would satisfy the arrearage of taxes as opposed to the entire property. Also, this criterion would allow the Tax Commissioners' office to foreclose on the property and not the property owner.

Commissioner Tragesser asked County Attorney Homans whether she should abstain from voting since she lives in the community, a member of the business of where this property is located. County Attorney Homans stated if she felt voting on the resolution could have a financial impact then Commissioner Tragesser would not be entitled to vote. County Attorney Homans added this resolution would be applied County wide as policy and would not be intended for this specific property.

Chairman Berg suggested to Commissioner Tragesser it might be wiser to abstain, even though this vote would only be to table the matter.

Motion passed my majority to table the In Rem Tax Resolution. Nix/Connor Commissioner Tragesser abstained for reasons previously noted.

Approval of the Animal Care and Control contract

County Attorney Homans brought this contract to the Board last week with all changes listed below:

Section 3: "...sixty dollars (\$60.00) shall be refunded or credited to Dawson County is the animal is retrieve by the owner. If the same animal is retrieved by the owner or the owner's designee more than one time, the Dawson County shall be refunded or credited one hundred twenty dollars (\$120.00) after the first time such animal is retrieved." Section 5(b) "...unless the dog is not deemed adoptable by the director of the shelter"; (c) "...unless the cat is not deemed adoptable by the director of the shelter"; (e) "...unless a dog's health dictates otherwise"; (f) "...unless a cat's health dictates otherwise"; (g) "... and the lawful owner if known...; If the owner is unknown and cannot be determined, then Dawson County shall be charged a fee for euthanasia and cremation of \$50.00."

Commissioner Tragesser asked what would happen if the Humane Society should reach maximum capacity where would the animals would be housed. County Attorney Homans reported it would be the responsibility of the humane society to house those animals.

Motion passed unanimously to approve the Animal Care and Control contract with changes as submitted. Nix/Tragesser

Fast track Hardship for Chris Moore d/b/a M&M Super mart

Motion passed unanimously passed to approve the fast track hardship for Chris Moore d/b/a/ M&M Super mart scheduling the zoning to be heard on July 24, 2008. Tragesser/Nix

ADJOURNMENT

Motion passed unanimously to adjourn. Tragesser/Nix

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - June 26, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JUNE 26, 2008

Rock Creek Park Community Room – 4:00 p.m.

ANNOUNCEMENTS:

Chairman Berg announced the final hearing for the Proposed 2009-2011 Budget will be July 10, 2008. Chairman Berg reported the next meeting of the Dawson County Board of Commissioners will be Thursday, July 10, 2008 at 6:00pm. This meeting will be held at Rock Creek Sports Complex.

WORK SESSSION AGENDA:

1. Application for Permit: STARS program – Melissa Finkenbinder/Crystal Casas

This item will be placed on the Regular Meeting Agenda on 07/10/08.

2. Approval to fast track ZA 08-09 on July 24, 2008 Voting Session – Jim King

This item will be placed on the Regular Meeting Agenda on 07/10/08.

3. Update on Rural Land Assessments – Tax Assessor Clarence Brown

This item was for information only.

4. EIP Grant Application – Charlie Auvermann

This item will be placed on the Regular Meeting Agenda on 07/10/08.

5. Community Agenda – Commissioner Pichon, Commissioner Tragesser, Lynn Tully

This item will be a Public Hearing on 07/10/08.

6. Soil Erosion Ordinance – Robbie Irvin

This item will be a Public Hearing on 07/24/08 and 08/07/08.

7. Approval of Courthouse Architect contract with Rosser International, Inc. – County Manager Tanner

This item will be placed on the Regular Meeting Agenda on 07/10/08.

8. RESOLUTION: In Rem Tax Foreclosure – County Attorney Homans

This item will be placed on the Regular Meeting Agenda on 07/10/08.

9. Board Appointments – Library, AVITA, DFCS – Chairman Berg

This item will be placed on the Regular Meeting Agenda on 07/10/08.

10. County Manager Report

11. County Attorney Report

- Additional parcel for condemnation.

This item will be placed on the Regular Meeting Agenda on 07/10/08

- County Attorney Homans reported the Board will hold the following Public Hearings:
- Condemnation Hearings 1st of 2 hearings on July 10, 2008 and July 24, 2008.
- Realignment of Beartooth/GA400 hearings on July 8, 2008 at United Community Bank meeting room at 6pm and July 10, 2008 at the next Voting Session.
- Variance Appeal from DWM Inc. will be on the July 24, 2008 agenda.
- EVSC appeal - County Attorney Homans does not believe he will hear anything on the appeal until Fall 08.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - July 10, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, JULY 10, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Swift Reach – Richard Sims & Wayne Watkins

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Dawson County will be the regional site for the Veteran's Day celebration.

Chairman Berg thanked the City Council for turning down an annexation request that was out of the service delivery area per the SPLOST V agreement.

APPROVAL OF MINUTES:

Motion passed unanimously to accept the minutes as submitted from the Regular Meeting held on June 19, 2008. Nix/Tragesser

APPROVAL OF THE AGENDA:

Chairman Berg reported Jim King with Crownway Properties has requested to be removed from tonight's agenda. Mr. King's zoning, ZA 08-09 will be heard on August 21, 2008.

Motion passed unanimously to approve the agenda with the stipulation of changing the order of the agenda mentioned above. Tragesser/Nix

PUBLIC COMMENT:

Four citizens were listed to speak under the public comment portion of the agenda regarding the fast track of ZA 08-09. This item was removed from the agenda; therefore, there was no public comment at tonight's meeting.

ZONINGS:

None

PUBLIC HEARINGS:

2009-2011 Budget -3rd of 3 hearings

Chairman Berg announced this is the last hearing regarding the budget and asked whether anyone wished to speak in favor or opposition to the proposed 2009-2011 Budget.

Mr. Jan Grimes, 305 Mount Brick Road, Dawsonville, Georgia. Mr. Grimes stated he attended the Town Hall meeting on July 9, 2008 which was hosted by Commissioner Connor. Mr. Grimes questioned why there would be a request from the Board to decrease the budget by 10%; why not all commissioners attended the meetings with department heads and Elected Officials; and why the Cost of Living Adjustment (COLA) was at risk for county employees. Copies were given to each commissioner. Commissioner Connor stated he did want to be more involved in the budget process but Interim County Manager Hubbard told him it was the Chair's responsibility to present the budget to the Board, as laid out in the Enabling Legislation.

Kurt Brookshire, 753 Reece Road, Dawsonville, Georgia. Mr. Brookshire expressed concern over the budget increase. Mr. Brookshire reports from 2007 to 2010 there is a 31% increase. Mr. Brookshire asked the Board to consider freezing the budget, hiring and spend less.

John Schwartz, 32 Northeast Cove Road, Dawsonville, Georgia. Mr. Schwartz asked the Board not to increase the budget because of current economic condition. Mr. Schwartz commented on higher gas prices, higher taxes and higher living expenses. Mr. Schwartz did ask the Board to stop the increased spending with one exception. Establish a contingency fund for 1) fueling emergency and safety vehicles and 2) COLA for county employees.

George David, 651 Deer Leak Road, Dawsonville, Georgia. Mr. David stated he believes the Board should hold one more public hearing because no information was presented or available to the public. Mr. David reported a past increase of 7% when the economy was doing well but over a period of time that percent climbed to 21-28%. Mr. David remarked on the higher cost of living and foreclosures. Mr. David reported property taxes are up 80-100%. Mr. David stated now is the time to cut the budget.

Cindy Brookshire, 753 Reece Road, Dawsonville, Georgia. Ms. Brookshire stated agreed with Mr. David in that there should be another budget meeting. Ms. Brookshire reported she was not given much information and was expected to obtain all that was needed. Ms. Brookshire closed requesting the Board to show any evidence of tightening the budget would be appreciated.

Weldon Sheriff, Dawsonville, Georgia. Mr. Sheriff spoke on higher taxes on rural land owners. Mr. Sheriff does not agree with the process of how the Tax Assessors assessed land property values. Mr. Sheriff commented on the 2006 property assessments and stated similarities. Mr. Sheriff states it is the responsibility of the Board of Commissioners to correct problems incurred by the Tax Assessor's office. Chairman Berg asked Mr. Sheriff to comment only as to the Proposed 2009-2011 Budget.

Loren Mitchell, 3067 Sweetwater Juno Road, Dawsonville, Georgia. Mr. Mitchell states the citizens want to know the County government is with the people during hard times. Mr. Mitchell reported citizens want to be informed as to the areas where money is being spent. Mr. Mitchell reported the online version of the budget is different than what Board members received. Mr. Mitchell would like to see the County put projects on hold until 2010 or until a time when the County can afford to proceed. He continued in asking the Board to send the Budget back for review.

Alison Schmidt, 3067 Sweetwater Juno Road, Dawsonville, Georgia. Ms. Schmidt feels the budget should be frozen. Ms. Schmidt reported the budget can be overwhelming for people that do not work in the financial field. Ms. Schmidt stated she would like to see a digestible overview and a better presentation (with a question and answer segment) of the budget. Ms. Schmidt added she appreciated the Town Hall meeting conducted by Commissioner Connor.

Chairman Berg asked whether anyone else wished to speak concerning the Proposed 2009-2011 Budget and hearing none closed the hearing.

Commissioner Tragesser stated she is concerned about the budget process. Commissioner Tragesser reported the Enabling Act states the Chairman works with Elected Officials and Department Heads to create the Budget which the Chairman presents to the entire Board. Commissioner Tragesser reports the entire Board cannot attend these meetings together because those conferences would have to be advertised. Commissioner Tragesser asked for direction from the entire Board on how to efficiently get the same information and still be in compliance of the Enabling Act. Commissioner Tragesser reported in larger parts of the country, other organizations utilize citizen groups that specialize in finance to guarantee a public role in the process. Commissioner Tragesser believes this process would answer a lot of questions from the citizenry.

Commissioner Nix thanked the citizens for all their comments and the departments for a job well done. Commissioner Nix reported the increase for this year (5%) is a drastic cut from years past. Between 2005 and 2007 the budget increased by 12-15%. Commissioner Nix added 2.5% of the budget increase is for COLA; therefore the County is only at a 2.5% increase overall. Commissioner Nix reminded the Board departments requested 32 new hires but the Chairman is only recommending six new employees. Commissioner Nix reported the Board has been in possession of the budget for eight weeks.

Chairman Berg stated there were more than three budget hearings. Chairman Berg reported the Board received information at a work session where he presented material to the Board and asked for questions. Chairman Berg stated the budget is difficult to understand and work through. As any business with a similar budget, Dawson County has a Budget Manager, Finance Director and County Manager that have all worked on the budget for over a month before the Board received their books. Chairman Berg added the Board of Commissioners are elected to make decisions such as the budget. He added in years past the incoming revenue was there to warrant a higher increase. Chairman Berg stated the County cannot stop in process; the County must keep going. The FUND balance will allow Dawson County to continue to work on projects. There is also a mid-year review for departments to cut spending or to request additional funds.

Chairman Berg stated property assessments are a major concern for all citizens. Currently, the Tax Assessor's Office is working on the appeals filed.

Commissioner Pichon submitted budgets are meant to be used as a guideline. Commissioner Pichon reported 40% of the cost are staff costs and not an easy task. Therefore, Commissioner Pichon reported he would not support any employee layoffs until we reach the time when there is no other choice. Commissioner Pichon reported he met with Elected Officials and the County Manager to discuss the worst case scenario (fuel, travel, hiring freeze, etc.) to control costs. Commissioner Pichon recommends the Board approve the budget as submitted.

Commissioner Connor quoted "The operating budget is the only document that summarizes the entire array of public programs to be undertaken by the County government. It is a political document. This is how we execute the will of the people." Commissioner Connor reported he takes the budget very seriously and he comes from an industry that furloughs employees as an answer to budget cuts.

Commissioner Connor stated the Town Hall meeting was meant to be an exchange of ideas.

Commissioner Connor reports his main problem with the budget is the process itself. He would like to be a part of the process sooner and liked the process two years ago when there was a workshop he and Commissioner Pichon attended as candidates. Commissioner Connor submitted news articles to show the state of the economy. Commissioner Connor reported he does not want to start layoffs in Dawson County but he does not believe the North Georgia Premium Outlet Malls will not generate the revenue the Chairman projected. Commissioner Connor would like a more realistic budget to reflect the current market. Commissioner Connor reported approximately 890 appeals submitted to the Tax Assessor's Office, which is over the 5%. Therefore, the Tax Digest is invalid and cannot be submitted until that number drops below 5%. Commissioner Connor recommended the Board send the budget back for review and cuts, adjust the budget mid-year when revenue numbers are in and move forward at that time. Commissioner Connor added the Board needs to take care of the employees currently employed (COLA), freeze all hiring, downsize the County vehicle fleet, and the Sheriff's Department driving smart cars.

Chairman Berg stated the workshop Commissioner Connor attended was after the entire Board received their copies of the budget and not at the beginning of the process. Chairman Berg reminded the Board that the revenue is broken up into thirds (Sales Tax, Property Tax and other Revenues) and not every employee has a county owned vehicle.

Motion to have one more hearing on the budget where department heads would report to the Board on their requests. Connor/Tragesser Motion defeated. 3-2 with Commissioners Pichon, Nix and Chairman Berg voting no.

Commissioner Connor motioned to freeze the budget until mid-year adjustment and based upon revenue projects at that time, additional employees and vehicles can be added. Motion died for lack of second.

Motion passed by majority to adopt the Proposed 2009-2011 Budget as presented. Pichon/Nix. Commissioners Connor and Tragesser opposed the motion. Chairman Berg voted to adopt the budget.

Chairman Berg requested vote on the millage which is currently at 8.138.

Commissioner Connor motioned to roll back the millage rate. Chairman Berg told Commissioner Connor that the motion had to have a specific number. Commissioner Connor motioned to roll the millage rate back to 5 mills. Motion died for lack of a second.

Commissioner Connor motioned to roll back the millage rate to 8.008. Motion died for lack of a second.

Motion passed by majority to adopt the millage rate of 8.138. Pichon/Nix Commissioners Connor and Tragesser opposed the motion. Chairman Berg voted to approve the motion.

Community Agenda – 1st of 1 hearing

Chairman Berg announced this is the first and only hearing on the Community Agenda transmittal to DCA. Copies of the draft Community Agenda are available tonight.

Community Development Director Lynn Tully reported DCA will review the document for 60 days. The Board will then hold another public hearing before the adoption of the Community Agenda in late September.

Mrs. Tully reported there were many changes to the Future Land Use Plan (FLUP). Those changes include: no further references to the City of Dawsonville as they are in process of developing their own FLUP; provision of water supply for new development as related to the future supply; additional emphasis on agro and eco tourism; separation of lake front and residential suburban (two separate districts); town residential on large tracks; removed UAC and VAC districts replacing them with three mixed use villages, compensating those changes with adjustments on GA400 and Dawson Forest Road. Mrs. Tully noted new tables and short term work programs. Mrs. Tully thanked Commissioners Pichon and Tragesser and the County Manager for their assistance on this project.

Chairman Berg stated a hearing will be needed to address the Future Land Use Map (FLUM). Mrs. Tully recommends transmittal of the Community Agenda tonight and submit changes to DCA.

Chairman Berg asked whether anyone wished to speak about the Community Agenda.

Josh Everett of Forestar Real estate Group, 4161 Deer Springs Way, Gainesville, Georgia. Mr. Everett thanked the Board, Mrs. Tully and her staff for developing this plan. Mr. Everett reported Forestar has a few concerns relating to their property. Mr. Everett reported about 760 acres of the 1,000 acre group falls under the mixed use village category (2.8 units per acre) and 179 acres around the Shoal Creek area

are categorized as rural residential (1 acre lots). Mr. Everett asked the Board to be aware Forestar wants to change the 179 acres to mixed use village to make their property whole for utilities and infrastructure purposes.

Kurt Brookshire, 753 Reece Road, Dawsonville, Georgia. Mr. Brookshire reports he travels Shoal Creek Road everyday and does not believe the infrastructure could supply a 500 home development. Mr. Brookshire asked the Board not to change the current zoning.

Chairman Berg asked whether anyone else wished to speak about the Community Agenda and hearing none closed the hearing.

Chairman Berg expressed concern about the change in the land use map that took away four areas of higher density and replaced them with three new areas (Foggy Bottoms of Auraria Road; Hwy 9/Dawson Forrest Road and Forestar Development around Gold Creek. He suggested that Dawson Forest had already been rezoned for 1500 units that have not been developed. He suggested that a better area would be the 900+ acres of old Southern Catholic property at the 400 and Lumpkin Campground Road.

Commissioner Pichon stated staff has been working on the Community Agenda for a long time. In order to keep the qualified status, Commissioner Pichon recommends the Board transmit the Community Agenda.

Commissioner Tragesser thanked the staff and the Long Range Planning Committee for all their hard work on the Community Agenda. Commissioner Tragesser reports she is fairly comfortable with the changes pertaining to the activity centers because of the large size of the land. She added the reason some of the intensity was removed at GA400 is due to the lack of funds from the State to improve the highway.

Motion passed unanimously to adopt the resolution to transmit the Community Agenda to DCA for review. Pichon/Tragesser

Condemnation hearings – 1st of 2 hearings

County Attorney Homans reported to the Board the statutes have changed since the last condemnation hearings the Board heard. Hearings are now statutorily mandated to be posted and advertised which has been done. One hearing is mandatory but the Board is scheduled to hold two hearings. The hearing tonight refers to the land where the Dollar General is located and the other is K.K. Turner's property commonly known as the "gravel lot". Mr. Homans noted the architect reports another parcel of land

may be needed to complete the new Courthouse project so the Board will hold another hearing on July 24, 2008. That parcel is adjacent to the gravel lot.

Chairman Berg separated the two condemnation hearings. Chairman Berg asked whether anyone wished to speak on the Condemnation Hearings regarding the Dollar General land, located at 195 Hwy 9, Dawsonville, Georgia, and hearing none closed that portion of the hearing.

Chairman Berg asked whether anyone wished to speak on the Condemnation Hearings regarding the parcel of land known as the gravel lot located at 2 Shoal Creek Road, Dawsonville, Georgia.

Attorney representing the Turner family and Mr. Jeffery Coe, Doug Flint, Main Street, Canton, Georgia spoke in opposition of the County taking the property by eminent domain. Mr. Flint reported the Turner family has been in Dawson County prior to its establishment in 1857. Mr. Coe is the developer hired to develop an office complex on the site in question. Mr. Flint expressed concern about the County not having a specific need for the land. Mr. Flint reminded the Board this parcel makes up six city lots in the heart of downtown Dawsonville. The current courthouse and historical courthouse sits on the land donated by the Turner family.

Mr. Flint requests the Board to wait to take the property by eminent domain until the County can present a fully completed plan and that plan is then submitted to the City of Dawsonville for approval. Mr. Flint reports four tenants signed up to have their offices at the Dawson Square complex. This complex will also allow space for new businesses that thrive around courthouses. Mr. Flint stated taking the land and future developments from the City will be expensive.

Mr. Grady Turner, 2599 Howser Mill Road, Dawsonville, Georgia spoke in opposition of the County taking the property by eminent domain. Mr. Turner reports his family was promised, upon donation of the other parcels of land, that the 'gravel lot' would be left alone. Mr. Turner reports in 2006 he purchased the Gold 104.3 radio station located in Dahlonega, Georgia. Mr. Turner would like to relocate his office to downtown Dawsonville on the area under discussion. This site would give the radio station a new look, more interaction and most importantly a direct line-of-sight broadcast tower. Mr. Turner reports these towers are not easy to relocate and many long hours and approximately \$60,000.00-\$80,000.00 would have been dedicated to this project.

Chairman Berg asked whether anyone else wishing to speak about the Condemnation Hearings and hearing none closed the hearing. Chairman Berg announced the next hearing will be on July 24, 2008.

Realignment of Beartooth Parkway 2nd of 2 hearings

Chairman Berg announced this is the second of two hearings and the Board has already voted to ask GDOT to close off the crossover. Commissioner Connor held a public meeting on Tuesday, July 8, 2008, to hold the first hearing. These hearings are at the request of Georgia Department of Transportation.

Chairman Berg asked whether anyone wished to speak about the Realignment of Beartooth Parkway.

Mr. Jim Johnston, 1600 West Wesley, Atlanta, Georgia, representing Mountain Express Oil Company which owns the Texaco located at the northwest side of the intersection. Mr. Johnston expressed concern for the safety of the citizens that use the intersection but feels changing the intersection will create more problems as opposed to correcting them. He believes in increased U-turns at busy intersections and noted the changes would also encourage use of the private road in front of Home Depot. Mr. Johnston suggested installing a traffic light. Mr. Johnston reported the Board can make application for the light but the County will have to show they meet the eight warrants.

Ms. Pam Wyrembelski, 15 Meadows Court, Dawsonville, Georgia. Ms. Wyrembelski thanked the Board for having a map to explain how the intersection will be corrected. Ms. Wyrembelski reports users of intersection travel at a high rate of speed and would like to see slow strips in place to encourage drivers to slow down.

Shelby Harris, GM at the Comfort Inn Suites, 4360 Bonneville Drive, Cumming, Georgia. Ms. Harris would like to have a traffic light installed as opposed to the crossover closures. County Manager Tanner reported GDOT has scheduled this correction for Fall to Winter 2008.

Commissioner Connor gave a background from the first hearing. Commissioner Connor reported there was eight citizens attended the hearing, one being a representative from the Dawson Forest Apartments. All citizens seemed satisfied with the plan explained by GDOT. GDOT reported the statistics did not meet the requirements for a traffic light at this time. Commissioner Connor stated the GDOT has declined to reduce the speed on GA400.

County Engineer Dave Headley explained the plan of closing the crossover for citizens. Mr. Headley stated GDOT reported 26 correctable accidents at this intersection last year.

Chairman Berg reported that this item had been voted on previously and that no vote was needed. He asked that County Manager to alert the DOT that the hearings had been held.

OLD BUSINESS:

None

NEW BUSINESS:

Application for Permit: STARS program

Crystal Casas representing STARS, a search and rescue team, reported this agency was started when her husband was missing and six weeks later his body was recovered in Bartow County in 2005. Ms. Casas at the time of her husband's disappearance there was not anyone available to help search. The team is mostly law enforcement and help search for missing persons in Georgia. This motorcycle rally will raise money for the agency. It will start in Cumming and end at Amicalola State Park. Permits are needed in Forsyth as well as Dawson counties.

Motion passed unanimously to approve the Application for Permit: STARS program as submitted.
Pichon/Nix

Approval to fast track ZA 08-09 on July 24, 2008 Voting Session

This item was removed from the agenda at the start of the meeting and will be heard on August 21, 2008.

EIP Grant Application

Chairman Berg reported Director Charlie Auvermann presented materials to the Board last week.

Motion passed unanimously to approve the EIP Grant Application as presented. Nix/Tragesser

Approval of Courthouse Architect contract with Rosser International, Inc.

Chairman Berg stated all members had copies of the contract.

Commissioner Connor asked why the Project Manager does not report directly to the Board due to the lack of oversight. Commissioner Connor reported other communities have citizen committees for this

process. Chairman Berg stated when Mr. Phil Anderson was the SPLOST Manager he reported to Bill Johnsa, County Manager and not to the Board.

Commissioner Tragesser expressed concern over change orders and protection to the County. County Manager Tanner reported there will be design and construction contingencies to help buffer some of the additional costs incurred by change orders. County Engineer Dave Headley reported the change orders for the Law Enforcement Center was below the national average. He added the design change percentage was .5% and unforeseen changes were 1.7% and owner requested changes were 4%.

Motion passed by majority to approve the Courthouse Architect contract with Rosser International, Inc. Pichon/Tragesser Commissioner Connor opposed the motion.

RESOLUTION: In Rem Tax Foreclosure

Chairman Berg stated there was a minimum of \$25,000.00. County Attorney Homans stated at the request of the Tax Commissioner and her attorney he added the following: "The Board would ratify and affirm the filling of any petition that had already been filed but had otherwise met the criteria of this resolution".

Commissioner Tragesser asked whether this policy may be specific to action on a property. County Attorney Homans stated it does not. Commissioner Connor asked County Attorney Homans to recuse himself because he is the attorney for the Tablak's. County Attorney Homans stated Commissioner Tragesser has concerns about the issue due to her financial impact where Mr. Homans does not have a financial gain in this process. Mr. Homans added he has not represented the Tablak's in any issue to do with the taxes, foreclosure or any related matter. County Attorney Homans did make the Board aware of this issue when it arose several months ago. Also, Ms. Martin, the Tax Assessor's attorney has been working with County Attorney Homans on this project. Commissioner Connor stated he was okay with County Attorney Homans if Ms. Martin would attest she had been working with him.

Motion passed by majority to approve the In Rem Tax Foreclosure as submitted. Nix/Pichon Commissioner Tragesser abstained.

Additional parcel for condemnation

Chairman Berg announced this vote would be needed in order to hold a public hearing on July 24, 2008. Pichon/Nix

Board Appointments

Chairman Berg has recommended six citizens to three boards.

Motion passed unanimously to reappoint Val Dodson to the Library Board. Tragesser/Connor

Motion passed unanimously to reappoint Gaye Palmer to the Library Board. Tragesser/Nix

Motion passed unanimously to appoint Holly Jones to the Library Board. Tragesser/Nix

Motion passed unanimously to appoint Carolyn Hinderliter to the Library Board. Tragesser/Nix

Motion passed unanimously to reappoint Geneva Bearden to the DFCS Board for her third term.
Nix/Tragesser

Motion passed unanimously to reappoint Joe Hirsch to the AVITA Board for a second term.
Tragesser/Connor

Motion to enter into executive session to discuss one legal issue. Connor/Nix

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - July 17, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JULY 17, 2008

Rock Creek Park Community Room – 4:00 p.m.

WORK SESSION AGENDA:

1. Request to fast track ZA 08-10 – Linda Moore Kelly

This item will be placed on the Regular Meeting Agenda on 07/24/08.

2. Appeal to Sign Ordinance – AR 08-01 – Jerome Mersberger & Lynn Tully

This item will be placed on the Regular Meeting Agenda on 07/24/08.

3. Community Development Quarterly Report – Lynn Tully

This item was for information only.

4. MDA Boot Drive – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 07/24/08.

5. RESOLUTION: Firefighter Recognition Month – Cristin Kennedy

This item will be placed on the Regular Meeting Agenda on 07/24/08.

6. Land & Water Conservation Fund Grant recommendation – Barb Baptista

This item will be placed on the Regular Meeting Agenda on 07/24/08.

7. ORDINANCE: Flood Damage Prevention – Robbie Irvin

This item will be placed on the Regular Meeting Agenda on 07/24/08.

8. ORDINANCE: Health Department Rules and Regulations – Dr. David Westfall & County Attorney Joey Homans

This item will be placed on the Regular Meeting Agenda on 07/24/08.

9. Approval of GDOT Contract for Cleve Wright Bridge replacement over Pigeon Creek – County Attorney Joey Homans

This item will be placed on the Regular Meeting Agenda on 07/24/08.

10. County Manager Report

- County Manager will present materials on the Fouts building Assessment at the next Work Session on July 24, 2008.

11. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - July 24, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

THURSDAY, JULY 24, 2008

Rock Creek Park Community Room - 6:00 p.m.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Don Wells – Mountain Stewards

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported Dawson County will be receiving a refund in the amount of \$10,489.00 from ACCG, specifically their Risk Management Fund, this fall based on \$1.5Million of refunds across the State of Georgia.

Chairman Berg announced Commissioner Pichon's birthday on Saturday.

APPROVAL OF MINUTES:

Commissioner Connor requested one change to the July 10, 2008 minutes. Commissioner Connor did not comment on the Sheriff's Department changing over to smart cars. This item will be removed from the official minutes.

Motion passed unanimously to accept the minutes from the Regular Meeting held on June 10, 2008, with the stipulation stated above. Tragesser/Nix

APPROVAL OF THE AGENDA:

Chairman Berg reported he was in receipt of a letter from the attorney for D.W. Moss withdrawing his appeal on July 22, 2008. Chairman Berg announced the Appeal to Sign Ordinance, AR 08-01 should have been listed under public hearings and not new business.

Commissioner Connor asked when the Public Comment Policy would be on the agenda per his request. Chairman Berg stated the Public Comment Policy will be on the next Work Session agenda on July 31, 2008.

Motion passed unanimously to approve the agenda with the stipulations given. Pichon/Nix

PUBLIC COMMENT:

None

ZONINGS:

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 explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZA 08-07 - Russ Stephens has submitted a request to rezone 40 acres from R-2 to C-HB for use as a baseball complex for youth teams 8-18 years of age; TMP #113-032; Location: Lumpkin Campground Road.

Chairman Berg reported the Planning staff recommended denial.

Planning Commission recommended with the following stipulations:

1. Adhere to the GA400 Corridor Guidelines, particularly in regards to lighting;
2. Site plan specific as submitted at meeting time. If there is any change in use, the applicant must apply for a new zoning;
3. Hours of Operation will be Monday-Thursday 8:00am-10:00pm; Friday-Saturday 8:00am-11:00am; Sunday 9:00am-9:00pm as stated in the application;
4. Musco brand lighting to be used;
5. Brights Way must not be used as access.

Chairman Berg reported the Board tabled this zoning one month ago per the request of both the applicant and the parties opposing the zoning.

Mr. Steve Gilliam, 301 Green Street, N.W., Gainesville, Georgia, attorney for the applicant addressed the Board. Mr. Gilliam requested additional time (over the ten minutes) to present information to the Board. Mr. Gilliam reported the request is to rezone 40 acres from R2 to CHB. He added R2 allows for all uses under R1 plus manufactured houses or houses brought from another location. He reported the current zoning is in conflict with the current land use plan which calls for the property to be zoned under campus style business park. The Stephen's family has employed many experts to discuss the design of the complex and to address neighbor concerns regarding lighting, traffic and noise and the effect on property values.

Mr. Gilliam presented a map of the property design to the Board. A copy of this map was not submitted to become a part of the official minutes.

Mr. Russ Stephens, 555 Lumpkin Campground Road, Dawsonville, Georgia. Mr. Stephens reported this youth baseball complex has been a dream of his for years. Youths from 8-18 years of age. Mr. Stephens stated the most influential people in his life aside from his family were his coaches and he wants to give back to his community. Once question of parents of team players is why the teams have to travel outside of the County to play in tournaments. Mr. Stephens reports his complex will fulfill a need in the community, provide relief to the current county facilities and generate tax dollars in Dawson County. Mr. Stephens requested the Board approve the zoning request.

Mr. Ben Trail, 3898 War Hill Park Road, Dawsonville, Georgia was the engineer for the development. Mr. Trail explained the reason for submitting two surveys. The first survey was based on the measurements of 1"= 2,000 ft. That survey was then blown up to reflect 1"=100 ft. This survey showed eight ball fields. The second survey submitted (38 days later) reflected topography changes including a rotation of 25 degrees. Due to this report, only seven fields would be fit.

Chairman Berg stated there were two changes: the number of fields and the size of the fields. Chairman Berg asked whether the fields could be arranged differently to ensure more space between the fields and the homeowners. Mr. Trail reported the fields could not be moved due to state waters and the buffer.

Mr. Mike Limpach, 1701 Westcheser Drive, Ste 300, High Point, North Carolina, represents Musco Sports Lighting. Mr. Limpach gave a power point presentation to clarify any concerns regarding the lighting. He enlightened the Board about his company's three goals for this project. These goals are: 1) create optimum playability and safety for the players and meet appropriate competitive tournament lighting standards; 2) a safe and aesthetically pleasing environment for the surrounding neighbors and 3) to meet or exceed the County lighting ordinances. He also reports Musco lighting has been in business for over 30 years and has developed very specialized technology. Light is measured in foot candles. 3.09 foot candle equals approximately 150 feet. Limpach reported new means to control spill over light onto the neighbor's property, such as side shift beam technology. The mounting height of the light poles will be approximately 60-70 feet. This height will allow the user to control the light spill and glare. The fixture proposed for this project is the Light Structure Green.

Mr. Martin Winters of 1617 Kilough Church Road, Dawsonville, Georgia was the certified general commercial appraiser hired by the applicant to complete a feasibility study. Mr. Winters spoke to how this project would affect the adjoining property owners and how surrounding counties have handled the same situation. Mr. Winters tried to gather data for a before and after study on mobile home communities allowed under R2 zoning and a similar baseball complex to the one proposed. There was not a mobile home community that was installed within the last few years within reasonable driving distance therefore, a before and after market study was preformed. Based on his experiences, Mr. Winters feels a mobile home community would greatly reduce the property values of the surrounding subdivisions. He used the Rock Creek Sports Complex as his comparable comparison. Mr. Winters did conduct a study showing there was no reduction in value for homes within a one mile radius Rock Creek Park. There are approximately 100 properties with the one mile radius. Mr. Winters suggested a sports complex is highest and best use of the Stephens' property since there was not a demand for campus style office park. Commissioner Connor stated the term 'highest and best use' is a subjective, real estate term. He wanted the public to know using this term does not bind the Board from following the recommendations for usage.

Mr. Gilliam requests a change in the Planning Commission's stipulation # 3 changing the word operation to play with 30 minutes following to vacate property. "Hours of Operation will be Monday-Thursday 8:00am-10:00pm; Friday-Saturday 8:00am-11:00am; Sunday 9:00am-9:00pm as stated in the application". All other conditions are acceptable. To address the Brights Way road issue, Mr. Gilliam requested Stephens Road, which was abandoned by the County, be used as a secondary access road. A secondary road is need for safety. The primary access point will be Lumpkin Campground Road. Mr. Gilliam reported there will be a five to ten foot vegetative planted burm. All in support of this project raised their hands.

Commissioner Connor believes the sports complex is a great idea but the location is not a favorable location. Mr. Stephens stated this property is the most conducive of all his properties for a ball park. He reported he would rather see a ball park in his backyard than an office complex.

Chairman Berg asked why more information about noise volumes was not presented. Mr. Gilliam contacted Clemson University to perform the study but they were not able to complete the study. He reported the noise was addressed by the hours of operation and by the burm. Chairman Berg stated in the Planning Commission meeting there was discussion about a 50' buffer with planted vegetation that was never listed in the stipulations. Mr. Gilliam reported the buffer is shown on the drawings submitted. Mr. Trail reported the applicant increased the buffer from 50' to 75'. Chairman Berg asked whether there was room to manipulate the orientation of the fields to allow for additional space between the complex and neighbors. Mr. Trail submitted the current layout best fits the needs of the complex with keeping the concerns of the homeowners in mind as well as the state waters. There is a 200' buffer between the state waters and the fields. Chairman Berg asked whether there was any discussion on the Board for this zoning being site specific. None was given. Mr. Russ Stephens stated if the Board denied this zoning request for the ball park he would resubmit for another (unnamed) zoning.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Development Authority Executive Director Charlie Auvermann of 137 Prominence Court, Ste 230, Dawsonville, Georgia spoke in favor of the application. Mr. Auvermann addressed the LOCI Tax models. He added the Development Authority is looking at this project strictly from a future land and a future tax model point of view. The Development Authority stands in favor of a project when there is a positive tax benefit to the County. The tax model is conducted using Georgia Tech software which the Development Authority is allowed to use. Mr. Auvermann noted the Finance Department is not allowed to use this software according to state law because it permits forward modeling of taxes.

Mr. Auvermann agreed with the applicant in stating based on the FLUP and revised Community Agenda this site suggests this would best be a campus style business park and that the DADC has been unsuccessful in recruiting any business to use the land in this manner. Once this project has been

approved under CHB, in 10-15 years it would be easier to change the zoning to campus style business park than if it was zoned residential. Use tax multipliers, over a 10 year period, this project could create \$2.9 million in tax sales revenue to the County.

Chairman Berg asked whether anyone else wished to speak in favor of the application and hearing none closed the hearing. Chairman Berg asked whether anyone else wished to speak in opposition of the application.

Mr. Stuart Teague, Attorney for the residents of the Meadows, Savannah Trace and the Gates of Etowah spoke in opposition of the application. Brockman & Teague, 110 Veterans Memorial Boulevard, Suite 200, Cumming, Georgia 30040. Mr. Teague reports there are 76 homes in these three subdivisions ranging in price range from \$250,000.00-\$350,000.00, totaling \$22 million. Some of these homes' property lines are 20 feet from top ball field. Savannah Trace was developed by Mr. Don Stephens'. He added the County has adopted a transitional zoning for this site. Mr. Teague defines transitional zoning as less intense uses back up against less intense uses. The residents ask the Board to follow the Land Use Plan as it has been adopted. He cites the Steinberg Criteria stating factors show this is not an appropriate zoning. If you take into consideration surrounding property is residential, the applicant cannot show that a zoning of R2 will decrease property values and there is a relative gain to the public health, safety and welfare (in keeping the current zoning) versus any hardship the land owner might show.

Mr. Teague reported the Planning Commission approved the zoning based upon the stipulation it was site plan specific. They were not given the most up to date site plan shown at the Board of Commissioners meeting. The Planning Commission saw a site plan where the fields were against the Stephen's property. Now the applicant is showing a plan where the fields will be against these

property owners. Mr. Teague reported he is not sure whether the Board has jurisdiction at this time since the plans have changed. He also reported the Planning Staff rejected the application. The residents do ask if the Board approves this zoning, to have the applicant abandon Brights Way. They are concerned this road will be a traffic corridor to Lumpkin Campground Road or to Georgia Highway 53. Mr. Teague stated he feels it is incredulous for the applicant's experts to report seven ball fields within 20 feet of adjacent residential houses will not create ambient spillover lighting. Residents did visit East Cobb facility where Musco lighting was used. The residents at that location reported bright light spillover, they were not informed the facility was being built until the project was underway; parking and traffic is an issue and the noise is a major factor. The proposed facility will be open seven days a week not giving a break to property owners. Mr. Teague reports most of the home owners moved to Dawson County to retire, buy a home, have some peace and now that is not the case.

Mr. Gordon Tuttle, 310 Meadow Court, Dawsonville, Georgia spoke in opposition of the application. One concern the residents have is if the applicant gets the zoning requested and then changes the plan. Mr.

Tuttle gave some examples of CHB parcels in Dawson County. He reported Mr. Stephens owns 60' ROW on the corner of Brights Way between two residences. This CHB development will be seen from most of Savannah Trace. All three subdivisions are fighting this zoning application splitting attorney costs. He added no one coming into Savannah Trace will want to buy land when all you can see is 70' light towers. If the Board approves this zoning, they will be setting a precedent for R2 parcels to be rezoned CHB. Mr. Tuttle concluded this zoning is against the FLUP and should not be approved by the Dawson County Board of Commissioners.

Chairman Berg announced time has exhausted for anyone wishing to speak in opposition of the application and asked whether anyone wished to speak in favor of the application.

Mr. Gilliam spoke in rebuttal to comments made by Mr. Teague. Mr. Gilliam reported the site plan submitted is essentially the same plan as the Board is looking at. He added the Stephens' could develop residential housing on this site but given the current housing market, this project would be best. This project and plan is site specific so the applicant cannot change the submitted plans without coming back before the Planning Commission.

Mr. Stephens stated he was not sure how the property was zoned R2 from the original zoning of RA. Savannah Trace has been R2 since it was developed in 1994.

Regarding the abandonment of Brights Way, Mr. Trail reported EWSA requested they loop the water in the road down to Lumpkin Campground Road. This road will not be used for transportation purposes.

Chairman Berg referenced the stipulations submitted by the homeowners. He asked whether the main concern was the proximity of the ball fields to the homes. Mr. Teague reported the main concern at this time is the applicant did submit a new site plan at the Planning Commission but they would not consider it because it was a new change. He added the neighbors are concerned with the situation of the fields.

Community Development Director Lynn Tully reported the site plan dated February 29, 2008 was the original site plan submitted to the Planning Commission. The site plan dated May 10, 2008 was submitted to the Planning Commission on May 20, 2008 but was not submitted to the Planning staff for approval.

Planning Commissioner Vernon Smith, 182 East View Drive, Dawsonville, Georgia, answered the questions regarding which site plan was submitted. Mr. Smith showed the Board his site plan he worked with on May 20, 2008. The plans viewed by the Board today is not the plan he saw on May 20, 2008.

Commissioner Connor asked the applicant how much effort was put into finding another site for this project. Mr. Russ Stephens stated the topography on other parcels will not work due to the land variations. He added to be able to manage both properties Byrd-Stephens Lumber supply and the ball park he needs to be onsite.

Commissioner Tragesser stated any time in Dawson County the market will have peaks and valleys. The current residential market is down. She added, you cannot take the Future Land Use Plan and manipulate it into something that is marketable at this time. It is the responsibility of the Board to develop a FLUP that will work for Dawson County in 10-15 years.

Motion passed unanimously to deny ZA 08-07. Pichon/Tragesser

ZA 08-12 – Chris Moore d/b/a M&M Super Mart Moore has submitted a request to rezone TMP #031-025 from C-CB (Commercial Community Business) to C-HB (Commercial Highway Business) for a multi-purpose retail facility to include a proposed restaurant; Location 7430 Elliott Family Parkway.

Chairman Berg reported both the Community Development staff and the Planning Commission recommended denial. The Board voted to fast track this request two weeks ago for hardship.

Applicant, Carol Michaelson, 2231 Dawson Forest Road, Dawsonville answered questions from the Board. This facility is currently for sale and potential buyer would like the option of having a restaurant in the center. Two restaurants have been in this facility before.

Planning Director Holland Leger reported business licenses are on file from 2002. There are no business licenses on file for any restaurant at this location. Commissioner Connor asked whether you could change the uses under CCB. County Attorney Homans reported the Board may put conditions on uses under CHB but not vary on CCB.

Commissioner Pichon stated a restaurant did add to the community. He added for the Board to allow this request, you would have to vote to change the FLUP and vote to rezone and limit the conditional use to the existing uses plus a restaurant.

Chairman Berg reported in order to change the FLUP the Board must have hearings. A hearing is scheduled for September 2008.

Commissioner Tragesser asked whether the potential buyer has looked at catering as opposed to a restaurant. Ms. Michaelson stated buyers will pay less for a catering site versus a restaurant that would generate more income to pay rent.

Chairman Berg asked whether anyone wished to speak about this request and hearing none closed the hearing.

Motion passed by majority to alter the Future Land Use Plan. Pichon/Nix Commissioners Tragesser/Connor opposed the motion. Chairman Berg broke the tie and voted to approve the motion.

Motion passed by majority that zoning be granted to CHB for that specific site on the FLUP and the Board condition that use and add restaurant use. All other permitted activities under CHB are prohibited. Pichon/Nix Commissioners Tragesser/Connor opposed the motion. Chairman Berg broke the tie and voted to approve the motion.

Commissioners Connor and Tragesser expressed concern about changing the Future Land Use Plan in adding a CHB zoning in a rural area.

PUBLIC HEARINGS:

Condemnation hearings – 2nd of 2 hearings

Chairman Berg announced this hearing is for three parcels.

Chairman Berg asked whether anyone wished to speak about the condemnation hearings.

Mike Turner, 1090 Oak Haven Drive, Roswell, Georgia. Mr. Turner spoke on behalf of the Turner family and Mr. Coe. Mr. Turner gave a brief history of the property. The Dawson Square development will consist of two multiuse buildings. Building A will be approximately 16,000 sq.ft. and Building B will be approximately 12,000 sq.ft. Mr. Turner thanked all members of the Board for meeting with him this week. Currently, the Turner family is waiting on comments from the City before they can start construction on the project. Mr. Turner reports this project was challenging because it had to match the Historic Courthouse and the Law Enforcement Center. This development is to be the centerpiece of the downtown business district.

Mr. Turner stated if the Board condemns the property, the County would then land lock the government buildings preventing any future growth and spend an exorbitant amount of money in legal fees. Mr. Turner asked the Board to consider moving the future courthouse to the Dollar General property, work with the family to get what the County needs with the condition this project can move forward.

Chairman Berg asked whether anyone else wished to speak about the Condemnation Hearings and hearing none closed the hearing. Chairman Berg reported the Board can vote on this issue but would like to see the County Manager and Rosser look at this project.

Commissioner Tragesser would like to see Mr. Turner sit with Rosser to look at joint goals. Open lines of communication are the key.

Commissioner Pichon asked what the layout would be and how citizens would get to the Historic Courthouse. Mr. Turner suggested West 1st Street be closed (City will want the street to be purchased by the County) and making it a walking path, including benches, landscaping, etc. Building B should have 50% of its parking underground. Mr. Turner stated he will come back before the Board with a plan that would address all concerns about aesthetics.

A vote was withheld until further discussions with property owners, staff and architects.

Soil Erosion Ordinance 1st of 2 hearings

Chairman Berg stated Code Enforcement Officer presented this ordinance at last week's Work Session. Chairman Berg asked whether the Dawson County Home Owners Association was contacted in reference to this hearing. Mr. Irvin reported the DCHOA was aware this ordinance was in process.

Chairman Berg asked whether anyone wished to speak about the Soil Erosion Ordinance and hearing none closed the hearing. The next hearing is scheduled for August 7, 2008 at 6:00pm.

Appeal to Sign Ordinance AR 08-01 Jerome Mersberger

Community Development Director Lynn Tully submitted a memo per the request of the Board at the last Work Session. This memo addresses other properties that fall under the same appeal to the sign ordinance and find out the square footage of that appeal. The previous appeals have been for 140 sq.ft. and for 102 sq.ft. These appeals have been approved. The current appeal is for 150 sq.ft. and would fall in line with the previous requests. Also, Mrs. Tully proposes changing the Planned Center definition.

These changes include removing the outside entrance requirements, allowing a separate entrance, adds clarification to shared space that accepts bathrooms and hallways and requires a minimum size for tenants. These changes have only been presented to the Board.

Chairman Berg asked whether anyone wished to speak about Appeal to Sign Ordinance AR 08-01.

Applicant Jerome Mersberger, 355 River North Parkway, Dawsonville, Georgia answered questions for the Board. Mr. Mersberger stated in the original plans he submitted there was plans for a sign of this nature. A sign permit was obtained for the Community Development department. Once construction was initiated, the department discovered the sign was outside the limits of the Sign Ordinance. This building is 34,000 sq.ft. housing multiple specialists.

Chairman Berg asked whether anyone else wished to speak about Appeal to Sign Ordinance AR 08-01 and hearing none closed the hearing.

Commissioner Connor stated when citizens walk in a directory is available. He asked why an outside sign is needed. Mr. Mersberger stated people using the access road, visibility for all practices and for safety officials. If fire and police are responding to an emergency call, they can find the suites easier.

Commissioner Connor motioned to deny appeal to the Sign Ordinance. Died for lack of second.

Motion passed by majority to approve the appeal to the Sign Ordinance AR 08-01. Pichon/Nix Commissioner Connor opposed the motion.

OLD BUSINESS:

None

NEW BUSINESS:

Package Liquor Store License: War Hill Beverage - Candy Adams and Douglas Adams

County Attorney Homans reports the applicant meets conditional approval pending construction and completion of the building per ordinance. This will no longer be a free standing liquor store but plans to locate the store in his Fast Stop Convenience Store.

Motion passed unanimously to approve the Package Liquor Store License for War Hill Beverage Candy Adams and Douglas Adams. Pichon/Nix

Package Liquor Store License: Dawson Fine Wine & Spirits - Douglas Cotter and Gerald Davidson

County Attorney Homans reports the applicant meets conditional approval pending construction and completion of the building per ordinance. This property was zoning CPCD in 2003. After the approval in 2003, the Board changed CPCD to no longer allow liquor stores. In 2006, the community voted to approve liquor stores in Dawson County but only in CHB. A memo was presented to the Board. Mr. Homans added the CHB use is a vested right and vested with the owner. The owner has not sold the property in part because the zoning change is a stipulation of the sale. The applicant/buyer meets all requirements of the ordinance and the property is properly zoned to meet approval even though it is CPCD. This is approximately 3900 yards from the closest package liquor store.

Commissioner Pichon stated this is a non-conforming use. If the applicant lets this use lapse for a year then he would use his rights.

Motion passed unanimously to approve the Package Liquor Store License for Dawson Fine Wine & Spirits - Douglas Cotter and Gerald Davidson. Connor/Tragesser

Fast Track of ZA 08-10: Linda Moore Kelly

Chairman Berg announced if approved, the Board would hear this zoning on August 19, 2008.

Motion passed unanimously to approve the Fast Track of ZA 08-10: Linda Moore Kelly. Nix/Tragesser

MDA Boot Drive

Motion passed unanimously to approve the MDA Boot Drive. Nix/Tragesser

RESOLUTION: Firefighter Recognition month

Chairman Berg requested the resolution report the Board of Commissioners approved this resolution as opposed to the Chairman.

Motion passed unanimously to approve the Tragesser/Nix

Land & Water Conservation Fund Grant recommendation

Chairman Berg announced this was the \$80,000 grant for War Hill Park.

Commissioner Pichon would like for the County to apply for this grant but hold off on spending any county money until we see an upturn of the economy. County Manager Tanner reported the County would need approval to apply for the grant, approval to let the USCOARE know the County anticipates to match funds, the County has two years to spend the money or we lose the funding.

Motion to approve the recommendation as submitted. Commissioner Connor rescinded motion.

Motion unanimously passed to approve the LWCF Grant award for \$80,000 grant funds with the \$80,000 match funded from Impact Fees, Park Project funds due to the excess capacity criteria as allowed in the Impact Fee Methodology Report. Finance is authorized to transfer \$80,000 from Impact Fee Fund to reimburse SPLOST IV for park improvements at Rock Creek. The \$80,000 will be budgeted in SPLOST IV as a transfer to the Grant Fund 250 where the grant will be administered and tracked in accordance with the LWCF grant regulations. Also, authorizes the update to the CIE as annually required.

Tragesser/Connor

Approval of GDOT Contract for Cleve Wright Bridge replacement over Pigeon Creek

This contract was submitted to the Board at last week's work session. GDOT's total reimbursement is \$69,000.00.

Motion passed unanimously to approve the Approval of GDOT Contract for Cleve Wright Bridge replacement over Pigeon Creek. Nix/Connor

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - July 31, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JULY 31, 2008

Rock Creek Park Community Room – 4:00 p.m.

WORK SESSSION AGENDA:

1. GEB Corps Resolution and Power of Attorney – HR Director Jay Sessions

This item will be placed on the Regular Meeting Agenda on 08/07/08.

2. Approval of the Automatic Aide Agreement with Pickens County – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 08/07/08.

3. Approval of the Revised Dawson County EMA Resolution – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 08/07/08.

4. Development Authority 2nd Quarter Report – Director Charlie Auvermann

This item was for information only.

5. Fouts Building Assessment – County Manager Tanner

This item was for information only.

6. Public Comment Policy – Commissioner Connor

This item will be placed on the Regular Meeting Agenda on 08/07/08.

7. GMRDC Appointment – Chairman Berg

This item will be placed on the Regular Meeting Agenda on 08/07/08.

8. County Manager Report

- Employee contest on how to save County funds. July 31-August 31. \$200.00 reward.
- Boat ramp update.
- New County Manager reports in August.
- Commissioner Tragesser requested more information from the County Manager regarding the Dawson Forest 10,000 acres, specifically the airport feasibility study and the ACCG ownership search.

9. County Attorney Report

- Mr. Homans stated EWSA has changed the DCAR GIS contract and requested it be added to the 08/07/08 agenda under New Business.
- Mr. Homans reported a proposed settlement agreement with Mr. Marvin Gibson regarding ZA 08-01. He requested this item be added to the 08/07/08 agenda under new business.
- Mr. Homans gave an update on the Chestatee litigation.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - August 14, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, AUGUST 14, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

1. TEFRA Bond Approval – Director Charlie Auvermann

This item will be placed on the Regular Meeting Agenda on 08/21/08

2. Presentation of Eagle Point Funds from Marcie Kreager with Advanced Disposal

This item was for presentation purposes only

3. Renewal of County Health Insurance Plan – HR Director Jay Sessions

This item will be placed on the Regular Meeting Agenda on 08/21/08

4. 2007 Comprehensive Annual Financial Report (CAFR) – Duane Schlereth

This item will be placed on the Regular Meeting Agenda on 08/21/08

5. CIE Annual Update – Community Development Director Lynn Tully

This item will be placed on the Regular Meeting Agenda for Public Hearings on 08/21/08

6. ORDINANCE: Proposed Changes regarding Height Limitations and CPCD Uses – Community Development Director Lynn Tully

This item will be placed on the Regular Meeting Agenda for Public Hearings on 08/21/08

7. ORDINANCE: Novelty or Toy like Lighters – Call to Action – Fire Marshall Tim Satterfield

This item will be placed on the Regular Meeting Agenda on 08/21/08

8. Board Appointments – Chairman Berg

- MHDDAD Board: Val Dodson replacing Helen Taylor

Chairman Berg removed this item from the agenda. Ms. Dodson is not able to fill this position at this time. This item will be placed on a future agenda.

- Park & Recreation Board: Spencer Wright replacing Barry Fleming

This item will be placed on the Regular Meeting Agenda on 08/21/08

9. County Manager Report

- New report format submitted this month.
- Meeting with Rosser, Inc (Courthouse architect) and the Turner family went well.
- Homestead Exemption Grants have been frozen by the Governor's office. Tax bills are due to citizens in September with this exemption. Legislators will discuss this issue when they reconvene in January 2009.
- Ross King with ACCG recommends waiting to proceed on the 10,000 acres project until the economy picks up. A conservation group is willing to donate \$15,000.00 for the presentation at a later time.
- Will be presenting an Impact Fee Update presentation for the Board at an upcoming Work Session.
- Citizens (Government) Academy will kick off in mid September.
- Requests acceptance of donated land for the Senior Center parking lot be on the 08/21/08 Regular Meeting Agenda.
- Work on Taylor Road off War Hill Park Rd. will proceed now that the County has the contract from GDOT.

10. County Attorney Report

- Requests Chestatee zoning be on the September 18, 2008 Regular Meeting Agenda. This item was scheduled for August 21, 2008 but their attorneys were unable to meet that deadline in order to advertise the hearing.
- Notification to Mr. Gibson that their proposal was rejected by the Board at the last meeting.
- Answer was filed on August 8, 2008 in the Noah Sanders litigation.

- Recommends moving forward on condemning the Dollar General property on 08/21/08 agenda. This will be to approve a resolution in order to proceed.
- Public Hearings for two ordinances will be at next 08/21/08 Regular Meeting. Those hearings are for the Flood Plain damage ordinance and Health Department Rules and Regulations ordinance.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - August 21, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – AUGUST 21, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – MDA – Cristin Lees

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg wished Commissioners Tragesser and Nix a happy birthday.

APPROVAL OF MINUTES:

Chairman Berg stated minutes were not available for review and would be approved at the September 4, 2008 Voting Session.

APPROVAL OF THE AGENDA:

Chairman Berg reported one change to the agenda. The Board had not voted to hold public hearings on the Proposed Changes regarding the Height Limitations or the CPCD Uses. These items should be moved to the back of the agenda under New Business.

Motion passed unanimously to approve the agenda. Nix/Pichon

PUBLIC COMMENT:

None

ZONINGS:

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 explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZA 08-10: Linda Moore Kelly has submitted a request to rezone 2.55 acres of TMP #061-002 from RA (Residential Agricultural) to C-RB (Commercial-Rural Business) for a proposed wedding chapel and photography studio; Location: 5910 Kelly Bridge Road.

The Planning Commission and Planning Department recommended denial of the application.

Attorney Ridgley Rairigh, 32 Jack Heard Road, Dawsonville, Georgia, spoke on behalf of the applicant.

Ms. Gaye Cantrell, 563 Cowart Road, Dawsonville, Georgia offered factual background information regarding the old Mt. Vernon Baptist Church sanctuary. The church was established in 1840. This church is a part of the fabric of Dawson County and its community.

Ms. Cantrell is a church of the group which owned Mt. Vernon Baptist Church. This group was offered a sizeable donation that had one stipulation; to build a new sanctuary. They agreed and built a new sanctuary but the size of the property did not allow for both sanctuaries. Therefore, Mt. Vernon Baptist Church sanctuary must be moved. The members of the church voted and allowed the Kelly's to move and preserve the building. The church also made an additional stipulation that allowed them to use the building for prayer. The Kelly's agreed to allow the church to use the Etowah River for their baptism ceremonies.

Mr. Rairigh reported the structure was built in 1906. This building has already been moved to the Kelly's property. Their main goal is preservation of this church but will be used for a wedding chapel. Mr. Rairigh referenced the cause for denial from the Planning department. The first item of concern was increased traffic. Mr. Rairigh reported the road in which this project would be is in the middle of a long

stretch of road where there are no sight limitations. The family projects having 50-55 weddings at the most per year. Most of these ceremonies will be on the weekends. Second issue was the bundling of several commercial businesses. The entire site will include a wedding chapel, photography studio, which Mr. Kelly's son in law owns, and the Equestrian Sky Farms, LLC. The site currently serves as storage for large equestrian events. The Kelly's own approximately 160 acres. He added this project does not offer precedent for commercial additional activity. This commercial activity would be small and would be sparse. Further, there are many commercial sites within six miles that have more impact than this project. To address the water and sewer concerns, he reported there is a water well and a 1,000 gallon septic tank at the facility. Currently on the property, there is a large building with restrooms, water and other facilities. One Planning Commissioner raised concerns regarding the small septic tank. Mr. Rairigh produced a receipt from the Environmental Health Department showing they have applied for a larger septic tank. This tank would be away from the Etowah River and have no EPD issues. The last area of concern was the hours of operation. He stated if the Board of Commissioners made a stipulation regulating the hours, the applicants would not object.

Mr. Rairigh stated the family does not have a hidden agenda and does not plan on commercializing this area. This is a very site specific location and will be used solely for a chapel and photography business.

Mr. Rairigh reported Mr. Vernon Smith, District 4 Planning Commissioner, brought up most issues addressed tonight. He feels Mr. Smith should have recused himself based on his owning the Lakeview Center. This facility provides a location for wedding ceremonies and receptions and would be in competition with the Heritage Church. He feels this is a conflict of interest. He added Mr. Smith made the primary motion to deny the motion to approve this zoning. Mr. Rairigh entered his formal objection to the County Attorney and County Clerk. Copy filed with minutes. In conclusion, Mr. Rairigh asked the Board to approve this zoning request.

Chairman Berg asked if there was a way this building could be used as a church. Mr. Rairigh stated the Kelly's would be getting paid for a service and that would be defined as commercial business. They will not have regular church services at this facility. The facility would be available to the Mt. Vernon Baptist Church community any time they wished.

Commissioner Connor expressed concern about the septic tank being in close proximity to the Etowah River and the traffic issue. Mr. Rairigh stated Environmental Health Department will ensure all procedures are followed. Additionally, the property is large enough if the Environmental Health Department mandated more space between the septic tank and the river, that would be an easy enough task. Commissioner Connor stated if approved, he would like to see a deceleration lane added for safety. This lane would decrease rear end collisions.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Mr. Jan Grimes 305 Mountain Brook Road, Dawsonville, Georgia spoke in favor of the application. Mr. Grimes submitted the Lakeview Center is in a highly residential area and was granted a variance in 2004, Both the Lakeview Center and the Heritage Chapel are low impact to the surrounding county, Planning Commissioner Smith should have recused himself, and this business would be good for the County. He asked the Board to approve the zoning application.

Ms. Cindy Stowers, 1829 Howser Mill Road, Dawsonville, Georgia spoke in favor of the application. Ms. Stowers served as the treasurer of her church, Dawsonville First Baptist Church. Ms. Stowers was in charge of helping couples through the marriage process in her church. She was surprised how many couples that are not members of any church. By the end of this year, seven of the ten weddings at her church have been by non-members. She added not everyone wants a large "Buckhead" wedding and this chapel would offer a new venue for those ceremonies. The building currently on the property was a storage facility and was transformed into a place where Ms. Elizabeth Kelly could be married. Ms. Elizabeth Kelly would be running the chapel along with her husband (photographer). She asked the Board to approve the zoning application.

Mr. James Kelly (applicant) 5910 Kelly Bridge Road, Dawsonville reported the building is approximately 300 feet from the Etowah River. There is a hard elevation drop off, 8 foot or more, followed by the flood plain. Mr. Kelly reiterated it would not be a problem to get a larger septic tank on the property.

All in favor of the zoning request stood.

Chairman Berg asked whether anyone wished to speak in opposition of the application. Chairman Berg reminded the Board of letters sent in opposition from citizens in the community.

Ms. Fay Bohlayer, 2700 Cowart Road, Dawsonville, Georgia spoke in opposition to the zoning. Ms. Bohlayer has a long relationship with Mt. Vernon Church and is thankful the Kelly family has agreed to preserve the church. Her concern lies with the commercial zoning classification. She cited the FLUP stating this area is solely residential and agricultural. She reported commercial starts out small and then grows overtime. She added approving this zoning request would set a precedent that many others may follow along Kelly Bridge Road. Ms. Bohlayer requested the Board deny this request.

All stood in opposition. Citizens out of town sent letters.

Mr. Charles Conklin, 378 Running Pine Trail, Dawsonville, Georgia spoke in opposition of the zoning. Mr. Conklin owns approximately 350 acres, one mile on road frontage on Kelly Bridge Road. He stated many move to Dawson County to retire because the County has a land use plan and has a reputation of following that plan. He agrees with the preservation of the church but not the commercial zoning. Mr. Conklin stated in order to preserve the integrity of the area, he asked for denial of the application. Mr. Conklin asked all in favor to stand up and only remain standing if you are a homeowner in the area. Half remained standing.

Maxine Roberts, 269 Windy Ridge Road, Dawsonville, Georgia spoke in opposition of the application. Ms. Roberts represent 16 homeowners in the Windy Hills Subdivision HOA. She stated excessive speeding is an issue on this road and adding commercial zoning would increase traffic. She added the rural landscape was the reason she moved to this area.

Chairman Berg asked if the zoning request is not successful what is the intent with the chapel. Mr. Rairigh reported the restoration will still proceed but no other conversation has taken place.

Commissioner Pichon asked for legal advice as to the "tainted stream of information" and how he may proceed. County Attorney Homans reported the applicant has a responsibility to raise any issues. Commissioner Pichon's concern is there is a bundling of proposed uses this facility would have including a wedding chapel, reception establishment, photography studio and Eastern Sky Farm, LLC equestrian supply.

Commission Connor asked if the church group researched buying additional land for this chapel to rest. Ms. Cantrell, building committee for Mt. Vernon Church stated with limited means, County processes/permits and other factors, it was not possible to buy the land needed to move the facility.

Commissioner Tragesser asked if CRB (Commercial Rural Business) was the lowest level of commercial impact we have in the County. Planning Director Holland Leger reported this did not meet the standard due to the square footage. CRB has a maximum limitation of 5,000sq.ft. The church alone would fall under the CRB zoning.

Commissioner Pichon added if the Board does not defend and uphold the Future Land Use Plan it will collapse.

Commissioner Tragesser agreed in saying the Board should follow the FLUP. She added this project would not negatively impact the community in its current state however the level of commercial would

not be appropriate in a rural area. She added she would like to conduct a County visioning exercise from the rural community.

Commissioner Connor stated most of the citizens that are in favor of the application are not adjacent homeowners. He added he would like to uphold the newly adopted FLUP of Dawson County.

Motion unanimously passed to deny the zoning ZA 08-10. Pichon/Tragesser

ZA 08-11: Clifton Daniel has submitted a request to rezone 1.291 acres of TMP #L19

057 from VCR (Vacation Cottage Restricted) to C-RB (Commercial Rural Business) to be able to continue a commercial use; Location: 1728 War Hill Park Road.

The Planning Commission and Planning Department both recommended denial of the application.

Mr. Clifton Daniel, 146 Paddock Place, Dawsonville, Georgia answered questions from the Board. Mr. Daniel reported he purchased this land nine years ago as a commercial building and site. Mr. Daniel has always rented this space to business that maintained the business license. He did this in order to keep his grandfather status. The business that was formerly at this location failed to renew its business license losing the grandfather status.

Mr. Daniel owns and operates a business directly behind this lot for the past twenty years. He owns 12 acres surrounding this property. He reported he did not receive notification from the Planning Department. Mr. Daniel requested a zoning change or a land variance to regain the grandfather status.

This property was originally zoned VCR in 1986. Mr. Daniel reported this building is approximately 12,000 sq.ft.

Currently, Mr. Daniel has a potential tenant that would like to rent the space for a landscaping business contingent on the outcome of this request. Tim Bennett would be the tenant. Company trucks, bob cats and other equipment might be stored behind the property. No goods will be sold out of this store. The building will be for administrative purposes only.

Chairman Berg stated the Board had heard a previous request from Mr. Bennett. There was some concern regarding the landscaping materials would be fenced. The Board denied the request based on numerous complaints from neighbors as well as other factors. Mr. Bennett purchases all materials from

Mr. Daniel and has no reason to have it on his property. Mr. Daniel states there have only been three vehicles on the property.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Mr. Vernon Smith, 182 East View Drive, Dawsonville, Georgia spoke in favor of the application. Mr. Smith stated the grandfather clause is vague and there is not a system in place to notify the landowner of an expiring business license. Currently, only the business license holder is notified. Mr. Smith feels if Mr. Daniel was notified the business license was set to expire, he would have ensured it being renewed.

Mr. Wayne Pew, 1928 War Hill Park Road, Dawsonville, Georgia spoke in favor of the application. Mr. Pew is a neighbor to this property and has no objection of this application being approved. He added this facility has always been commercial and should remain that way.

Chairman Berg asked if anyone else wished to speak in opposition of the application and hearing none asked whether anyone wished to speak in opposition of the application.

Mrs. Jane Graves, 224 Park Cove Road, Dawsonville, Georgia spoke in opposition to the request. Mrs. Graves expressed concern regarding the CRB zoning classification. This classification would allow for larger commercial activity and not just the small business owner.

Mrs. Jeanne Kohler, 113 Julian Creek, Dawsonville, Georgia spoke in opposition of the application. Mrs. Kohler is a resident on War Hill Park Road. She feels if this zoning is granted other properties grandfathered will follow suit. Mrs. Kohler would like the Board to rework the grandfather clause rather than rezoning this area. She added there is a lot of traffic and would like to preserve the residential districts.

Mr. Bill Kohler, 113 Julian Creek, Dawsonville, Georgia spoke in opposition of the application. Mr. Kohler stated his family moved to this area for the community and quietness. He reported this property was not always a store. He added the landscaping business in the location now with three trucks parked out front. Mr. Kohler recently bought an additional lot less than ½ mile from Mr. Daniel's property.

Mr. Mike Wenson, 64 Taylor Creek, Georgia spoke in opposition of the application. Mr. Wenson supports this business at the location but disagrees with the rezoning of the property. This is a residential area. Mr. Wenson would like to see the grandfather clause updated.

Chairman Berg asked whether anyone else wished to speak in opposition of the application and hearing none closed the hearing.

Community Development Director Tully reported in the past a business owner (renter) has allowed their license to lapse but the business itself has continued to operate. She cited Georgia Law in stating if the business has continued to operate then the grandfather status also continues. The business license owner (renter) would be required to obtain a new business license and pay all late fees applicable. Mrs. Tully reported an internal memo was submitted to the past Interim County Manager. This policy would allow the County Manger the discretion to interpret the intent of the policy. She added, there were legal issues with this policy and the County Attorney was reviewing it. County Attorney Homans stated if the business is still operating, the only decisions needed to be made are the penalties they pay in arrearage. This was addressed in the Business License Ordinance recently adopted by the Board and in the internal memo adopted by Interim County Manager Hubbard. In this case, the business has stopped operating for one year and would not fall under this policy. Planning Director Leger reported within the Planning Department has instituted a new procedure which notifies business license holders and the affected property owners.

Commissioner Pichon asked under the nonconforming use policy if a business is allowed to expand or renovate. Mr. Leger stated nonconforming uses can continue in their current state but not be expanded. If the business is nonoperational for a period of one year the zoning would no longer apply. This also applies to a tenant change of different types of business. There are no changes allowed under the nonconforming clause. County Attorney Homans stated if there was a tenant change, the Board would need to look at the zoning ordinance to determine if the uses are similar enough to approve. He added the nonconforming use clause attaches to the property owner and not the business owner. The law does not permit a transfer of vested rights between owners.

Commissioner Connor stated this is the same tenant the Board denied a zoning request in October 2007. Mr. Bennett has been at this new location without permit and has only come before the Board because he was caught running a business without a license. Code Enforcement Officer Robbie Irvin stated his department had received complaints from neighbors. After looking into the case further, they discovered the previous tenant had allowed the license to lapse therefore losing the grandfather status.

Commissioner Tragesser asked how much information is given to the property owner to alert them on the status of their property and what is at stake. County Attorney Homans stated the business owners are notified. The department only has the contact information the applicant gives. The intent is not to deceive people into losing their zoning classification and their livelihood.

Chairman Berg reminded the Board to look at the applicant, Dr. Daniel and not the tenant, Mr. Bennett.

Commissioner Pichon asked if the Board can override the grandfather clause as it is currently written. Mr. Leger cited Section 506 stating “nonconforming use shall not be changed to another nonconforming use shall not be reestablished after discontinuance after a period of one year”.

Commissioner Connor stated he felt torn in this decision. He wants to approve Mr. Daniel’s request but he wants the renter to abide by the rules and regulations of the business license. Chairman Berg agreed with Commissioner Tragesser in saying it is the responsibility of the property owner to ensure compliance of their tenants.

Motion passed by majority to approve the zoning request with the stipulation the only business allowed to operate on the land would be and landscaping business. Pichon/Nix Commissioner Tragesser opposed the motion.

PUBLIC HEARINGS:

Health Department Rules & Regulations 1st of 2 hearings

Mr. Larry Walker, Environmental Health District Director, 1280 Athens Street, Gainesville, Georgia spoke in favor of the ordinance. Dawson County has already adopted most all the DHR Rules and Regulations plus the Board of Health regulations that apply to Environmental Health Services. Mr. Walker asked the Board to adopt this Ordinance and complete the list of services they are required to regulate. No new regulations are added.

Mr. Kent Garrison, 462 Memory Lane, Ste 120, Dawsonville, Georgia reports this ordinance allows his office to go through Magistrate Court and is a savings for the County if approved.

Chairman Berg asked whether anyone wished to speak on this topic and hearing none closed the hearing. The next hearing will be September 4, 2008.

Flood Damage Prevention Ordinance 1st of 2 hearings

Chairman Berg asked if anyone wished to speak on the Flood Damage Prevention Ordinance and hearing none closed the hearing. The next hearing will be September 4, 2008.

Proposed Changes regarding Height Limitations – 1st of 2 hearings and CPCD Usages 1st of 2 hearings
These hearings had not been voted on by the Board. See items under New Business.

CIE Annual Update 1st of 1 hearing

Chairman Berg stated the Board received information last week on what was spent, what was planned to be spent in each of the categories for Impact Fees.

Chairman Berg asked whether anyone wished to speak on the CIE Annual Update and hearing none closed the hearing.

Motion passed unanimously to transmit the Resolution and the CIE Update to the State. Pichon/Nix

Commissioner Tragesser pointed out the only money being designated to transportation is coming from impact fees. Chairman Berg reported there is a minimal amount in the budget. County Manager was directed to schedule a meeting to discuss impact fees.

OLD BUSINESS:

None

NEW BUSINESS:

TEFRA Bond Approval

Chairman Berg announced the Board heard all information last week regarding the TEFRA Bonds. This would be at no cost to the County; this would be a move forward as the facilitator.

Motion passed unanimously to approve the TEFRA Board application. Tragesser/Nix

Renewal of County Health Insurance Plan

Human Resources Director Jay Sessions reported on the average health care costs for surrounding counties. This was based on the average monthly bill. This comparison shows what counties pay per employee. Currently, Dawson County pays \$9,650.00/employee. This is a cost estimate averaging employee, employee +1 and employee +2 coverage. Dawson County is one of the few counties that pay a flat rate of 85% towards premiums. Hall County contributes 96% for employee only and 74% for

employee + family. Most counties in our area are paying 94% for the single employee and about 78% for dependant coverage. In short, Dawson County pays less for the single employee but more for the family. Prior to the change, Dawson County was covering about 56%. Now, family can afford family healthcare.

Last week, Chairman Berg asked for more information regarding GEB Corps and how many employees are contributing to retirement plans. Mr. Sessions reports 128 employees are covered under the Defined Benefit Plan and 80 contributing to the 457 with the County matching a 401A Plan. Currently, 20 employees on the Defined Benefit Plan and also contributing into the 457. At open enrollment more employees are going to be encouraged to enroll in a retirement savings program.

Motion passed unanimously to approve the County Health Insurance Plan. Nix/Tragesser

Approval of the 2007 Comprehensive Annual Financial Report (CAFR)

Chairman Berg reported the Board listened to the presentation by Mr. Schlereth last week.

Motion passed unanimously to adopt the 2007 Comprehensive Annual Financial Report as submitted.
Nix/Pichon

ORDINANCE: Novelty or Toy like Lighters – Call to Action

Chairman Berg stated this vote would be to hold public hearings. He added this would be an ordinance.

Commissioner Nix complemented Fire Marshall Satterfield on being proactive and bringing this issue to the community's attention.

Motion passed unanimously to hold public hearings regarding Novelty or Toy like Lighters. Tragesser/Nix

Park & Recreation Board Appointment of Spencer Wright

Chairman Berg stated Mr. Wright runs the music and choral departments. He is replacing Mr. Barry Fleming.

Motion passed unanimously to appoint Spencer Wright to the Park and Recreation Board. Nix/Tragesser

GEB Corps Resolution and Power of Attorney

Chairman Berg stated this item was tabled on August 7, 2008. County Attorney Homans reported he has not received any additional information from GEB Corps. GEB Corps reported there is a conflict with the language and will not compromise on the issue at hand. Chairman Berg GEB Corps has been brought back under ACCG. The initial papers were signed on Wednesday, August 20, 2008. The final signatures will be signed at the end of the month. He requested to table the issue until September 4, 2008 to allow the transition to take place.

Motion passed unanimously to table this issue until September 4, 2008. Nix/Pichon

Acceptance of Donated Land for Senior Center parking lot

County Attorney Homans stated the deed has been drawn and is awaiting Board approval. County Manager will schedule a meeting with Mr. David and Ms. Noblin to get the paperwork signed.

Motion passed unanimously to accept the Donated Land for the Senior Center parking lot. Connor/Nix

RESOLUTION: Dollar General Condemnation

County Attorney Homans reported under the new condemnation statute, before he can proceed with filing the Board must approve a resolution authorizing the exercising power of eminent domain. There is a 30 day wait before the paperwork can be filled. Mr. Homans emphasized this condemnation is solely on the Dollar General lot and not for any property owned by the Turner family.

Motion passed unanimously to approve the Resolution: Dollar General Condemnation. Pichon/Nix

Proposed Changes regarding the Height Limitations

Chairman Berg announced this is a motion to hold public hearings regarding the Height Limitations. This does remove the fire responsibility and recommends an increase in several sections of the Code, primarily in the commercial districts. Residential would stay at 35 feet or three stories but in the commercial section it would be 50 feet or four stories.

Chairman Berg suggested removing the fire inspections and come up with something that allows more leeway in the landscape. He added it is not the number as much as it is the identification of the land as to how it affects the landscape if the view is what we are trying to protect. Commissioner Pichon suggested using sea level as a standard. Mrs. Tully stated it depends on whose view this plan is trying to protect, cars versus pedestrians. She added sea level doesn't control where the ridge is. She suggested studying where the view sheds are and what locations you begin and stop seeing them. Commissioner

Pichon asked for an overlay based on topography. Mrs. Tully stated this would take more analysis than completed thus far. Chairman Berg asked whether they looked into cone vision. Commissioner Pichon added the Board could always hear public comment regarding this issue. Commissioner Tragesser reported when she began doing research on this specific topic, she found an exponential amount of information on the internet. She added the one building that draws the most concern is the Emergent Care Center on GA400. If the staff looks at this from a standpoint of view protection, they are on a very slippery slope in trying to work something out. Commissioner Tragesser reported the public does not want an urban feel. Maintaining the small town feel might be an easier scope to use.

Commissioner Connor asked what generated this ordinance. Mrs. Tully reported the need for change came out of the Long Range Planning Commission.

Motion passed unanimously to hold public hearings on the subject of the Proposed Changes regarding the Height Limitations. Tragesser/Pichon County Attorney Homans reported the hearings will be September 4, 2008 and September 18, 2008.

CPCD Uses

Chairman Berg announced this is a motion to hold public hearings regarding the CPCD Uses. Chairman Berg reported this change would allow for full commercial to be brought back under the CPCD umbrella. CHB, CCB, COI and automobiles would be added in. These were originally in the old CPCD Uses.

Commissioner Tragesser asked for an informational handout for the public to give them an idea of what those changes are.

Chairman Berg asked Mrs. Tully to notify the home builder's organizations of the proposed changes. Mrs. Tully stated the plan was sent to them and she is awaiting their comments.

Motion passed unanimously to hold public hearings regarding the CPCD Uses. Pichon/Tragesser

Those hearings will be September 18, 2008 and October 2, 2008.

Motion passed unanimously to enter into executive session to discuss a legal issue. Tragesser/Connor

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - August 28, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, AUGUST 28, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

Announcements: Commissioner Nix stated the Atlanta 2 Day fundraiser she was supporting raised \$6,051.00. She thanked all who contributed.

K. NEW BUSINESS

1. PROCLAMATION: October as Clean Water Month – Doris Cook, EWSA

This item will be placed on the Regular Meeting Agenda on 09/04/08

2. Discussion of the EMA Emergency Operations Plan – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 09/04/08

3. Culvert & Roads Assessment – Public Works Director Dave Headley

This item was for informational purposes only.

4. Storm Water Regulations - Public Works Director Dave Headley

This item will be placed on the Regular Meeting Agenda on 09/04/08

5. Renewals for Standby Firms – Purchasing Agent Jill Rathe

This item will be placed on the Regular Meeting Agenda on 09/04/08

6. Board Appointments - MHDDAD Board: Mark Weaver replacing Helen Taylor &

Planning Commission District 2: Rory Puckett replacing Bob Corey

This item will be placed on the Regular Meeting Agenda on 09/04/08

7. County Manager Report

8. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - September 4, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – SEPTEMBER 4, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Region 2 EMSC Pediatric Lifesaving Award Presentation to Andy Scott and Frankie Everhart by Chief Swafford

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the Dawson County Emergency Services and Sheriff's Department invite the public to attend a 9/11 service for remembrance on Thursday, September 11, 2008 at 8:30am at the Dawson County Law Enforcement Center. Chaplain Chad Rogers will be officiating.

APPROVAL OF MINUTES:

Motion to table the minutes from the August 7 and August 21 meetings until September 18, 2008.

APPROVAL OF THE AGENDA:

Chairman Berg stated under Public Hearings, item 4 CPCD Usages 1st of 2 hearings is incorrect. The first hearing will be September 18, 2008.

Motion passed unanimously to approve the agenda. Nix/Pichon

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Health Department Rules & Regulations 2nd of 2 hearings

Chairman Berg asked whether anyone wished to speak on the Health Department Rules and Regulations and hearing none closed the hearing.

Commissioner Pichon reported Section 290-5-25 of the current ordinance allows for the disposal of septage on fields within the County. It is his understanding the County does not allow this zoning. If the County adopted the proposed ordinance in its entirety, the County may get into trouble. Commissioner Pichon asked if the County does not allow for disposal where would a citizen take the pumped septage. Mr. Kent Garrison with Dawson County Environmental Health reported citizens can take septage to Forsyth or White counties to a permitted site. Dr. Larry Walker reported the tanks are emptied by spraying the contents on the site. Mr. Garrison reported accepting all the rules and regulations with the exception of Section 290-5-25 would not put a strain on his department.

Commissioner Tragesser asked whether the absence of comment would put the County into any jeopardy legally. County Attorney Homans reported under the current zoning ordinances it is a prohibited use. The lack of comment does not interfere with this policy. If a citizen chose not to go to another facility as previously stated, the County would encourage them to go to a public waste water treatment facility to have it treated and applied as deemed appropriate.

County Attorney Homans stated since these are all State Regulations and if an application is filed, the County might be in another lawsuit. He added the County did not win the last lawsuit filed seven years ago. The County reached a settlement agreement prior to a decision was reached. The County would take the position there are other facilities available to the public.

Motion passed unanimously to approve the ordinance with the exception of Section I (d) Land Disposal of Domestic Septage, Comp. R. & Regs. § 290-5-25. Pichon/Nix

Flood Damage Prevention Ordinance 2nd of 2 hearings

Chairman Berg asked whether anyone wished to speak on the Flood Damage Prevention Ordinance and hearing none closed the hearing.

Commissioner Pichon reported maps are available to the public showing the flood plains as defined by the Federal Government. If a citizen applies for a permit to build in this area, they would have to build a home in a manner in which it could not be damaged.

Commissioner Connor stated the County is updating their codes to follow federal guidelines.

Motion passed unanimously to approve the Flood Damage Prevention Ordinance as submitted.
Connor/Pichon

Proposed Change regarding Height Limitations 1st of 2 hearings

Chairman Berg stated the proposed change would remove the fire inspector from ruling on height and increase the height from 35' or three stories to 50' or four stories in commercial buildings. The residential limitations would remain at the 35' or four stories.

Chairman Berg asked whether anyone wished to speak on the Proposed Changes regarding Height Limitations.

Mr. Vernon Smith, 182 East View Drive, Dawsonville, Georgia stated regulating height is a very complicated matter when taking into consideration topography and other factors. Dawson County does not want to discourage any business from investing in the County strictly because it is too difficult of an issue. Mr. Smith added businesses will only decide build up when they need to in order to financially break even. They will not do this without cause due to the expensive nature of construction. Mr. Smith posed the question how many businesses have not developed in Dawson County because of this rule.

Development Authority Director Charlie Auvermann, 137 Prominence Court, Ste 230, Dawsonville, Georgia pointed out two issues regarding this matter. He reported several businesses are interested in building in Dawson County when the economy improves but they might be required to go beyond the

50' limitation suggested. The only alternative is for the applicant to request a variance from the Board. He added everyone would like to avoid as many variances as possible. In order to provide for the square footage for certain office buildings and hotels/motels a developer would need to build out or up. Building out would destroy more the land by cutting trees, leveling ground and other factors. Building vertically does not change the footprint of the building. This would save more greenspace.

Commissioner Tragesser asked Mr. Auvermann where he feels taller buildings would be okay. Mr. Auvermann states he recognizes the need for a limitation and review of heights in certain areas of the County. Along the commercial corridor of GA400 serious considerations need to be made as to what view and whose view is being blocked. Other views outside the GA400 corridor need to be protected.

Commissioner Connor feels there is no a big demand for taller businesses. Other than the hospital, Forsyth County does not seem to have an issue with this matter either. He asked where this initiative came from. At the last meeting, Community Development Director Lynn Tully reported the Long Range Planning Committee recommended a review of the policy. Commissioner Tragesser reported when reviewing the Community Agenda, it was brought to their attention that a six-storey hotel had applied for a height variance that was approved by the Planning Commission. This approval brought the height limitations to the attention of the committee. Commissioner Tragesser asked if the citizens wanted to retain the small town feel or do they want the GA400 corridor to be an urban environment.

Chairman Berg stated this ordinance would cover the entire County, not just the GA400 corridor.

Chairman Berg asked whether anyone else wished to speak and hearing none close the hearing. The next public hearing will be September 18, 2008.

Ban of Novelty or Toy like Lighters 1st of 2 hearings

Chairman Berg asked whether anyone wished to speak on the Ban of Novelty or Toy like lighters and hearing none closed the hearing.

Chairman Berg asked Fire Marshal Satterfield if other surrounding counties have had issues with these types of lighters. Mr. Satterfield reported there was an accident in Hall County where a child was burned. Americus, Georgia has a similar ordinance in process. In Alabama, two brothers were playing with the lighters and died. The State of Maine is trying to prohibit the sale of the lighters.

Mr. Satterfield demonstrated the difference between normal lighters and the novelty lighters. He reported there are two main public safety issues with these lighters. There are no regulations on the

devices nor are the UL approved and there is not a safety mechanism on the lighter. On a Bic lighter has a spring safety on the sticking mechanism and there is a smaller flame. On Novelty or Toy like lighters there are no safety devices installed, the flame is blowtorch like and most are made of lead paint, which is banned by the United States government.

The next hearing will be on September 18, 2008.

OLD BUSINESS:

GEB Corps Resolution and Power of Attorney

Chairman Berg reported GEB Corps has now been sold to the Assoc. of County Commissioners (ACCG). ACCG is reconstituting the Board. Chairman Berg asked the Board to table this matter until October 2, 2008 in order to allow ACCG to work with the County Attorney.

Motion passed unanimously to table the GEB Corps Resolution and Power of Attorney until October 2, 2008. Pichon/Tragesser

NEW BUSINESS:

PROCLAMATION: October as Clean Water Month

Chairman Berg reported the Board heard this last week. Doris Cook with Etowah Water & Sewer was available for questions from the Board.

Motion passed unanimously to approve the October as Clean Water Month Proclamation.
Tragesser/Connor

Approval of the EMA Emergency Operations Plan

Motion passed unanimously to approve the EMA Emergency Operations Plan as submitted. Nix/Connor

Storm Water Regulations

Chairman Berg stated the Board would be voting to hold two Public Hearings. Landmark Design gave the presentation at the Work Session.

Commissioner Tragesser stated the Board brought up concerns and suggestions at the Work Session and they would need to see these changes before a vote could be taken. Commissioner Pichon stated it would be appropriate to get this information to the people it would affect most prior to the Board holding public hearings.

Motion passed unanimously to bring the Storm Water Regulations back before the Work Session on September 11, 2008. Tragesser/Nix

Approval of Contract Renewals for Standby Firms

Commissioner Connor asked in the future to see the feedback forms from the end users. Purchasing Director Jill Rathe stated she would start providing this information in the initial packets submitted to the Board of Commissioners. Mrs. Rathe had previously reported the evaluations submitted reflected good customer service.

Motion passed unanimously to approve the Contract Renewals for Standby Firms. Nix/Connor

Board Appointments – MHDDAD Board: Dr. Mark Weaver replacing Mrs. Helen Taylor & Planning Commission District 2 – Rory Puckett replacing Bob Corey

Motion passed unanimously to approve Dr. Mark Weaver to the MHDDAD Board. Tragesser/Nix

Motion passed unanimously to approve Mr. Rory Puckett to the Planning Commission as the representative from District 2 effective immediately. Tragesser/Connor

ADJOURNMENT

PUBLIC COMMENT

None

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - September 11, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, SEPTEMBER 11, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

1. Revised Storm Water Regulations – Public Work Director Dave Headley

This item will be placed on the Regular Meeting Agenda on 09/18/08

2. Approval of Kare for Kids parking at the Moonshine Festival – County Manager Tanner

This item will be placed on the Regular Meeting Agenda on 09/18/08

3. Current Zoning Ordinances & Subdivision Regulations (1982-2008) – County Attorney Homans

This item will be placed on the Regular Meeting Agenda on 09/18/08

4. Amended Public Comment Policy – Commissioner Tragesser

This item will be placed on the Regular Meeting Agenda on 09/18/08

5. County Manager Report

6. County Attorney Report

Motion passed unanimously to enter into executive session for one legal issue. Nix/Connor

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - September 18, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – THURSDAY, SEPTEMBER 18, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Ragin House – CASA & the Little House

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Mr. Bill Sailing will hold a focus group on senior living options on Tuesday, September 23, 2008 at 1:30pm in the G.L. Pete Gilleland Chambers at City Hall.

Chairman Berg reported Lance Corporal Joshua Sfeir will be coming home after serving 6 months in Iraq. There will be a parade and escort in his honor. A brief ceremony will be held at the Chamber of Commerce building for an official welcome at 10am.

Commissioner Nix announced the Dawson County Literacy Center will host the “Are You Smarter than a 5th Grader” fundraiser on October 14, 2008 at 7pm at the Lakeview Center. The goal is to raise \$15,000.00.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes from August 7, 2008. Pichon/Tragesser

Motion passed unanimously to approve the minutes from August 21, 2008. Nix/Connor

Motion passed unanimously to approve the minutes from September 4, 2008. Connor/Pichon

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as advertised. Tragesser/Nix

PUBLIC COMMENT:

None

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 explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZONINGS:

ZA 08-08: Ben D. Trail has made a request to rezone a 56.179 acre tract; TMP#113-058 from RA (Residential Agricultural) to CHB (Commercial Highway Business) for a proposed restaurant, retail establishment, motel and office complex; Location: GA Hwy 400 and Kilough Church Road. Planning Commission recommended denial of the application on August 18, 2008.

Chairman Berg reported there has been a subsequent request to zone to CHB and COI. Chairman Berg added the Board will consider the map dated September 2, 2008 and not the plans submitted at the Planning Commission meeting dated August 18, 2008.

Applicant Ben Trail, 3898 War Hill Park Road, Dawsonville, Georgia reported he would like the Board to rezone the property CHB and COI under the FLUP. When the applicant appeared before the Planning Commission, there were 13 stipulations requested by the Kilough Church Taskforce. Currently, 15 stipulations were submitted for consideration; All but four demands are agreed upon. Mr. Trail reported the Stephens' will not be developing this land. In the event the land is sold, these stipulations will be a part of that transaction. Regarding concerns of impervious surfaces, Mr. Trail reported he would follow all soil erosion protection guidelines. Once engineering has started, they will follow all codes will be followed.

Commissioner Connor defined speculative zoning as when the owner does not intend to develop the property nor do they know what would be constructed on the land. He added he would never agree with speculative zoning.

Chairman Berg asked for more information about the north inter-parcel access road. Mr. Trail reported initially he was trying to abide by a plan given by the County. The concept was to tie Harmony Church Road and GA 400 together. This is no longer the design but the configuration was left in place. Chairman Berg asked the applicant to move the inter-parcel access road from a residential lot to a commercial lot toward the front of GA400. The applicant expressed concern with getting too close to state waters. Moving the road would cross the stream twice. Chairman Berg also asked if the applicant would agree to locate the trash dumpsters at the rear of the property. Mr. Trail agreed.

Commissioner Tragesser inquired into GDOT approving a curb cut onto GA400. Mr. Trail reported an email from Shane Giles was submitted in the packet which gives approval for the driveway.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Development Authority Director Mr. Charlie Auvermann, 137 Prominence Court, Ste 230, Dawsonville, Georgia spoke in favor of the application. He stated this property is right for commercial highway business development. One of the stipulations under advisement is limiting the height of the development. Currently, the Board is considering revising this ordinance therefore stipulating the height limits would make it difficult for enforcement and would open up the flood gates for many variance requests.

Chairman Berg asked whether anyone wished to speak in opposition of the application.

On behalf of the Board, Chairman Berg thanked all involved for working together to come to a consensus on this zoning request. He hopes all future zonings have this opportunity.

Mr. Dick McNeill, 74 Sunrise Court, Dawsonville, Georgia spoke in opposition of the application. Mr. McNeil served as the Chairman of the Kilough Church Road Taskforce. Mr. McNeill reiterated the neighborhood taskforce does not oppose commercial development provided reasonable conditions have been met. Mr. McNeill stated the taskforce had three objectives: No egress/ingress from Kilough Church Road, approval of stipulations submitted and ensuring the intersection at GA400 and Kilough Church Road was safer. He stated all stipulations are important, reasonable and defensible. Residents will be presenting information to the Board regarding each stipulation for consideration. He reported 302 homeowners with approximately \$100 Million in property values are represented by the citizens speaking to the Board.

Mrs. Rhonda Sillesky, 62 Waters Edge, Dawsonville, Georgia spoke on behalf of education community. Mrs. Sillesky believes a motel is an inappropriate development due to the close proximity to Kilough Elementary School and the residential area. She added motels attract transients, undesirables and drug users to the area and feels this would endanger the safety and security of the children and residents. Mrs. Sillesky does not feel Dawson County needs another hotel and cited from the past year, there is an average of 72 vacancies in the hotels/motels here. The total number of rooms was not available.

Mr. Arthur Poynton, 143 Kilough Ridge Drive, Dawsonville, Georgia spoke in opposition of the zoning, specifically on the grounds of buffers and berms and building heights. The group is asking for a buffer for any property that abuts residential zoned property. Originally, the taskforce was requesting a natural buffer of 150' foot and an earthen berm of 15' feet high to insulate the homes from noise and light. This stipulation has since been reduced to 70' natural buffer. Regarding building height limitations, the focus group is asking for a two story limit. This stipulation will keep in harmony and character of the community. He added the Dawson County Fire Department is more equipped to extinguish a fire more swiftly with a two story building than buildings of greater height.

Mr. Gordon Brand, 120 Poplar Trail, Dawsonville, Georgia spoke to the water quality issues. He reported this development is approximately ½ mile to Lake Lanier and the risk for water pollution is high. There are two small streams on the property which flow into the lake. Mr. Brand read the following stipulation: Developer has read the proposed Dawson County Storm Water Ordinance; Developer is aware that some language in the proposal could be modified; Developer is in agreement with the proposed Storm Water Ordinance and has agreed to comply with all provisions when it is approved by the Board of Commissioners. The committee also requests periodic monitoring and testing of water quality on a scheduled basis.

Mr. McNeill covered the final stipulation needing further consideration. The developer agrees to provide an architectural master plan for the proposed commercial development that compliments the surrounding residential community. In the spirit of being good neighbors, the developer agrees to meet

with members of the neighborhood task force to share the master plan and discuss their input. The District Commissioner for the area will be invited to participate as will a representative from the Department of Community Development. He added the taskforce is not an oversight committee. The group understands the developer makes the final decision.

Regarding Lot 19, the taskforce has reduced the buffer from 80' to 70' in exchange to change the zoning from CHB to COI. In doing this, it would reduce the commercial intensity from highest to lowest near the residential area. Mr. McNeill added Mr. Trail is not willing to make this a part of the stipulations unless required by the Board.

In response to the above mentioned stipulations, Mr. Trail does not believe there should be a limit on building heights in a CHB zoning district (Item 2). If Lot 19 was left as CHB, the developer agrees to a 70' buffer. If the Board rezones the lot to COI, they would request a 50' buffer that abuts to the residential properties (Item 3). Further, CHB zoning definition allows for hotels and motels (Item 5). He asks the Board to keep with this description. Mr. Trail does not want the Board to limit the hours of operation (Item 6). This would limit buyers looking in the commercial district. The developer stated he will abide by any and all requirements of the adopted storm water ordinance (Item 7). This will be the current ordinance at the time of the land disturbance permit is obtained. This permit will not be obtained until the engineering process has begun. Mr. Trail reported the developer will hear citizen input by means of a public hearing (Item 9). He stated he understood if the Board approves the zoning request as site specific, the developer must come back before the Board with any major changes to the plan. He does not object to changing this area to fall within the North Corridor Guidelines (Item 10). Mrs. Tully reported the plans are similar but have minor differences relevant to trees, setbacks on GA400, and a greater flexibility with plans. Mr. Trail submitted their property line is the division of the Northern and Southern Corridor Districts. The developer will follow all guidelines pertaining trees covered under the Tree Ordinance and Corridor Districts (Item 11).

Commissioner Tragesser asked if the developer will market the land as a whole or by parcels. Mr. Trail stated the intention is to market the entire CHB and COI lots. There is no sales plan for this site other than a CHB zoned property. Access is critical in marketing; therefore the CHB would sell before the COI. Mrs. Tully reported when a development meets 150,000 sq.ft. minimum, a DRI will be triggered. Chairman Berg stated many aspects of a DRI review has addressed internally by the Community Development staff.

Commissioner Connor asked whether the owners looked at using Harmony Church Road as a main point of access. Mr. Trail reported they had not. He added if GDOT closed down Harmony Church Road and Kilough Church Road, this could be used as main access.

Chairman Berg asked whether anyone else wished to speak in opposition to the zoning application and hearing none closed the hearing.

Commissioner Pichon defined a motel as access from parking lot. A hotel is defined as access solely through a central lobby. Mr. McNeill reported the committee opposes all hotel/motels due to the building height. He added boutique hotels would be acceptable.

Commissioner Connor expressed concern over speculative zoning. He asked why the developer could not wait to rezone without a plan. In order to protect the community, he would like to see a stipulation mandating the residents should have the final decision in developments in their area.

Chairman Berg reported a plan has been submitted and the Board would need to consider this concept. He added if there was a single owner like a big box it would be possible but in this case there are multiple tenants for this property. Furthermore, it is not the position of the Board to determine what businesses can go on a specific property. Chairman Berg stated the lots cannot be cleared until the lot has been sold.

Commissioner Pichon read the code concerning speculative zoning. Speculative zoning is discouraged but not forbidden. He added it seems the Board can revoke the zoning classification if a two year period if progress is not made.

Commissioner Tragesser states a plat has been submitted but not much detail has been given. She feels this is a classic example of speculative zoning. GA400 Corridor is an economic engine and we [citizens of Dawson County] need it to fund \$100 million for SPLOST V. Interconnectivity is another issue that should be addressed.

Chairman Berg stated we all need to be good stewards of the GA400 Corridor as well as understanding the economic situation today. He added there is a need for a good hotel but no matter where it is placed, there will be an issue. Regarding height limits, he feels the Board should not make a stipulation to a zoning but address the ordinance as a whole but added topography will be an issue.

Commissioner Connor stated he would never support a motion that omits task force input or the buffer stipulations.

County Attorney Homans stated the Board cannot delegate power but could mandate a meeting between the developer and residential committee. All agree the developer has final discretion

After much discussion about “substantial” change to the plan, it was decided the Planning Director has discretion whether to bring an item back before the Board if too many modifications were made. These items are regarding the design plan.

Commissioner Tragesser stated the more speculative, undefined zoning that is out there the more compromised the Board’s ability to plan for growth. Ideally, there would be a buyer with a plan requesting a zoning change. Commissioner Pichon stated if this was the case, the zoning law would have rewritten to mandate planned commercial development. One developer would be responsible and bonded.

Commissioner Connor requested the Board add the stipulation that if the development is not completed within two years, the developer would have to come back before the Board for rezoning. He added the FLUP is a living, changing document which can change at any time.

Chairman Berg stated the only zoning that is reversionary is C-PCD. Everything else will remain the same zoning unless the County petitioned for a zoning change.

Motion passed by majority to approve the zoning request with the following stipulations:

1. No entrance nor exits for vehicles on Kilough Church Road;
2. COI portions limited to 2 stories in height;
3. Buffers:
 - a. Based on the topography of the site, along all property lines abutting residential zoning a 50’ undisturbed buffer is required.
 - b. Additionally a 10’ planted buffer adjacent to the interior of the 50’ undisturbed buffer is required.
 - i. This buffer shall include a single row of Leyland Cypress trees planted 10’-12’ apart which are a minimum 6’ high at time of planting;
 - ii. This buffer shall also include a single row of Eleagnus shrubbery planted 8’ apart at a minimum 42’ high at time of planting;
 - c. The plantings included in the 10’ buffer shall be staggered along the 2 rows to provide a more effective visual screen;
4. Water Quality:

d. All storm water runoff generated from a site shall be adequately treated before discharge. It will be presumed that a storm water management system complies with this requirement if it is designed, constructed and sized to treat the prescribed water quality treatment volume from the site, as defined by the storm water management manual approved by Dawson County at the time of submittal for land disturbance permitting;

e. All structural storm water management facilities shall be selected and designed appropriately to meet their intended function. The effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from Dawson County before being included in the design of a storm water management system;

f. Detailed description of ongoing operations and maintenance procedures for storm water management facilities and practices to ensure their continued function as designed and constructed or preserved are required. These plans will identify the parts or components of a storm water management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan;

5. Lot 19 changed to COI zoning (to feather from high intensity to low intensity);

6. Zoning change conditioned on site specific plan submitted on September 2, 2008. If substantial changes are made then the new plan must be resubmitted to the Board of Commissioners for final approval;

7. The northern road stub is to be connected to a non residential area;

8. No motel would be permitted but a hotel would be. This is defined as access through the lobby.

Pichon/Nix

Commissioners Pichon/Nix motioned to approve the motion.

Commissioners Connor and Tragesser opposed the motion.

Chairman Berg broke the tie and voted to approve the zoning request. 3-2

ZA 08-09: Crownway Properties, LLC, has submitted a request to rezoning 14.995 acres of tract; TMP#111-116 from R1 (Single Family Residential) to CHB (Commercial Highway Business) for a proposed Commercial-Retail Development; Location: GA Hwy 400 and West Stowers Road.

Planning Commission recommended approval of the application on 08/19/08 with the following stipulations: 1) 80' vegetative buffer where adjoining non-commercial property 2) No commercial activity after 11:00 p.m.

Jim King, 112 Overlook Circle, Dawsonville, Georgia, represented Crownway Properties spoke to the Board about his zoning request. He stated he is requesting to rezone the 14.9 acre cut out of the overall 32 acres. The tax map submitted shows both tracts of land. He also provided a hydrology study to the Board. Regarding speculative zoning, there are no specific users at this time. However, purchasers are interested in the property and they do intend on using it as retail-office space. He added revisions are a part of the commercial industry. This plan does meet the FLUP.

The Board expressed concern regarding the stream on the property. Mr. King reported that stream is not on this 14.995 acre tract but it does act as the buffer between Mr. King's property and the property to the north. On the FLUP, this property is zoned CHB while the land to the north is zoned Office-Professional.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Development Authority Director Mr. Charlie Auvermann, 137 Prominence Court, Ste 230, Dawsonville, Georgia spoke in favor of the application. He reports he has been involved with developing the FLUP since early 2004. Since then, this property has been zoned CHB and is consistent with the FLUP. He stated citizens will speak to terrain issues and noted terrain is not a zoning issue. The developer has the responsibility to balance the land as needed. Regarding stream buffers, there are very strict state and local requirements on this issue. Also, Community Development staff ensures through monitoring these requirements are met. The State also has policies managing stream bank credits and this option can be utilized if the developer meets the criteria.

Chairman Berg asked whether anyone wished to speak in favor of the application and hearing none asked whether anyone wished to speak in opposition of the application.

Mrs. Arlene McClure, 1006 Stowers Road, Dawsonville, Georgia spoke in opposition to the zoning request. Mrs. McClure gave handouts to the Board. The first handout reserves the right to file suit against the County if in the event any damages are incurred to their property. She added it is her understanding that Mr. King does not own the property he is requesting to rezone therefore he does not have standing to request such an action. She submitted Deer Run Properties owns the land in question. The second handout is the first plan submitted by Mr. King to develop all 32 acres.

Mrs. McClure stated the stream which flows into the Etowah River abuts the property will be affected by any development. She requested that the Board require an environmental impact study prior to the approval of the development. She also requested the Board to deny speculative zoning. She reminded the Board of the DRI underway for a mixed use traditional village by this developer for 90 acres. CHB is too open which the Board has no control over. Mrs. McClure added there are six property owners with 600 acres all in conservation. In closing, she told the Board they can always approve a conditional zoning.

Mr. Dave Muldoon, 389 Stowers Road West, Dawsonville, Georgia spoke in opposition of the application as an adjacent property owner. He submitted the land is 1200 feet above sea level and 600 feet above the GA400 roadway and would require more than 40% grading.

Mr. Muldoon presented a letter from Mr. Fred Stowers. Mr. Stowers objects to the zoning based on the following issues: Speculative and spot zoning and the families have owned this land since before Dawson County was formed. If the Board does approve the zoning, he requests the following stipulations: 100' wide berm and heavily vegetative buffer; no access road to Stowers Road, all access to the property would be from Highway GA400; 50' buffer on the stream; approve the lower impact classification of CCB; complete and supervised retention ponds; no timber or dirt removal until the application for building permit has been filed with a deadline of construction completion from one year permit; installed outside lighting would not be directly visible from the neighbors; traffic and business operations will be required to use state of the art noise reduction designs, materials and construction; and no outside business activity during night time hours (11:00pm). Mr. Stowers also requests the Board mandate these stipulations on the entire 92 acre tract and not just the 14.995 acres currently being rezoned.

Chairman Berg stated all time has elapsed but asked whether anyone wished to speak on something not already covered and hearing none closed the hearing.

Mr. King stated Crownway Properties purchased the property from Deer Run Properties in January 2007. There is owner financing involved. Crownway Properties asked a tract be released to Crownway in exchange for the down payment. County Attorney Homans reported Mr. King did submit Deer Run Properties was the owner on his application and maps. Deer Run has authorized the application. He added the stream is not on the 14.995 acres but is on the 32 acres. He stated the DRI was submitted last fall. Mr. King stated the following conditions would be amenable to him regarding storm water quality and detention: Storm water detention will be designed to control runoff to a level such that post-development flows are less than pre-development flows; Storm water will be treated in order to meet storm water quality standards to meet the current Dawson County Storm Water Regulations at the time a land disturbance permit is obtained. He asks the 80' buffer the Planning Commission stipulated be removed from the remaining 32 acre parcel since he is that adjacent property owner. He added he will adhere to the mandatory 50' buffer as stipulated in the Zoning Ordinance.

Commissioner Tragesser asked if Mr. King has approval for the curb cut on Highway GA400. Mr. King reported he has preliminary approval from GDOT and has an ingress/egress easement with the property to the south. Commissioner Tragesser asked about future access to the property west of this 14.995 acre tract. Currently, Mr. King is requesting rezoning on this parcel on behalf of his buyers. If the Board denies the zoning, he will come back before the Board with revisions showing the remainder of the site being developed with inter-parcel access. All these meet the Dawson County requirements. He added in the event the 32 acre tract is developed, the Board can require them to tie into this development as a point of access rather than using Stowers Road. When asked, Mrs. Tully reported a DRI review is triggered when the amount of the square footage reaches 175,000sq.ft. In reference to building heights, Commissioner Tragesser asked whether the applicant planned to continue with the plan as submitted. Mr. King reported wants to keep with the main street experience. He is planning on building three two-story buildings as submitted.

Motion passed by a majority to approve the ZA 08-09 with the following stipulations:

1. 50' undisturbed vegetative buffer around the south, west and northern perimeter of the site;
2. Post development storm water flows off the land will be less than prior development flows, these flows shall be calculated;
3. The applicant will adhere to the Dawson County Storm Water Regulations adopted at the time of the ground disturbance permits issued;

Pichon/Nix

Amended motion passed by majority to add the following to the original stipulation:

4. This approval is site specific and is contingent on the plans submitted dated August 1, 2008.

Pichon/Nix

Commissioners Pichon and Nix voted to approve the amended motion.

Commissioners Tragesser and Connor voted to deny the amended motion.

Chairman Berg broke the tie and voted to approve the amended motion. 3-2

Commissioners Pichon and Nix voted to approve the main motion.

Commissioners Tragesser and Connor voted to deny the main motion.

Chairman Berg broke the tie and voted to approve the main motion. 3-2

PUBLIC HEARINGS:

Proposed Changes regarding Height Limitations – 2nd of 2 hearings

Development Authority Director Mr. Charlie Auvermann, 137 Prominence Court, Ste 230, Dawsonville, Georgia spoke in opposition to the proposed changes regarding height limitations. Mr. Auvermann stated building up does preserve greenspace. On the average property, one could achieve a savings of greenspace up to 40%-50%. In his research, there are a number of ways to calculate building heights in a way to protect viewscapes. In most of these cases, there is not a blanket ordinance for the entire county. They are either zoning specific, site specific or building specific. He asked the Board to allow the Development Authority and the Community Development department to review this policy and bring it back to the Board at a later date. He submits a blanket ordinance in Dawson County would be a disadvantage to the citizens of the County.

Mrs. Sue Poynter, 156 Poplar Trail, Dawsonville, Georgia submitted the Kilough Church Road taskforce position paper on building heights. This paper was written for their community but could be used for other areas of the County. She added when a developer builds up the footprint of the building must go out and this impacts greenspace along with the impervious surfaces would need to be put in.

Mr. Bill Goode, 700 Lula Garrett Road, Dawsonville, Georgia spoke about the building height limitations. Mr. Goode spoke as the representative for the Home Builders Association of Dawson County. The HBA does not want to see a general ordinance but rather the Board decide requests on a case by case basis. In his experience he has vertical buildings that were done very tastefully but he objects to Dawson County looking like Atlanta. Mr. Goode applauded the developers and citizen taskforces for working together prior to the zoning coming before the Board. He added in order to fuel the GA400 Corridor, speculative zoning is needed sometimes. He stated the Home Builders Association is always available to facilitate communication between developers and citizens.

Mr. Dick McNeill asked the Board to consider the position paper submitted as a guideline in formatting a policy.

Mrs. Arlene McClure stated she does not feel Dawson County has a lack of available land nor does she believe building up saves greenspace. She referenced the three story medical center as they cut every tree on the property. When completing the visioning process for the county, citizens stated they wanted to preserve the rural character of the County.

Mr. Darrell Chapman, 126 Robertson Road, Dawsonville, Georgia stated he feels the County has adequate height restrictions. He does not feel a 50' blanket ordinance is appropriate. As a real estate broker, he understands with the current ordinance the ability to draw desirable businesses and attractive architecture to the County is difficult. Those businesses simply go to where it is easier to build taking the tax base with them. The Board needs to take into consideration the topography and location of the site. He added the infrastructure (water and sewer) is very limited in certain areas therefore there is a shortage of good land for taller buildings to be developed. He added parking can be vertical as well.

Mr. Jim King stated when the GA400 Overlay and Guidelines were written citizens looked at similar areas with business corridors. He feels if limitations on building height would great limit the number of good businesses would come to the county. He added in the area on GA400 where the viewsapes need to be protected, create another overlay district with viewpoints.

Chairman Berg asked whether anyone wished to speak on the Proposed Changes regarding Height Limitations and hearing none closed the hearing. This is the second of two hearings therefore the Board can vote on this issue.

Chairman Berg stated there are developers who will not come to Dawson County to find property if ordinances are too restrictive. They will look up ordinances, newspapers and other informational sources prior to contacting County staff about locating a business here. He stated in all his educational training, building up protects the environment and greenspace. Building up also is easier on the existing infrastructure. Costs also dictate the height of the building. Topography is the key factor to consider when revising this policy.

Commissioner Connor stated this issue should be decided on a case by case basis. He reiterated he does not want to see Dawson County grow and look like Gwinnett or Forsyth counties and changing the building heights would start that process. He would like to ensure the Board has the final decision on building heights if they go on a case by case basis.

Commissioner Pichon stated he would like to look at a location system or site specific system rather than the entire GA400 Corridor. He suggested looking at a particular area within the GA400 Corridor where higher building might be appropriate. He added if this restriction was applied to the entire corridor, we might be missing good opportunities.

Commissioner Tragesser stated if the Board would limit the building heights to the GA400 Corridor to shield the rest of the County this would preserve the rural feel. She does not believe the materials

submitted represents what the citizens of Dawson County want. Also, a study would enable the Board to hear from the public about this issue. Commissioner Tragesser asked whether Community Development had funds budgeted for consulting fees designed for the GA400 Corridor/Overlay. Mrs. Tully believed there is some money available. Commissioner Tragesser stated given that this corridor is intended to bring in \$100 Million over the next six years, she would like to see money invested in creating design guidelines so that developers have guidelines to follow.

Motion passed unanimously to table the Proposed Changes to the Height Limitations for one month to hear from the Community Development staff and the public on this issue. Pichon/Tragesser

This item will be brought back from the table on October 16, 2008.

C-PCD Permitted Uses – 1st of 2 hearings

Chairman Berg stated there is a chart available which shows the changes prior to 2005 to current. Chairman Berg asked whether anyone wished to speak about C-PCD Permitted Uses.

Mrs. Arlene McClure stated if the Board removed the retail exclusions and reintroduce all uses in CHB, COI and CCB districts then the C-PCD would become what is understood to be the village concept. This idea is currently being reviewed under DRI. She does not believe all uses under this zoning are appropriate for the area. She noted some of the permitted uses: auto and boat repair; motorcycle sales; parking decks; warehouses; bus terminals, etc. She encouraged the Board to keep the restrictions on C-PCD.

Mrs. Sue Poynter reported if the Board adopted the proposed changes they would undo all zoning decisions made at this meeting.

Mr. Vernon Smith, 182 East View Drive, Dawsonville, Georgia stated this is the third time a Board has changed the C-PCD Permitted Uses in as many years. He understood having a mass zoning description would cover a variety of major event facilities. This was done in order to meet the needs of the community without having to come before the Board of Commissioners every time. Mr. Smith asked the Board to consider a specific zoning classification to include CHB and COI as original stated.

Chairman Berg asked whether anyone else wished to speak about C-PCD Permitted Uses and hearing none closed the hearing. The next hearing will be October 2, 2008.

ORDINANCE: Novelty or Toy like Lighters – 2nd of 2 hearings

Chairman Berg asked whether anyone wished to speak about Novelty or Toy like Lighters Ordinance and hearing none closed the hearing.

Motion passed unanimously to approve the Novelty or Toy like Lighters Ordinance as submitted.
Tragesser/Pichon

OLD BUSINESS:

None

NEW BUSINESS:

Approval to advertise Public Hearings regarding the Revised Storm Water Regulations

Chairman Berg reported the Board is voting to hold Public Hearings and not the approval of this plan.

Motion passed unanimously to hold public hearings regarding the Revised Storm Water Regulations as submitted. Tragesser/Connor

Those hearings will be held on October 2, 2008 and October 16, 2008.

Approval of Kare for Kids parking at the Moonshine Festival

Chairman Berg stated the County will have an additional insurance clause in the agreement.

Motion passed unanimously to approve the Kare for Kids parking request at the Moonshine Festival.
Nix/Tragesser

Approval to advertise Public Hearings regarding the Current Zoning Ordinances &
Subdivision Regulations (1982 – 2008)

Chairman Berg reported the Board is voting to hold Public Hearings on the Current Zoning Ordinances and Subdivision Regulations (1982-2002).

Motion passed unanimously to hold public hearings regarding the Current Zoning Ordinances and Subdivision Regulations (1982-2002). Tragesser/Nix

The Board will hold two separate hearings on October 2, 2008 and October 16, 2008.

Amended Public Comment Policy

Chairman Berg stated this change would allow citizens to speak on items on the agenda which were submitted once the sign up deadline had passed. Citizens must notify the clerk at least 10 minutes prior to the Voting Session. This portion of the public comment policy will not include zonings or public hearings since these items have their own public comment portions. Also, the Board will only hear public comment at Regular (Voting) Meeting and not Work sessions.

Motion passed unanimously to amend the Public Comment Policy as stated. Tragesser/Nix

ADJOURNMENT:

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - September 25, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, SEPTEMBER 25, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

K. NEW BUSINESS

1. Public Hearings and approval of Community Agenda – Community Development Director

Lynn Tully

This item will be placed on the Regular Meeting Agenda on 10/02/08

2. LWCF Grant Award notification – Park & Recreation Director Lisa Henson

This item will be placed on the Regular Meeting Agenda on 10/02/08

3. Service Delivery Strategy – County Manager Kevin Tanner

This item will be placed on the Regular Meeting Agenda on 10/02/08

4. County Manager Report

5. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - October 2, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – OCTOBER 2, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EASK, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Mr. Jay Sessions & Mrs. Helen Taylor – United Way

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced October 3, 2008 will be Daniel Goode's last day with the County. He has accepted the Finance Director's position with Elbert County. Chairman Berg thanked Daniel for his dedication to Dawson County.

Commissioner Connor announced he will hold his second quarterly Town Hall meeting on October 14, 2008 at 7:00pm located at Rock Creek Sports Complex. The title of the meeting is "Reality Check" and all are welcome to attend and have an open discussion about issues facing the citizens of Dawson County.

Commissioner Connor reported the Dawson County Woman's Club raised over \$8500.00 at their yard sale to support multiple local nonprofit organizations. He thanked his wife, Betsy and Vernon & Jeannie Smith for all their hard work this weekend.

APPROVAL OF MINUTES:

Regarding the minutes of September 18, 2008, Commissioner Connor directed the Clerk to change the minutes on page 11 from “urban” counties to “Gwinnett and Forsyth Counties”.

Chairman Berg stated the minutes will be voted on October 16, 2008 after the Clerk can review the recording.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda. Tragesser/Nix

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Addendum to the Georgia Storm Water Management Manual – 1st of 2 hearings

Chairman Berg asked whether anyone wished to speak about the Georgia Storm Water Management Manual. These changes are available online at He added Gwinnett County has storm water credits and suggested we look into how Dawson County could use that program.

County Attorney Homans proposed putting this item on a Work Session agenda. He has been discussing an issue with Mr. Headley to discuss the signing of citations or criminal penalties against the responsible party. Mr. Headley and the consultants have suggested adding a covenant to impose the Best Management Practices of Georgia making the covenant go with the land as opposed to land owner. The updated version will be given next week in preparation of the Work Session.

Chairman Berg asked whether anyone else wished to speak and hearing none closed the hearing. The next hearing will be October 16, 2008.

Commissioner Pichon asked what the meaning of adequate treatment of runoff would be. Mr. Clay Reichert with Landmark Design Associates, 4460 Commerce Drive, Buford, Georgia stated adequate treatment means in accordance with the Georgia Storm Water Management Manual. Mr. Reichert stated generally, there are no required tests and only the best management practices would be adequate for the protection of water. In the beginning phases of construction, the main issue with runoff is siltation. Once the project is completed, there is an ongoing maintenance agreement and annual testing. Commissioner Pichon stated the materials presented do not specify whether there is any testing for nitrates. Mr. Reichert agreed.

Commissioner Tragesser asked if a system is not functioning properly and below the minimum standards that are set by the State, is the power spelled out in the ordinance of what can the County do to regulate compliance. County Attorney Homans reported the way it is written a citation can be written after notice or the County can initiate an appropriate civil action or injunction to stop the violation.

Commissioner Pichon stated the purpose of Storm Water Management is designed to control the flow of water. There is not a water treatment facility built into the detention/retention ponds. Mr. Headley stated the ponds would be at a higher elevation allowing heavier sediments to settle to the bottom therefore the water reaches a certain quality standard that is addressed in the manual. Once the water reaches the specified level, it would be discharged into the system.

Chairman Berg reported the next hearing will be on October 16, 2008.

C-PCD Permitted Uses – 2nd of 2 hearings

Chairman Berg asked whether anyone wished to speak about the proposed changes to the C-PCD Permitted Uses and hearing none closed the hearing.

Commissioner Connor asked why these permitted uses were being changed. Mrs. Tully stated prior to 2005, this zoning classification was used as a catch-all ordinance. This was the planned business which included everything from industrial parks to shopping centers. The proposed changes include a rewording of the ordinance for a mixed use center for commercial and residential uses. After the change in 2005, this zoning classification was being misused as a commercial shopping center district. These changes would allow for the uses commonly found in C-PCD districts such as commercial big-box centers coupled with the mix use village which would create a true mixed use district. These changes would also solve most problems such as grandfathered areas.

Commissioner Tragesser asked whether big-box centers would be able to change locations. Mrs. Tully stated most of the C-PCD areas are in the GA400 Corridor.

Motion passed by majority to approve the Proposed C-PCD Permitted Uses. Pichon/Nix Commissioner Connor opposed the motion.

Zoning Ordinances – 1st of 2 hearings

Chairman Berg stated the Board received the books from the County Attorney's office a few weeks ago to review. These changes will update the ordinances regarding zoning and subdivision regulations.

Chairman Berg asked whether anyone wished to speak about the proposed changes to the Zoning Ordinances and hearing none closed the hearing. The next hearing will be on October, 16, 2008.

Subdivision Regulations - 1st of 2 hearings

Chairman Berg asked whether anyone wished to speak about the proposed changes to the Subdivision Regulations and hearing none closed the hearing. The next hearing will be on October, 16, 2008.

OLD BUSINESS:

GEB Corps Resolution and Power of Attorney (tabled 08/07/08 & 08/21/08)

Chairman Berg reported ACCG has taken over ACCG-GEBCorp. He attended a meeting two weeks ago about the subject. Chairman Berg has asked the head of ACCG-GEBCorp to provide the County with information answering why Dawson County should allow someone else to have power of attorney for the IRS insurance. This information will be available in a few weeks. He asked for the Board to table this issue until October 16, 2008.

Motion passed unanimously to table the ACCG-GEBCorp. Resolution and Power of Attorney until October 16, 2008. Tragesser/Pichon

NEW BUSINESS:

Public Hearings and approval of the Community Agenda

Chairman Berg stated the Board will be voting to hold a Special Called Meeting and one Public Hearing to hear public comment about the Community Agenda. These hearings would be on October 9 and October 16, 2008. This information is available on the County website at www.dawsoncounty.org

Motion passed unanimously to move forward with holding two public hearings on October 9 and October 16 regarding the Community Agenda. Tragesser/Nix

LWCF Grant Award notification

Chairman Berg stated this is an \$80,000.00 match paid from Impact Fees.

Motion passed unanimously to approve the LWCF Grant Award. Nix/Tragesser

Service Delivery Strategy

County Manager Tanner reported the Board was given a reference guide between the 2008 requested and the changes made from 1998.

After much discussion over the water service, the form will state EWSA will serve unincorporated Dawson County and the City of Dawsonville will service all who live within their boundary unless mutually agreed upon. Both EWSA and the City agree to this language for purposes of the County's Service Delivery Strategy.

The County and the City will work together in the event a building official is unavailable in an emergency. Under #7, the Fire Marshal completes a planned review for the fire. The City receives and retains a fee for this service. The City will take this fee and buy equipment any equipment needed as per our purchasing policy. This change will move this information to Building Permitting & Inspections.

Street and Road Repair and Maintenance: The County agrees to maintain up to .5 miles of city roads per calendar year. The City would reimburse the County for materials expended on the project. A list of roads would be submitted by April 1st of each year. The Public Works Director would work the request into his schedule. The City has approximately 7 miles of roadway.

Many agreements are covered in the LOST agreement.

Chairman Berg reported the City has submitted their Community Agenda to DCA. The only comments made were regarding the buffer zoning made at the last meeting. The County's Community Agenda was submitted to DCA for comments last month.

County Manager Tanner asked the Board to approve this document and allow the City to approve at their meeting next week. After both Boards approve the Service Delivery Strategy, Chairman Berg and Mayor Cox will need to sign all the documents enclosed.

Commissioner Connor reiterated his objection to the County addressing the water service issues. He does not feel water service should be in the document. DCA requires the County to submit information regarding water service to citizens of Dawson County although the County does not service them directly. By having this item in the packet, the County is describing how this service is performed. County Attorney Homans reported this document in no way binds EWSA or the City.

Motion passed unanimously to approve the Service Delivery Strategy as submitted. Nix/Pichon

Approval of changes to the Flood Damage Prevention Ordinance

Chairman Berg stated the changes were submitted last week. The changes are mainly dates.

Motion passed unanimously to approve the changes to the Flood Damage Prevention Ordinance.
Connor/Tragesser

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - October 9, 2008

Special Called Session Minutes - October 9, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

SPECIAL CALLED MEETING MINUTES

WORK SESSION MINUTES – THURSDAY, OCTOBER 9, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

SPECIAL CALLED MEETING:

Chairman Berg called the meeting to order at 4:02pm.

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

PUBLIC HEARINGS:

Community Agenda Approval for the Comprehensive Plan of 2028 - 1st of 2 hearings

Chairman Berg asked whether anyone wished to speak about the Community Agenda and hearing none closed the hearing. The next hearing will be on Thursday, October 16, 2008.

ADJOURNMENT

WORK SESSSION AGENDA:

ANNOUNCEMENTS:

Chairman Berg made the following announcements:

- Today is Billy Thurmond's birthday.
- The 2nd Annual "Fur Ball" will be at the Lakeview Center on October 11 at 6pm-11pm.

- The READ Fundraiser “Are you Smarter than a 10 Year Old?” will be at the Lakeview Center on Tuesday, October 14 at 7pm.
- The Health Department will be administering free flu shots for County employees on October 16 at Rock Creek Park from 8-5pm.
- The elderly Heating Program will begin on November 3. All interested citizens are asked to contact 9th District Opportunity (by phone only) on November 3rd. Assistance is to help pay for heating bills.
- Firewood for seniors program is starting up. Contact Margie Weaver at the Senior Center for more information.
- Chairman Berg welcomed Sole Commissioner Robert Jones from Pickens County.

Commissioner Connor reported he will hold his 2nd Town Hall Meeting on Tuesday, October 14, 2008 at 7pm at Rock Creek Park.

K. NEW BUSINESS

1. PROCLAMATION: Red Ribbon Week – Pam Hamalainen & Nancy Stites

This item will be placed on the Regular Meeting Agenda on 10/16/08

2. Appeal to zoning fees – Scott Tankersley

This item will be placed on the Regular Meeting Agenda on 10/16/08

3. Soil Erosion Ordinance (tabled on 08/07/08) – Code Enforcement Off. Robbie Irvin

This item will be placed on the Regular Meeting Agenda on 10/16/08

4. GIS Map Pricing and Licensing agreement – David McKee

This item will be placed on the Regular Meeting Agenda on 10/16/08

5. Courthouse Bond Investment – County Manager Tanner & Finance Director Lowayne Craig

This item will be placed on the Regular Meeting Agenda on 10/16/08

6. Citizens Corps Grant – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 10/16/08

7. IGA with Pickens County for Dawson County EMS to service Burnt Mountain – County Manager Tanner & EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 10/16/08

8. Courthouse Update – County Manager Tanner/Rosser/the Turner Family

This item will be placed on the Regular Meeting Agenda on 10/16/08

9. Board Appointment: Dan Pichon for Tax Assessor’s Board – Chairman Mike Berg

This County Attorney will research the topic and bring back before the Board at a later date.

10. County Manager Report

11. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - October 16, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – THURSDAY, OCTOBER 16, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Karen Armstrong – Food Drive to Support Ric Rack

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Commissioner Nix announced the READ Fundraiser “Are You Smarter than a 10 Year Old” raised \$16,712.00. She thanked all who supported the cause. Chairman Berg added Sue Tenant did a wonderful job putting the event together.

Commissioner Connor read the following email he received from Ms. Wendy Altman:

“Dear Mr. Connor: Doc Mills informed me this morning that the County Manager intends to reduce the financial support from the County to the Humane Society due to necessary budgetary cuts. As a foster pet parent and supporter of the Humane Society, and a resident of Dawsonville, I understand the need to cut back in many areas due to lack of funds. However, because Animal Services does not have its own facility, we must support DCHS with every available dollar or we stand to lose the foundation for which so many have worked so hard. As a citizen, I would gladly forsake other less necessary projects and services in favor of supporting our County’s citizens and their pets. A road can be re-paved at another time, County employees salaries can be capped, and a variety of other non-essential items can be tabled until our economy is able to sustain them, but the Humane Society is an absolute necessity for our

County. Thank you for your time, and I hope you will relay my thoughts to your fellow commissioners when appropriate.”

Commissioner Connor asked the Board to schedule a review of the County Budget on the next available Work Session.

APPROVAL OF MINUTES:

Minutes of the Regular Commission Meetings held on September 18, 2008, October 2, 2008 and the Special Called Meeting on October 9, 2008.

Motion passed unanimously to approve the minutes from September 18, 2008. Nix/Tragesser

Motion passed unanimously to approve the minutes from October 2, 2008. Nix/Pichon

Motion passed unanimously to approve the minutes from the Special Called Meeting on October 9, 2008. Pichon/Nix

APPROVAL OF THE AGENDA:

Chairman Berg reported Mr. Dan Pichon has withdrawn his name from the Tax Assessor’s Board. Item 9 under New Business will be removed.

Motion passed unanimously to approve the agenda. Nix/Pichon

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Subdivision Regulations – 2nd of 2 hearings

Chairman Berg stated the changes to the regulations are for the purposes of cleaning up the current regulations and updating the language used to comply with current standards.

Chairman Berg asked whether anyone wished to speak on Subdivision Regulations and hearing none closed the hearing.

Motion passed unanimously to adopt the Subdivision Regulations as submitted. Pichon/Tragesser

Zoning Ordinances – 2nd of 2 hearings

Chairman Berg reported this ordinance is much like the first in that it will update language to comply with current standards.

Chairman Berg asked whether anyone wished to speak on Zoning Ordinances and hearing none closed the hearing.

Motion passed unanimously to adopt the Subdivision Regulations as submitted. Connor/Pichon

Addendum to the Georgia Storm Water Management Manual – 2nd of 2 hearings

Chairman Berg asked whether anyone wished to speak on Addendum to the Georgia Storm Water Management Manual.

Home Builders Association of Georgia's Attorney Deron Hicks, 3015 Camp Creek Parkway, Atlanta, reported he has been working with the local Home Builders Association on a number of issues. He asked the Board to table the decision until he has time to look at the changes to the current manual and how the changes will impact their industry. County Staff has stated a comparison of changes can be made to the document. Mr. Hicks will then be able to make focused comments after a review.

Mr. Gordon Brand, 120 Popular Trail, Dawsonville submitted comments regarding water quality in the Storm Water Management Plan. He reported testing is not required to ensure the water is clean as it flows out. Mr. Brand requests simple provisions are made in order to test the water or work with Etowah Water and Sewer Authority to ensure a low system to test the water.

Mr. George David, 651 Deer Leak Road, Dawsonville, Georgia reported the changes would require developers (to make an effort) to have joint holding ponds. He feels this complicates development by adding further hardships to developers in this environment. Mr. David would like to see developers have individual holding ponds.

Chairman Berg asked whether anyone else wished to speak about the proposed Addendum to the Georgia Storm Water Management Manual and hearing none closed the hearing.

Commissioner Pichon stated the intent of this document is to align the County law with State law. Public Works Director Dave Headley reported the State does have a testing process which the EPD performs with portable testing instruments. The Board could require annual testing at different levels which the Board would pay for. Mr. Headley added staff could bring recommendations for a time schedule and substances to be tested if the Board wanted that information. Mrs. Tully reported her department tests the Etowah Water monthly. Commissioner Pichon would like one trigger for testing to be any significant rain event. He gave an example of significant rain as exceeding two inches in a 24 hour period. Commissioner Pichon added sampling under current conditions would not be cost effective. Mr. Headley added the covenant agreement does speak to a responsible party, where there is an annual check performed to ensure the standards that were originally designed to be adhered to. The County may add the requirement of the testing and certification from the same engineer who certified the pond that the water quality leaving the pond falls within State guidelines. Mr. Headley stated he could have all materials with changes to the Home Builders Association for review and comments.

Mr. Headley stated in a commercial district, joint ponds become more manageable. This agreement would have to be made during the plan review process. All issues would be addressed in the covenants which would be recorded on the deed of record. Other advantages of fewer ponds would be less land disturbance and erosion.

Motion to table the issue for 60 days while staff forwards the policy to the Home Builders Association and the staff brings recommendations with cost analysis for testing. Pichon/Connor

Community Agenda – 2nd of 2 hearings

Chairman Berg asked whether anyone wished to speak on Community Agenda. A copy of the map has been available at both hearings and online. The complete Community Agenda has been online for review.

Mr. Bill Minor, 126 Riverview Drive, Dawsonville applauded the staff for their hard work on this project. The addressed three specific issues: zoning, environmental and transfer development rights. He feels

the FLUP is very optimistic and aggressive. He would like to see the County adopt more stringent rules to reduce the amount of time spent on variances in the Planning Commission and Board of Commissioners. Specifically, he would like to see “more teeth” in this plan. Additionally, he would like the County to adopt buffer areas in certain high intensity areas. Regarding the environmental issues, he reported there are eight items in the plan of action that are “green” items. He would like to see LEEDs (Leadership, Engineering, and Environmental Design). Mr. Minor would like developers to have preferential treatment that meet this standard. He added, he does not think the Community Development Department has enough staff to achieve all the goals set out in the Agenda. Finally, he feels TDRs could be used in a very positive way through education and conservation.

Mr. George David, 651 Deer Leak Road, Dawsonville, Georgia requested to have more detailed plans than what is being submitted. He feels speculative zoning to be prohibited.

Chairman Berg asked whether anyone wished to speak on Community Agenda and hearing none closed the hearing.

Mrs. Tully reported there are two sections of the implementation plan. A Short Term Work Program is a five year program and the Long Range Initiatives which is anything longer than five years. The STWP acts in concert with the CIE. This is in order to stay in compliant with Impact Fees. Budgets will effect when these programs are achieved.

Commissioner Tragesser reported the Board needs to use this document as a guide. She asked the County Attorney whether there would be a conflict of interest [regarding zoning decisions], she added the Board cannot benefit from the decisions they make in reference to the changes to the FLUP. County Attorney Homans stated as a general rule, there has to be a direct financial benefit in order to establish a conflict of interest.

Motioned passed unanimously to adopt the Community Agenda and transmit to the Department of Community Affairs. Pichon/Tragesser

OLD BUSINESS:

GEBCorp Resolution and Power of Attorney (tabled 08/07/08, 08/21/08 & 10/02/08)

Chairman Berg stated a letter from ACCG/GEBCorp was submitted in the Board workbooks.

Motion passed unanimously to remove this item from the table. Tragesser/Pichon

Chairman Berg reported all other 158 counties in Georgia do sign away Power of Attorney for tax issues with GEBCorp only. If the Board does not approve this, the County will have to investigate tax laws and make the determination whether the County will comply each year. The County Attorney does not see a problem with the Board signing the power of attorney for the purposes only with the stipulation a letter will be attached stating the GEBCorp attorney will not make any decisions of the kinds previously discussed.

Motion passed unanimously to approve and sign the GEBCorp Resolution and Power of Attorney.
Connor/Nix

Proposed Changes to the Height Limitations (tabled 09/18/08)

Call for motion to remove item from table. No response from Board.

Motion passed unanimously to table item for another 60 days. Pichon/Nix

NEW BUSINESS:

PROCLAMATION: Red Ribbon Week is October 23, 2008-October 31, 2008

Pam Hamalainen 200 Cathy Lane, Dawsonville asked the Board to approve the Proclamation for Red Ribbon Week.

Motion passed unanimously to approve the Red Ribbon Week Proclamation. Tragesser/Nix

Appeal to zoning fees by Mr. Scott Tankersley

Mr. Tankersley reported his family owns property at the corner of Hwy 9 and A T Moore Rd. When he first tried to apply for a business license for a storage facility the FLUM categorized the property at CHB. A building permit was purchased and inspected by the Community Development department. Prior to the issuance of the license, the department notified Mr. Tankersley the map was incorrect and the zoning was CCB. Storage facilities are not a permissible use under the CCB. He requests the fees to be waived to start the rezoning process.

Mr. Leger reported the only fee for CHB rezoning is \$2500.00. On the zoning map the property is shown as CHB. Research shows in 1996, the property was rezoned by request to CCB for a landscape, supply and greenhouse business. Mrs. Tully reminded the Board prior to 2004, the maps were hand drawn each

year. If a mistake was made one year, it was repeated the next until approximately until 2004. She added, according to the minutes this property is zoned CCB. Both CCB and CHB zonings are consistent with the area. The FLUP suggests Highway-Commercial.

Motion passed unanimously to waive the zoning fees for Mr. Scott Tankersley. Nix/Connor

Soil Erosion Ordinance (tabled 08/07/08)

Motion passed unanimously to remove the item from the table. Tragesser/Nix

This issue was changing the words from “may” to “shall” regarding bonds. Code Enforcement Officer Robbie Irvin requests the document remain the same and reflect “may”. He added, there will be an internal policy to address the commercial and single family homes. Having the word “may” will allow for department discretion. Commissioner Tragesser asked whether the ordinance could have shall with the exemption of single family residential homes. Mr. Irvin reported the State does not allow for changes to their model ordinances. She added the department will enforce the bond requirement to all commercial and residential subdivisions prior to a permit being issued.

Commissioner Pichon added this ordinance does not allow for the County to issue a cease and desist order. This ordinance would allow funds to be released back to the County after due process has been met.

Motion passed unanimously to approve the Soil Erosion Ordinance as originally submitted. Pichon/Nix

GIS Map Pricing and Licensing Agreement

Chairman Berg stated new information was provided to the Board regarding the pricing in surrounding counties. Commissioner Tragesser wanted to ensure the fees would cover the costs. The fees have been structured to allow for this.

Motion passed unanimously to approve the GIS Map Pricing and Licensing Agreement.
Tragesser/Connor

Courthouse Bond Investment

Chairman Berg stated this would be a two month CD schedule.

Motioned passed unanimously to approve the Courthouse Bond Investment as submitted. Nix/Pichon

Citizens Corps Grant

EMA Director Billy Thurmond presented this grant application to the Board at the Work Session on October 9, 2008. This would be at no additional cost to the County.

Motioned passed unanimously to approve Citizens Corps Grant. Pichon/Tragesser

IGA with Pickens County for Dawson County EMS to service Burnt Mountain

Chairman Berg thanked all who attended the meeting.

Motioned passed unanimously to approve the IGA with Pickens County for Dawson County EMS to service Burnt Mountain. Connor/Nix

Proposal of Courthouse layout

Chairman Berg reported the Board was shown three layouts last week.

Commissioner Connor stated he does not agree with one facility as opposed to having a separate courthouse and a renovated administrative building. HoK presented a plan to renovate the existing courthouse but did not do much investigation. County Manager Tanner stated Rosser met with the Facilities Department, inspected the building and submitted a quote to repair all the damage. The cost to repair was higher than the cost to build a new structure. Commissioner Connor stated if the Board had asked a citizens group to give feedback, he believes they would choose Option 2. He believes this option would be better money spent for the taxpayers. He added the idea of a town square would benefit the community.

Commissioner Tragesser stated Option 2 gives a park amenity for citizens and creates a town square. She added it gives a new relationship between the Historic Courthouse and new facility. It addresses the pedestrian and vehicular traffic.

Commissioner Pichon states he likes Option 1 better but with the economy in its current state, Option 2 mandates a time line to tear down the current courthouse to make way for the Turner's project. Option

3 would allow for costs to remain low, complete space for what the Courts need now, shell out the future space as well as a shell for the administration. He added if the Country ends up in a long recession and the costs rise, the Board may have to raise taxes and he does not want to have to do that.

County Manager stated he can bring back a plan under budget with either Option 2 or 3. Both options will have to be scaled back but is feasible. He added parking and sidewalk access for both the historic courthouse and the Turner project is something to consider.

Chairman Berg asked Mr. Turner what the significance of the two year time limit was. Mr. Turner reported he already has permits for construction and is ready to move forward but he is waiting in good faith. The two years was the original time schedule to initially complete the project. The Turner family prefers the Board to choose Option 3 since it does not interfere with their plans or property. They understand the County will need to purchase the land to the north. Sidewalks have already been planned for their project. Mr. Turner added with Option 3, the Board has room for expansion. If the Board approves Option 2, the only expansion would be vertical. Chairman Berg asked Mr. Turner if the Board approved Option 2, could he promise there wouldn't be any additional costs for land. Mr. Turner stated he could not make that guarantee. Mr. Turner stated only with the threat of condemnation, he is willing to accept Option 2. He reintegrated Option 3 was the preference of the family.

Commissioner Tragesser stated the County has bonded out \$29 Million and Option 2 would best serve the County now and in the future.

County Manager Tanner reported the County will need the back two acres with either option. The construction cost is estimated at \$21 Million.

Motion to approve Option 3 and instructing the County Manager to negotiate with the Turner family on land for parking and sidewalks failed by majority. Commissioners Pichon and Nix voted for the motion. Commissioners Tragesser and Connor opposed the motion. Chairman Berg broke the tie and voted to oppose the motion.

Motion passed by majority to approve Option 2. Connor/Tragesser Commissioners Pichon and Nix opposed the motion. Chairman Berg broke the tie and voted to approve Option 2.

Motion passed unanimously to direct the County Manager to negotiate with the Turner family for additional parking. Connor/Tragesser

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - October 23, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, OCTOBER 23, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

K. NEW BUSINESS:

1. Proclamation: November is Family Month

This item will be placed on the Regular Meeting Agenda on 11/06/08

2. United Way Campaign – Human Resources Director Jay Sessions

This item was for information only.

3. Business Personal Property Audit Contracts – Tax Assessor Clarence Brown

This item will be placed on the Regular Meeting Agenda on 11/06/08

4. Severe Weather Warning Project Grant – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 11/06/08

5. Fire Station Architect – County Manager Tanner

This item will be placed on the Regular Meeting Agenda on 11/06/08

6. Proposal to change name of Fouts Building – County Manager Tanner

This item will be placed on the Regular Meeting Agenda on 11/06/08

7. Investment Policy Proposal and Discussion of Courthouse Bonds – County Manager Tanner & Finance Director Lowayne Craig

The Investment Policy Proposal will be placed on the Regular Meeting Agenda on 11/06/08. The Discussion of Courthouse Bonds was for information only.

8. Approval of Commissioner Connor’s Policy - Commissioner Connor

This item will be placed on the Regular Meeting Agenda on 11/06/08

9. Proposed meeting date changes for the Holidays – Chairman Berg

This item will be placed on the Regular Meeting Agenda on 11/06/08

10. County Manager Report

11. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - November 6, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REVISED REGULAR MEETING MINUTES – NOVEMBER 6, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Programs for Seniors – Mrs. Margie Weaver

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed unanimously to approve the Regular Commission Minutes held on October 16, 2008 as submitted. Pichon/Nix

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda.

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Proclamation: November is Family Month

Mr. George Wangeman, Gainesville City Councilman and Mrs. Beverly Howerton spoke on behalf of the Church of the Ladder Day Saints. Mr. Wangeman thanked the Board for adopting the Family Proclamation.

Motion passed unanimously to approve Proclamation stating November is Family Month. Nix/Pichon

Business Personal Property Audit Contracts

Chairman Berg stated there was much discussion regarding bidding out the contracts at the last work session. Mr. Clarence Brown with the Tax Assessor's Office was available for questions. Mr. Brown reported policy of the Tax Assessor's Office is that the existing contract is for five years with an automatic renewal each year. Multiple prices were obtained at the start of the contract. This year's cost is approximately \$6,000.00. This will be the fifth year of the contract. Mr. Brown added the Tax Assessor's Office has a good rapport with the current agency of Traylor Business Services, Inc. Chairman Berg and Commissioner Connor stated it was a good for business to see what the competition has to offer.

Motion to approve the contract with Traylor Business Services, Inc this year with the stipulation starting next year the Tax Assessor's Office will obtain three bids. Connor/Tragesser

Motion passed unanimously to amend the main motion to include the contract will be for three year increments as opposed to five years. Connor/Tragesser

Motion passed unanimously to approve this year's contract with the following stipulations for any future contracts:

1. Obtain three bids/quotes at the start of a new cycle;
2. Any contract will have a limit of three years.

Connor/Tragesser

Severe Weather Warning Project Grant

EMA Director Billy Thurmond presented this grant to the Board at the work session on October 23, 2008. There is a 50% match from the County. One siren was in the budget but with this grant the County will receive two sirens for the cost of one.

Motion passed unanimously to approve the Severe Weather Warning Project Grant as submitted.
Nix/Pichon

Approval of the Fire Station Architect

County Manager Tanner presented the contract for the Fire Station Architect for approval from the Board.

Commissioner Connor expressed concern over the manner in which the contract was presented. In the past, Purchasing Agent Jill Rathe has presented the entire bid package which included a recommendation of agency from a committee of county experts in the specific field; the Board had final discretion to select the agency prior to the contract phase. County Manager Tanner stated the Board always makes the final decision. Commissioner Connor asked why no local firms are on the short list. Deputy Chief Tim Satterfield stated initially 32 firms submitted bids, 17 firms made the first cut and four made the short list. The short list was determined by performance, history in the fire station field, interviews of users, etc. Commissioner Tragesser asked for the team's scoring and summary form for information.

Chairman Berg reported Carter Watkins Associates Architects, Inc. was the committee's recommendation of firm. Chairman Berg asked County Manager Tanner to submit more information in the future. County Manager Tanner added the financial reports are not opened on all 32 firms. Only the top four firms financials were opened. A background check was performed on the firm.

Motion passed unanimously to approve the contract as submitted and enter into a contract with Carter Watkins Associates Architects, Inc. to complete the fire station on Georgia Highway 53. Pichon/Connor

Proposal to change name of Fouts Building

County Manager Tanner reported K.H. Long was the last sole commissioner of Dawson County. The Fouts Building was also paid for in full during his term.

Chairman Berg stated the building would be named the K.H. Long Government Center.

Commissioner Connor asked County Manager Tanner for a cost estimate of what the County has spent renovating the building.

Motion passed unanimously to approve the proposal to change the name of the Fouts Building to the K.H. Long Government Center. Nix/Connor

Approval of the Investment Policy Proposal

County Manager Tanner and Mr. Bryce Holcomb gave a presentation at the last work session on the proposal. Mr. Tanner made one change to the policy. He add the stipulation under 3.1 to read; "Under OCGA § 36-82-7 Dawson County will not allow the use of obligation bonds of the State of Georgia and counties of municipalities as collateral for the CDs." This would be an added stipulation to any bid. This is in addition to any insurance. All bonds are AAA rated.

County Manager Tanner added there will be a quarterly report submitted to the Board of Commissioners.

Motion passed unanimously to approve the Investment Policy Proposal as submitted. Connor/Pichon

Approval Commissioner Connor's Policy

Commissioner Connor gave a presentation to the Board regarding communication and town hall meetings. He felt the first town hall meeting where his budget concerns were discussed was very informative. Commissioner Connor added the meetings provide an additional method for the Board to receive feedback from the community. Currently, Board members meet with citizens on an individual basis as well as communicate openly through county cell phone and laptop computers. Presently, town hall meetings are not sanctioned Board meetings. Chairman Berg stated an official meeting is advertised in the paper and minutes are taken. Open dialogue from citizens can be heard by the Board at quarterly Community Forum meetings, one-on-one, etc. He added each commissioner can meet with the citizenry

in any manner they choose. The only issue being disputed is the meeting was held at a county facility where the proper procedure was not followed i.e., rental agreement and fees paid.

In preparation of his second town hall meeting a few weeks ago, Commissioner Connor reported he was offended when he received an email from a staff member requesting \$50.00 for the rental fee and rental agreement. He stated he has not paid for the room nor will he complete the rental agreement form.

At the last work session, Chairman Berg asked Commissioner Connor to present a policy on town hall meetings for the Board to review and vote on. Commissioner Connor stated if he had devised a policy, it would imply he worked for the Chairman as opposed to the citizens of Dawson County. Commissioner Connor stated the Board has a policy that was agreed upon at the communications training in March 2008. That policy stated "...anytime a commissioner speaks publicly he/she will clearly state whether it is their opinion or it is the opinion of the Board collectively." In conclusion, he feels the "local government is the front line of democracy." His goals are: 1) steer the Board to engage in issues that concern citizens; 2) having the Board responsive to the citizens; and 3) to conduct town hall meetings, which the County should pay for (with the support of staff). He feels the Board should focus on bigger items like the airport and race track as opposed to sewage, etc.

Chairman Berg asked Commissioner Connor for a motion. Commissioner Connor denied offering a motion because the Board already has a communications policy in place. Commissioner Connor stated this dialogue is about communication and not compensation.

Commissioner Tragesser stated she would like the County to fund and support any process a commissioner engages in that would enable them to receive information and feedback from citizens.

Chairman Berg stated if there is no motion, as a point of order there is no conversation. Commissioner Connor motioned in the future, to not charge the Board of Commissioners for Town Hall meetings at county facilities. Commissioner Tragesser seconded the motion.

Commissioner Pichon stated the Board does not have a policy that a commissioner may have a town hall meeting. He added there is a policy which states Rock Creek Park is a paid venue unless it is county business. The only time a member of the Board acts as a commissioner is when he/she sits as a voting member at an official meeting.

Commissioner Connor stated the Atlanta Council receives funds to hold Town Hall meetings. Chairman Berg reported the legislators have campaign accounts which the money would be taken from campaign

funds to avoid any ethical dilemma. Commissioner Connor felt the ethical dilemma was never discussed. Commissioner Pichon reported each commissioner receives a monthly salary and each Board member can spend that compensation anyway they feel without charging the County more money. Chairman Berg referred to County Attorney Homans written opinion that there are ethical concerns involving individual Commissioners using Government Facilities with the Public without paying.

Commissioner Pichon expressed concern over any commissioner (acting as a citizen of the County, not as a commissioner) taking away revenue from the County by not paying for the rental of the room. Even though a normal citizen would have to pay for the room if county business was being discussed. Commissioner Tragesser reported citizens pay for the room though taxes when an elected officials hold a town hall meeting for feedback. She stated it is presumptuous of the Board to decide the only issues important to the citizens are on a Board agenda. She added this should not be a political forum and stipulated it should not be within six months of an election if needed.

Chairman Berg stated the motion of the floor is to not charge the Board of Commissioners for Town Hall meetings at a County facility. Commissioners Connor and Tragesser voted for the motion. Commissioners Pichon and Nix voted against the motion. Chairman Berg broke the tie and voted against the motion.

Proposed meeting date changes for the Holidays

Chairman Berg asked the Board to approve moving the meeting dates to the following:

- Moving the Work Session on Thursday, November 27, 2008 to Monday, November 24, 2008 in lieu of Thanksgiving;
- Moving the Work Session on Thursday, December 25, 2008 to Monday, December 22, 2008 in lieu of Christmas;
- Moving the Voting Session on Thursday, January 1, 2009 to Thursday, January 8, 2009 in lieu of New Year's Day.

Motion passed unanimously to approve the date change from Thursday, November 27, 2008 to Monday, November 24, 2008. Pichon/Nix

Motion passed unanimously to approve the date change from Thursday, December 25, 2008 to Monday, December 22, 2008. Nix/Pichon

Motion passed unanimously to approve the date change from Thursday, January 1, 2009 to Thursday, January 8, 2009 in lieu of New Year's Day. Connor/Tragesser

Permit for Assembly: Meth Taskforce

Nancy Stites, Director of Family Connection requested the Board approve the application for assembly as submitted. The picket will be on Thursday, November 13, 2008 from 4:00-6:30pm.

Motion passed unanimously to approve the application as submitted.

PUBLIC COMMENT:

Mrs. Jean Shilling, 336 Elliot Family Parkway, Dawsonville, Georgia spoke on two issues, taxes and the motor speed way track. She stated the property taxes are so high it will tax people out of Dawson County. She added Cherokee County property values are down and she does not understand why Dawson County taxes are up. Mrs. Shilling wants the Board to support the citizens who do not want the raceway.

Motion passed unanimously to enter into executive session to discuss one legal issue.
Tragesser/Nix/Pichon/Connor

ADJOURNMENT

Motion passed unanimously to adjourn.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - November 13, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, NOVEMBER 13, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

K. NEW BUSINESS

1. Community Development Q3 Report – Community Development Director

Lynn Tully

This item was for information only.

2. 2009 BOC Meeting Schedule – County Clerk Simpson

This item will be placed on the Regular Meeting Agenda on 11/20/08.

3. 2009 Holiday Schedule – County Clerk Simpson

This item will be placed on the Regular Meeting Agenda on 11/20/08.

4. SPLOST IV Sidewalk Funding – County Manager Tanner

This item will be placed on the Regular Meeting Agenda on 11/20/08.

5. Noise Control Ordinance – Code Enforcement Officer Robbie Irvin & Maj. Greg Rowan

This item will be placed on the Work Session Agenda on 11/24/08.

6. 2009 Revenue Projections – County Manager Tanner

This item was for information only.

7. Board Appointments – Chairman Berg

Development Authority reappointment of Lake Gibson

This item will be placed on the Regular Meeting Agenda on 11/20/08.

Construction Board appointments of Rory Cunningham, Bob Corey and Larry Davis

This item will be placed on the Regular Meeting Agenda on 11/20/08.

Tax Assessor's Board reappointments of Joe Bosworth and Sara Halstead

This item will be placed on the Regular Meeting Agenda on 11/20/08.

8. County Manager Report

This item was for information only.

9. County Attorney Report

This item was for information only.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - November 20, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – NOVEMBER 20, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION – Harry Evans – Department of Veterans Services

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

None.

APPROVAL OF MINUTES:

Chairman Berg called for a motion to approve the minutes of November 6, 2008. Commissioner Connor stated the minutes were inaccurate and incomplete. He reported he would get with the Clerk regarding the minutes.

APPROVAL OF THE AGENDA:

Motion passed unanimously amend the agenda to move the Humane Society's public comments would to the beginning of the agenda. Tragesser/Connor

Motion passed by majority to amend the original motion to hear the Humane Society's comments after old business given that members from the legal community are present and representing the zoning applicants. Pichon/Tragesser Commissioner Nix opposed the motion.

PUBLIC COMMENT:

None

ZONINGS:

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. Chairman Berg explained the policy and procedure for public comment on zoning issues as per the Rules of Procedure for the Dawson County Board of Commissioners.

ZA #08-13 The Lodges at Paradise Valley, LLC has submitted a request to amend the current master plan for the development; TMP #110 033; Zoned C-PCD (commercial planned comprehensive development district); located at 49 Valley Drive.

Planning Commission recommendation was for approval with the following stipulations:

- a) The developer will comply with stipulations of initial master plan with a set time frame for completion;
- b) Single story only on lots 8, 9, 10, 25 & 26.

Mr. George Butler, Atty., 1600 Rock tree Road, Dahlonega, GA presented the application. He stated that the purpose of the application was to reduce the number of units on the master plan from 176 to 100 by replacing condominiums with single family residential vacation type cabins. The applicant would like to exchange 163 condos for 80 single family lots.

In March 2004, the Board approved a rezoning request and adopted the C-PCD zoning classification for Paradise Valley. A master plan was included in the rezoning process. Mr. Butler submitted to the Board three items: 1) additional rezoning conditions in addition to the staff recommendation; 2) the original conditions from March 2004; 3) maps of the property. All materials submitted by Mr. Butler are included in the official minutes of this meeting. Mr. Butler stated all conditions which would protect the Cofield would have to be completed prior to the crossing of Proctor Creek.

Mr. Butler submitted the first reason for requesting a reduced plan is because of the demographics at Paradise Valley. After speaking with the owners of the property Mr. Butler assured the Board there are

no school aged children on the grounds. He added there is a school bus stop in front of the entry to Paradise Valley but are shielded from the goings on at the facility. The final motivation for this reduction is due to the declining economy. They believe they can sell the remaining lots with this plan.

Chairman Berg asked whether anyone wished to speak in favor of the application.

Ms. Candace Matera, 527 Cothran Road, Dawsonville, Georgia spoke in favor of the application. Ms. Matera reported the residents of Paradise Valley are wonderful and helpful neighbors. All promises made by the facility have been fulfilled. The resort has allowed neighbors to purchase water from them as opposed to drilling wells. Ms. Matera's family will have gatherings at her home but all are completely protected from the resort. No buffer is between the two properties, only a fence.

Mr. Donnie Johnson, 1291 New Bethel Church Road, Dawsonville, Georgia also spoke in favor of the application. Mr. Johnson is an adjacent property owner on the backside of Paradise Valley. He feels the new plan is more fitting with the area as opposed to the condominiums. He stated they have been good neighbors. He fully supports the plan.

Chairman Berg asked whether anyone wished to speak in favor of the application and hearing none asked whether anyone wished to speak in opposition to the application.

Ms. Nancy Cofield, 167 Bethel Creek Court, Dawsonville, Georgia spoke in opposition to the application. She is an adjacent property owner. Ms. Cofield met with Mrs. Tully four years ago to create conditions she would be amenable with at the time the Board passed the last stipulations (ZA 03-30). She reports none of the stipulations from that date have been met including but not limited to the following: a) County water; b) Fencing; c) planting of Leland cypress trees;

She noted her property goes uphill so she can see most of what goes on at the Valley. From her drive way she can see into the property. Ms. Cofield stated Proctor Creek runs through her property but she reported many problems. She has had numerous people arrested for being in the creek and trespassing on the property. She can no longer use portions of her property. There is not a large dividing greenspace like with other neighbors. Ms. Cofield reported speaking to Sheriff Carlisle about these issues. He reported to Ms. Cofield several concerns, including child molestation and children on the property.

Ms. Cofield read a list of conditions she developed to the Board (see file). These conditions include that all conditions be met prior to construction; a 8' privacy brick on the property line of the Cofield's land; opaque wood fence surrounding entire property to be maintained by the developer; EWSA for all water and sewer needs; no trespassing signs; 4' Leland cypress trees; 100' undeveloped buffer among various

other conditions submitted. She added changing the orientation of lots 8, 9, 10, 25 and 26 since these lots overlook her property. Ms. Cofield asked what the specifications of the buildings and RVs will be prior to approval. She concluded her presentation requesting the Board for help dealing with Paradise Valley.

Ms. Cofield reported Paradise Valley was there when she bought the property 17 years ago. The property was originally bought as a Boy Scout retreat. She was also told there would be a 600' variance between the properties.

Mr. Cliff Cofield 167 Bethel Creek Court, Dawsonville, Georgia spoke in opposition to the application. The reason he and his wife are requesting an 8' fence since the homes will be built on the line. He reiterated the points Ms. Cofield stated earlier with the addition the fence be built around the entire property on the 50' setback.

Chairman Berg stated all time had exhausted for opposition and closed this portion of the hearing.

Community Development Director Lynn Tully reported the original stipulation stated the applicant was asked to pursue a connection with EWSA but it was not a requirement. There is EPD monitoring currently. They are in compliance so far. A package deal to deal with sewer was developed for the entire site, including RVs. The Valley has their own well for water. Regarding the previous stipulations Ms. Cofield spoke about Mrs. Tully reported she and Commissioner Verlanderer met with the family and developed a plan or stipulations to bring to the Planning Commission and Board of Commissioners the homeowners could be happy with. Mrs. Tully compared and contrasted the two lists of stipulations from 2003 to the list submitted by Mrs. Cofield at this meeting. She added certain stipulations are not required the property is disturbed. The second phase not being constructed at this time.

Motion passed unanimously to approve the ZA #08-13, The Lodges at Paradise Valley, LLC request to amend the current master plan for the development; TMP #110 033; Zoned C-PCD (commercial planned comprehensive development district); located at 49 Valley Drive with the following stipulations:

- a) The developer will comply with stipulations of initial master plan with a set time frame for completion (original stipulation);
- b) Single story only on lots 8, 9, 10, 25 & 26 (original stipulation);
- c) Construct an 8' opaque fence, colored in a forest color be constructed on the 50' buffer line inside their property. South of lot 32 at the 50' line to the corner of Sunshine Drive, east of the proposed tennis courts. This would ensure the tennis courts would be shielded.
- d) Along the same line between the 40' and 50' buffer zone the developer shall cut the understory saving all trees 8" or greater;

- e) Plant a single row of Leland Cypress 10' apart, 6' high at planting;
- f) Plant a single row of Elaeagnus 8' apart, 42" high at planting, staggering all plants to make a screen;
- g) All planting stipulations shall be met within six months from this date;

The following are original stipulations that will still apply:

- h) Applicant to specifically delineate the green space areas and show a minimum of 40% open space;
- i) Minimum 50' undisturbed buffer surrounding the property. Where the existing vegetation is insufficient, additional planting will be required to buffer standards. Only exceptions are clearings as defined above;
- j) All creek crossings are to be bridged or open bottom culverts to allow free flow of the creek without impediment;
- k) All additional expansion or changes to the plan will be required to come before the Planning Commission for recommendation to the Board of Commissioners;
- l) Consideration to change the orientation of proposed buildings to shield view from the Cofield's property;
- m) Developer shall move the walking trail from the area of the Cofield's property line;
- n) Developer shall pad the trash receptacle area to ensure the health of the creek.

Pichon/Connor

ZA #08-14 D.W.A., LLC (Douglas Adams) has submitted a request to rezone +/- 5.75 acres of TMP #115-040 from C-CB (community business commercial district) to C-HB (highway business commercial district) for a gas station/car wash/package store; located at 18 Blue Ridge Overlook.

Planning Commission recommendation was for approval without stipulation.

Mr. Douglas Adams, 864 Price Road, Dawsonville, Georgia requested the Board approve his request.

Chairman Berg asked whether anyone wished to speak in favor or opposition of the application and hearing none closed the hearing.

Motion passed unanimously to approve ZA #08-14 D.W.A., LLC (Douglas Adams) a request to rezone +/- 5.75 acres of TMP #115-040 from C-CB (community business commercial district) to C-HB (highway business commercial district) for a gas station/car wash/package store; located at 18 Blue Ridge Overlook. Connor/Pichon

PUBLIC HEARINGS:

None.

OLD BUSINESS:

Presentation by Dr. Mills regarding the Humane Society.

Dr. Mills, 107 Hickory Way, Dawsonville, Georgia gave a 26 slide presentation to the Board (copy attached in the minutes) regarding the history, current status and needs of the Dawson County Humane Society.

PUBLIC COMMENT:

None.

NEW BUSINESS:

2009 BOC Meeting

Motion passed unanimously to approve the 2009 BOC Meeting schedule as submitted. Nix/Pichon

2009 Holiday Schedule

Motion passed unanimously to approve the 2009 Holiday schedule as submitted. Pichon/Nix

SPLOST IV Sidewalk Funding

Motion passed unanimously to approve the SPLOST IV Sidewalk Funding. Tragesser/Nix

Board Appointments

Development Authority:

Motion passed unanimously to re-appoint Lake Gibson to the Development Authority. Connor/Nix

Construction Board:

Motion passed unanimously to appoint Rory Cunningham to the Construction Board. Pichon/Tragesser

Motion passed unanimously to appoint Bob Corey to the Construction Board. Tragesser/Pichon

Motion passed unanimously to appoint Larry Davis to the Construction Board. Pichon/Tragesser

Tax Assessor's Board:

Motion passed unanimously to re-appoint Joe Bosworth to the Tax Assessor's Board. Pichon/Nix

Motion passed unanimously to re-appoint Sara Halstead to the Tax Assessor's Board. Pichon/Tragesser

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

Chairman Berg explained there is a total of 15 minutes for public comment and a maximum of five speakers.

The following citizens offered public comment to the Board of Commissioners:

- Mr. Hugh Stowers, 800 Hugh Stowers Road, Dawsonville, Georgia gave positive feedback to Commissioners Connor and Tragesser.
- Mr. Weldon Sheriff, Weldon Sheriff Road, Dawsonville, Georgia gave positive feedback to Commissioners Connor and Tragesser.
- Mr. Leo Sheppard, 15 North Chestatee Point, Dawsonville, Georgia spoke on the subject of town hall meetings.
- Mr. Fred Youngman, 183 Clark Road, Dawsonville, Georgia offered comments on the County and State policies regarding off road vehicles.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - November 24, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – MONDAY, NOVEMBER 24, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

WORK SESSSION AGENDA:

K. NEW BUSINESS

1. Development Authority Q3 Report – Director Charlie Auvermann

This item was for information only.

2. Approval of the Amicalola Falls Siren Tower contract – EMA Director Billy Thurmond

This item will be placed on the Regular Meeting Agenda on 12/04/08

3. Noise Control Ordinance – Code Enforcement Officer Robbie Irvin/Cpt. Brandy Branson

This item will be placed on the Regular Meeting Agenda on a future Work Session Agenda.

4. County Manager Report

5. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - December 4, 2008

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – DECEMBER 4, 2008

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Pichon, District 1; Commissioner Tragesser, District 2; Commissioner Connor, District 3; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County.

OPENING PRESENTATION: None

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Deputy Chief Tim Satterfield reported he received a call from a local homebound resident requesting the fire department install a smoke detector in her home. After installing the device Monday, the alarm indicated smoke in the home which they responded to. Mr. Satterfield added smoke detectors work.

APPROVAL OF MINUTES:

Commissioner Tragesser asked the County Clerk to make one grammatical correction on page 5 and added the language "...She added it is presumptuous of the Board to decide the only issues important to the citizens are on a Board agenda."

Motion passed by majority to approve the revised minutes from November 6, 2008. Nix/Pichon Commissioner Connor opposed the motion.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve with the addition of Commissioner Connor's comments under New Business. Tragesser/Connor

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Approval of the Intergovernmental Agreement between DNR and Dawson County regarding the Amicalola Falls Siren Tower

Motion passed unanimously to approve the Intergovernmental Agreement between the Department of Natural Resources and Dawson County regarding the Amicalola Falls Siren Tower. Tragesser/Nix

Commissioner Connor's comments regarding the minutes and procedure

No vote on this item.

Motion passed unanimously to enter into executive session to discuss one legal matter.
Nix/Pichon/Tragesser/Connor

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk