

Regular Meeting Minutes - January 8, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – JANUARY 8, 2009

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 Swafford, 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. Clayton Preble – Wildcat Community Inc.

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

On behalf of the Dawson County Board of Commissioners, Chairman Berg welcomed newly elected District 2 Commissioner James Swafford to the Board.

APPROVAL OF MINUTES:

No minutes were approved at this meeting.

APPROVAL OF THE AGENDA:

Motion passed unanimously to add Actionable Minutes as a voting item under New Business.
Pichon/Swafford

Motion passed unanimously to approve the agenda with the addition of Actionable Minutes as a voting item. Swafford/Nix

PUBLIC COMMENT:

None

ZONINGS:

ZA 08-16 – Mr. Larry Davis has submitted a request to rezone a 1.830 acre tract known as TMP No. 107-054 from R-2 (Single Family Residential) to C-HB (Highway Business Commercial) for a public storage facility, located at 2315 Lumpkin Campground Road.

The Planning Commission has recommended denial of the application.

Mr. Larry Davis, 75 Lake Drive answered questions from the Board. He offered to add stipulations to protect the adjoining land owners such as site specific; Hours of operation would be from 8am-5pm Monday thru Saturday, with gate access denied after 9pm; Planted buffers prior to construction as allowed; no vehicle storage, etc.

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.

Mr. Robert Edwards, 117 Lee Castleberry Road, Dawsonville, Georgia opposed the application for zoning. He spoke on behalf of his father at 209 Lee Castleberry Road. Mr. Edwards reported as a landowner, Mr. Davis ignores the rules and regulations of Dawson County. He asked the Board to ensure viewsapes were protected and a hydrology study be performed since there is a dry creek bed nearby. Planning Director Leger reported a study has not been initiated at this time. Another concern of citizens would be the drop in their property values.

Motion passed unanimously to deny ZA 08-16. Nix/Swafford

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Maintenance and Repair Bid Results

Motion passed unanimously to approve the following contracts to vendors:

- Generator Maintenance: Power & Electric Services
- HVAC: Commercial Air Systems
- On-Call Plumber: Townley Construction
- On-Call Electrician: Capital Electric
- Pest Control: Duncan Exterminating

Connor/Pichon

2009 Public Defender Contract

Motion passed unanimously to approve the 2009 Public Defender Contract with the removal of the 2009 COLA. Nix/Swafford

Approval to hold hearings regarding Height Limitations (tabled 10/16/08)

Motion passed unanimously to direct staff to cease and desist all further action on changes to the Height Limitations. Pichon/Connor

Recycling Agreement with Community Waste Services

Motion passed unanimously to approve the Recycling Agreement with Community Waste Services as submitted. Nix/Pichon

Marshal Office Resolution

Motion passed unanimously to approve the Marshal Office Resolution with the stipulation "Chain of Command" would be removed from the Resolution. Nix/Pichon

Board Appointment: Park & Recreation Board - Ms. Heather Tierney

Motion passed unanimously to approve Ms. Heather Tierney to the Park and Recreation Board.
Connor/Swafford

Tax Commissioner Resolution and Ordinance

Motion passed unanimously to table this item until the next Voting Session on January 22, 2009.
Pichon/Nix

Actionable Minutes

Motion passed by majority to direct the County Clerk to take Actionable Minutes as the official document of the Board of Commissioners meetings. Pichon/Nix Commissioner Connor opposed the motion.

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, Hugh Stowers Road, Dawsonville, Georgia spoke to the Board regarding property taxes in Dawson County.
- Mrs. Kathleen Mango, 337 River Sound Lane, Dawsonville, Georgia spoke in opposition of the proposed changes of the Chestatee Master Plan.
- Mr. Fred Youngman, 82 Clark Drive, Dawsonville, Georgia spoke to the Board regarding Off-Road vehicles.
- Ms. Penny Koshiol, 1203 War Hill Park Road, Dawsonville, Georgia offered comments regarding underage children operating off road vehicles without penalty.

Motion passed unanimously to enter into executive session to discuss one legal item.
Nix/Pichon/Swafford/Connor

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - January 15, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JANUARY 15, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

K. NEW BUSINESS

1. Approval of County to be fiscal agent for Mentoring Program – Ms. Bindy Auvermann

This item will be placed on the 01/22/09 Regular Meeting Agenda.

2. Approval of the Inmate Medical proposal – Sheriff Carlisle & County Manager Tanner

This item will be placed on the 01/22/09 Regular Meeting Agenda.

3. Addendum to the Georgia Storm Water Management Manual (tabled 10/16/08) – County Engineer/Public Works Director Dave Headley

This item will be placed on the 01/29/09 Work Session Agenda.

4. Installment Sale Agreement dated April 1, 2004 with ACCG and Dawson County SPLOST IV Land Acquisition – County Manager Tanner & Finance Director Lowayne Craig

This item will be placed on the 01/22/09 Regular Meeting Agenda.

5. Approval of the Windstream Cable Television Franchise Agreement – County Manager Tanner

This item will be placed on the 01/22/09 Regular Meeting Agenda.

6. Approval of the Fire Station Architect preliminary design – County Manager Tanner

This item will be placed on the 01/22/09 Regular Meeting Agenda.

7. Approval of BOC expenses for 2008 – Chairman Berg

This item will be placed on the 01/22/09 Regular Meeting Agenda.

8. Reappointment of County Attorney, County Clerk, County Manager and Vice Chairman of the Dawson County Board of Commissioners

This item will be placed on the 01/22/09 Regular Meeting Agenda.

9. County Manager Report

This item was for information only.

10. County Attorney Report

This item was for information only.

APPROVE:Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - January 22, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – JANUARY 22, 2009

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 Swafford, 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: Code Enforcement Officer Robbie Irvin – Adopt a Mile

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported the Board will be holding two workshops open to the public. The Residential Zoning Districts workshop will be on January 26, 2009 and the workshop regarding possible changes to Impact Fees will be on February 23, 2009.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meetings held on November 20, 2008. Pichon/Connor

Motion passed unanimously to approve the minutes of Regular Commission Meetings held on December 4, 2008. Pichon/Swafford

Motion passed unanimously to approve the minutes of Regular Commission Meetings held on December 18, 2008. Swafford/Nix

Motion passed unanimously to approve the minutes of Regular Commission Meetings held on January 8, 2009. Pichon/Nix

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the change to allow ZA 06-26 and CR 06-26 to be heard first. Nix/Swafford

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 06-26: Chestatee Development Corporation has requested to amend the master plan approved as required by the R-PCD Land Use District to permit a maximum of 23 units to be developed on the tract (Creekside) south of Henry Grady Highway (Land Lots 26 and 36 of the South Half of the 13th Land District) with a total number of maximum lots permitted remaining at 543; TMP 118-008, 801. A portion of the property referenced herein is located on Henry Grady Highway; the street address of the property owner is 653 Night Fire Drive, Dawsonville, Georgia.

Chairman Berg reported this zoning matter was not presented to the Planning Commission due to the lawsuit.

District 3 Commissioner Connor recused himself from the hearing since he lives in Chestatee. He advised the Board he would be speaking as a citizen.

Mrs. Kathryn Zickert with Smith, Gambrell & Russell represented the Chestatee Development Corporation (CDC). One goal of the hearing was to resolve not only the litigation, but also other concerns in the Chestatee community via a final master plan of Chestatee Development while recognizing legal issues that were raised in the court case. A disposition of the acreage south of Henry Grady Road will be addressed as well. Mrs. Zickert noted CDC felt there were problems with the zoning map as it related to Chestatee and the land south of Henry Grady Road. She noted that one could argue there would not be any zoning assigned to that parcel. The developer has requested the option of attached or detached housing because the County has requested a public road on the property thereby limiting the total number of units. This was discussed in the 1988 RPCD approval. In exchange, the master plan for the entire Chestatee Development has been completed. This includes a new amenities package that does not lock CDC into a lap pool, tennis court or cabana. CDC will hear the community on this issue at the time of development. Mrs. Zickert reported CDC has always had the density of 1.1 units/acre, which was allowed at the time Chestatee was rezoned. Therefore, CDC was vested in their rights once they were approved.

The attorney offered comments regarding the Bed and Breakfast. The intent of this element of the master plan was not a hotel. She added the bed and breakfast has always been shown as 32 dwelling units. Mrs. Zickert suggested a golf villa with a total of 12 units with three houses with four rooms each. These could serve as guest quarters for residents of Chestatee. The four-some concept is for guests to enjoy the golfing facilities.

Commissioner Pichon reported the zoning maps do not match up with the deeds in regards with the land south of Henry Grady Road. Mrs. Zickert acknowledged this fact and reported these discrepancies have been detailed in the legal descriptions on the plats.

Commissioner Swafford asked whether EWSA has purported a limit to sewer capacity of the development. The attorney reported that in 2000 EWSA submitted a plan showing 796 unit capacity.

Chairman Berg stated there was originally a plan to sell off portions of the sewer capacity. Mrs. Zickert stated that is no longer an option in the current plan. Chairman Berg then asked whether a marketing study had been performed for the bed and breakfast. Mrs. Zickert stated there is a market for this type of amenity. The Achasta development has been very successful in Dahlonaga. Achasta is used for rent and overflow. Chairman Berg wanted more information about the boat storage amenity and protecting the residents of Chestatee from the site and users. Mrs. Zickert reported the boat storage would only be for residents, with no outside storage and limited slip permits. Appropriate buffers would be added between Haven Ridge and Chestatee. Chairman Berg reported receiving numerous emails about the amenities area. He would like community input on the package. A monetary amount has been committed by the developer. This will be written on the master plan to ensure no confusion in the

future. Upon the 443rd CO being issued, the developer has 12 months to build the amenity facilities. It is anticipated within three or four years. It was made clear (in case CDC sold the lots) whatever the Board voted on would be a part of the property.

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.

Mr. Tom Haywood, 4520 Wahoo Circle, Gainesville, GA spoke on behalf of two residents on Waterfront Park Lane who were present at the meeting. The lifestyle of the area is quiet, outside of golf noise, safe and relaxed. What they are not accustomed to is a hotel/motel facility. He read from a portion of the application citing it as a "legal but non-conforming use". He added the single family zoning does not include a commercial enterprise. He reported Mr. Roland told the Board in the January 2007 hearing that the bed and breakfast would be eliminated from the master plan. He also feels CDC does not have permission to act on Henry Grady Road. In conclusion, he asked the Board to unanimously deny the request.

Commissioner Mike Connor, speaking as a private citizen and as a resident of Chestatee Subdivision, 300 Waterfront Park Lane, Dawsonville, GA spoke in opposition to the application. Chairman Berg asked whether Commissioner Connor received legal advice he could speak as a private citizen. Commissioner Connor reported he did receive counsel from Attorney Frank Jenkins out of Cartersville, GA.

Mrs. Zickert respectfully objected to Commissioner Connor speaking.

Mr. Connor reported he has been involved with this litigation for quite some time. He disagreed with the attorneys working together on an arrangement to end the litigation. He reported the the lack of communication from the attorneys with the citizens of Chestatee. He added the residents and surrounding property owners would like to hear from the developer regarding his goals and rationale of the rezoning. Mr. Connor felt CDC would get everything they initially requested plus the boat storage, a 32 room bed and breakfast and the land. He noted the developer initially wanted to break off a part of Chestatee, add it to the 18.78 acres and Henry Grady Road to create multi-family attached housing. The consensus of the residents of Chestatee is that lower priced units on the golf course would devalue their homes. He feels if the developer had agreed to a true division of the two areas, there would not be a lawsuit at this time. Mr. Connor also noted the developer is still the legal HOA barring the residents from speaking as a whole. He cited 52 residents emailed him with concerns and in opposition of the rezoning application. Mr. Connor offered a list of those concerns: road conditions, security for the 32 room facility, home values, the lack of a performance bond on Nightfire and Dogwood, and users of the amenities. When most residents bought their homes, they were told Chestatee would be single-family homes with a golf course. He thanked the members of the Board who voted two years ago when they denied the original request. He stated the FLUP does not show this area as high density. He reminded

the Board to uphold the rules of the County and protect the citizens of Dawson County including those who live in Chestatee. Mr. Connor requested the Board unanimously deny the request.

Mrs. Sylvia Schwartz, 32 Northeast Cove Road, Dawsonville, GA stated she lives at the corner of Northeast Cove and Nightfire Road. She does not feel the developer should be able to create more roads when he does not keep the current roads up to standard. Mrs. Schwartz feels this intersection is a major safety concern. She reported a high traffic volume due to most people using this as a main entrance, a small shoulder on the road, and potholes in the road.

Mrs. Kathleen Mango, 337 Riversound Lane, Dawsonville, GA spoke on the various issues. 1) The EPD permit is for 20 rooms. 2) Some upgrading on the waste water treatment is needed. 3) Extension of time. The residents of Chestatee and Dawson County to review the Master Plan dated January 15, 2009. The first time the Chestatee residents saw the plan was three days prior. 4) The legal notice does not address the post amenity area, hotel/motel or boat storage facility. Mrs. Mango asked the Board to protect the residents, ensure the developer offers a surety bond, and upgrades the roads now in case of bankruptcy. 6) Definition of the pavilion as HOA amenity, deletion of lots 12 and 13, and new parking lot. With this said, she asked whether the developer was exceeding the 4% commercial component limit. Only detached houses should be allowed in Chestatee and all amenities must be completed prior to any transaction by CDC to sell the property. In conclusion, she feels the vested rights were with McCrae & Stulz (one unit per acre) and not Chestatee Development Corporation.

Mr. Ben Mathis, 58 Parkside Valley, Dawsonville, GA spoke in opposition to the application. He was told upon purchase of his home, a small cottage for overflow guests might be built on the property not a 32 unit facility. He takes issue with the developer changing plans and not having to consult the existing property owners.

Ms. Pixie Ryan, 20 Parkside Valley, Dawsonville, GA spoke to the concerns of the 32 room bed and breakfast and higher traffic volume. She moved to Chestatee because of the peaceful and quiet nature of the country.

Chairman Berg reported time had expired for citizens wishing to speak in opposition.

Mrs. Zickert offered rebuttal to many comments offered by the public. She reported the roads were built to the specifications at of the time and were approved by the County. Either way, this zoning does not hinge on the conditions of the roads. The developer has agreed to abandon the bed and breakfast concept and substitute a golf villa. She added CDC has always owned the property, McCrae & Stolz acted as a development arm for CDC, therefore CDC has vested rights. All property owners were notified via County property records. Also, the minimum square foot requirements are 2,000 sq.ft. (in writing)

whether the Board approves attached or detached. Sidewalks were in both sections of the development.

Mrs. Zickert stated she does not know what more the developer could do to please residents.

Mrs. Lynn Tully, Community Development Director reported Section 308.A reads if the developer builds single-family homes, the amenities can be constructed at anytime. Once the developer builds a multi-family home, the amenities must be built within a time frame. CDC has committed to completing the amenities within a 12 month time frame if they build multi-family homes. Typically, an attached home is not considered single-family. Dawson County does not define single and multi –family homes.

Commissioner Pichon asked for clarification on the discrepancies in ROW on the various plans submitted to the Board. Mrs. Tully reported the 60' ROW is the current County standard. She added ROW is not necessarily pavement but property. Chestatee previously asked for a variance to have smaller roadways. This request was approved. Mr. David Headley, County Engineer, reported the pavement width is 24'. The Board could approve a 50' ROW if there was a curb and gutter.

Commissioner Pichon stated the Board has upheld the FLUP and has not granted many variances to that plan. He added the Board is in a different situation given that the Board does not have the full law backing them. Finding common ground by means of a settlement is in the best interest of all involved in Dawson County.

Commissioner Pichon made a motion to approve ZA 06-26 with the following stipulations:

- All changes shall be entered on the map;
- The bed and breakfast be 10 rooms, two buildings;
- Architecturally compatible with the balance of Chestatee;
- The request for Creekside of 23 attached or detached units be approved constructed to the same general appearance as Chestatee;
- The boat storage be used for members of Chestatee only;
- Boat storage must have an 8' opaque fence;
- Screened by plantings of 6' high Leyland Cypress, 10' centers, disbursed on 8' centers;
- 42" Elaeagnus plantings be in the middle;

The developer, with the consultation of the residents of Chestatee, provide a like value of three tennis courts, lap pool, and cabana.

Motion dies for lack of a second.

Commissioner Nix expressed concern regarding the number of rooms. She stated she would agree on six to eight rooms. Chairman Berg stated a quad setup for golfers is in mind. Commissioner Pichon stated a bed and breakfast could be defined as a house with one less bedroom than in the area. Regarding the boat storage Chairman Berg asked the Board to consider no outdoor storage be a part of the motion as well as a value of the amenities package. Commissioner Pichon stated the items in the amenities package may not be what the residents want later on.

Motion passed 3-1 to approve ZA 06-26 as submitted to include the 2009 Master Plan for Chestatee Development dated January 13, 2009 by Rochester & Associates with the following stipulations:

1. All changes shall be entered on the map;
2. The bed and breakfast be limited to a total of 6 rooms, one or two buildings;
3. The original buildings shown as the 32 room Bed and Breakfast (on the 2009 Master Plan for Chestatee Development) which are unused shall be returned as lots and counted towards the 543 total;
4. Architecturally compatible with the balance of Chestatee;
5. The 23 houses of Creekside shall be attached or detached units, shall be approved and constructed to the same general appearance as Chestatee proper;
6. The boat storage be used for members of Chestatee only;
7. No outdoor storage be allowed at the boat storage facility;
8. Boat storage must have an 8' opaque fence; screened by plantings of 6' high Leyland Cypress, 10' centers, disbursed on 8' centers; 42" Elaeagnus plantings be in the middle;
9. The three unlighted tennis courts, lap pool and cabana shall be constructed as drawn.

Motion passed 3-0 to amend the main motion to include the amenity package be changed to read that the developer provide an amenity package based upon the input from the citizens of Chestatee equivalent to the value at construction to three unlighted tennis courts, lap pool and cabana. Pichon/Nix. Commissioner Connor recused himself from the vote.

Pichon/Nix. Commissioner Swafford opposed the main motion. Chairman Berg voted to approve the motion. Commissioner Connor recused himself from the vote.

VR 06-26: Chestatee Development Corporation and Rowland Development Company have submitted a request for a variance regarding a 20 acre tract located in Land Lots 26 and 36 of the South Half of the 13th Land District, Dawson County, Georgia (Henry Grady Highway), TMP 118-8, 8.01, currently zoned VCR, to permit attached housing, a maximum of 3 units per acre (as opposed to 2.7 units per acre), and to permit a minimum lot size of 5,000 square feet if developed as detached housing, and to permit a front setback of 10 feet, a rear setback of 10 feet, and a size setback of 0 feet or 10 feet roof line to roof line.

Mrs. Zickert formally objected to Commissioner Connor participating in VR 06-26. She stated this portion of the hearing is what led to most of the concerns from residents. In the previous zoning maps, this tract of land has been shown RA, RPCD and VCR. Mrs. Zickert requested all variances be approved. She reported the variances are needed due to the topography. She added the following features are in this section of the development: sidewalks, 42' ROW, signage denoting private roadway, same general standards of Chestatee, and 2,000sq.ft. minimum.

Mr. Bradley Dunkel, 3703 Timberwalk Drive, Gainesville, GA, clarified the issue of the roof construction. He stated the roofs will fit with the architectural guidelines specific to each neighborhood.

Chairman Berg asked anyone who wished to speak in favor of the application and hearing none asked whether anyone wished to speak in opposition of the application. He added the same rules apply to the VR 06-26 as ZA 06-26.

Mrs. Kathleen Mango, 337 Riversound Lane, Dawsonville, GA, reminded the Board that a variance should only be approved for practical difficulties or unnecessary hardships that would deem the tract to be useless which she does not feel the applicant has proved.

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

Commissioner Connor motioned to deny the variance request. Motion died for lack of second.

Motion passed by majority to approve VR 06-26 as submitted to include the following requests made in the application:

- To permit attached housing or detached housing;
- If attached housing, a maximum of 3 units per acre (as opposed to 2.7 units per acre);
- If detached housing, a minimum lot size of 5,000 square feet if developed as detached housing; and
- a front setback of 10 feet, a rear setback of 10 feet, and a side setback of 0 feet or 10 feet roof line to roof line;

In addition to the submitted application were the following stipulations:

- not to exceed 60 units;
- all housing will be built to the architectural standards (of Chestatee) as offered by the applicant.

Commissioner Connor moved to amend the main motion to include the total acreage is defined by the source document. Motion died for lack of second.

County Attorney Homans reported the applicant must turn in a survey to be recorded in the Clerk of Court's office. Chairman Berg suggested the main motion be amended to include the recorded plat be the source document. A plat was filed with the application dated January 13, 2009. Commissioner Pichon asked the Board to tie the source document to the total number of units allowed regardless of acreage. Commissioner Connor expressed a desire for a firm division between the Chestatee and non-Chestatee properties. He added if the Board approves the variance it should be a certain number of units based on the acreage involved.

Motion passed by majority to approve the amendment the main motion to include the filed plat to be the source document. Swafford/Pichon Commissioner Connor opposed the motion.

Motion passed by majority to approve the main motion with one amendment. Pichon/Nix Commissioner Connor opposed the motion.

ZA 08-17: Russ Wallace has submitted a request to rezone 2 acres known as TMP #113 183 from C-PCD (Commercial Planned Comprehensive Development District) to C-IR (Commercial Industrial Restricted District) for a dog food processing facility; located at 91 West Hightower Drive. The applicant submitted a withdrawal at the Planning Commission meeting dated 01/06/09. The Planning Commission has approved the w/d and recommended denial of the refund request of \$2500.00.

Chairman Berg stated the Board would have to vote on the refund request. A formal letter of withdrawal and refund was made part of the packet.

Motion approved to accept the withdrawal of the application. Swafford/Nix

Mr. Russ Wallace, 7707 Old River Road, Dahlonega, GA requested a full refund in the amount of \$2500.00. He questioned why the fees were so high. The applicant stated the broker who wanted to purchase the property withdrew the contract in December 2008 after an advertising error on the part of the County. He reported the County was going to initiate a rezoning of the area to CIR therefore making the application unnecessary. Mr. Wallace added he would not be manufacturing dog food as the notice described; he was simply selling a building.

Mrs. Tully stated the fees are based the intensity of uses that are being asked. The higher the intensity use, the higher the fee. \$2500.00 is the highest fee billed. She added reported in this case, there was more research involved to show this use was allowed in CIR.

Mrs. Tully stated Mr. Wallace did not turn the application completed in on time to meet the deadlines. The Community Development department attempted to schedule a special called meeting. The department failed to correctly advertise for that hearing therefore pushing the hearing back until January 6, 2009. She added this fee does not include the advertising mistake on the part of the Community Development department.

Mrs. Tully stated there was no precedent in refunding funds to commercial businesses. The last request was made by Lab Depot where the Board denied the request.

Commissioner Connor reported he would like to refund Mr. Wallace all fees other than those paid out by the County.

Mrs. Tully was directed to bring back an itemized invoice to the Board. This bill should show advertising, staff time, and all other costs.

Motion passed unanimously to postpone the refund request until the next voting session on February 5, 2009. Pichon/Connor

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Approval of County to be fiscal agent for Mentoring Program

Motion passed unanimously to approve the County to be the fiscal agent for the Mentoring Program.
Nix/Connor

Approval of the Inmate Medical proposal

Motion passed unanimously to approve the Inmate Medical Proposal. Pichon/Swafford

Installment Sale Agreement dated April 1, 2004 with ACCG and Dawson County SPLOST IV Land Acquisition

Motion passed unanimously to approve the Installment Sale Agreement as submitted. Pichon/Swafford

Approval of the Windstream Cable Television Franchise Agreement

Motion passed unanimously to approve the Windstream Cable Television Franchise Agreement.
Pichon/Nix

Approval of the Fire Station Architect preliminary design

Motion passed unanimously to approve the Fire Station Architect preliminary design. Swafford/Connor

Approval of BOC expenses for 2008

Motion passed unanimously to postpone this item until all commissioners have submitted reimbursement. Pichon/Connor

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

Motion passed unanimously to approve Kevin Tanner as the County Manager. Pichon/Swafford

Motion passed unanimously to approve Davida Simpson as the County Clerk. Nix/Swafford

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

Motion passed unanimously to approve Gary Pichon as the Vice Chairman. Nix/Swafford

Approval of the Tax Commissioners Ordinance and Resolution

Commissioner Pichon noted the Tax Commissioner shall submit an annual report to the Board and when there is an instance of \$10,000.00 or more.

Motion passed unanimously to approve regarding the Tax Commissioner Ordinance. Swafford/Pichon

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - January 29, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JANUARY 29, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

K. NEW BUSINESS

1. Application for Permit for the Adventure Race – Jack Forester

This item will be placed on the 02/05/09 Regular Meeting Agenda.

2. Update of the Chamber of Commerce Convention & Visitors Bureau – Marty Williams

This item was for information only.

3. Approval of the Chamber of Commerce Hotel/Motel Taxes Contract – Linda Williams

This item will be placed on the 02/05/09 Regular Meeting Agenda.

4. Approval of the Legacy Link Addendum #1 Nutrition Program – Director Margie Weaver

This item will be placed on the 02/05/09 Regular Meeting Agenda.

5. Approval of the New Hope Road construction contract with JJE Constructors - Purchasing Agent Jill Rathe

This item will be placed on the 02/05/09 Regular Meeting Agenda.

6. Fueling Station at Burt Creek Complex – Purchasing Agent Jill Rathe & County Manager Tanner

This item will be placed on the 02/05/09 Regular Meeting Agenda.

7. IGA with Board of Education on the Fueling Station – County Manager Tanner & County Attorney Homans

This item will be placed on the 02/05/09 Regular Meeting Agenda.

8. Approval to hold hearings regarding the Re-adoption of the Current Zoning Maps – Community Development Director Lynn Tully

This item will be placed on the 02/05/09 Regular Meeting Agenda.

9. Approval of the Courthouse Architect preliminary design – Rosser, Inc. & County Manager Tanner

This item will be on a future agenda.

10. County Manager Report

This item was for information only.

11. County Attorney Report

This item was for information only.

APPROVE:Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - February 5, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – FEBRUARY 5, 2009

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 Swafford, 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: Mrs. Stacey Leonhardt – Chestatee Regional Library

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

County Manager Tanner presented Finance Director Lowayne Craig and the Finance Department with a plaque in recognition of Government Finance Officers Association certificate of achievement for excellence in financial reporting, 2007 CAFR.

Chairman Berg reported the County received notification ACCG will be sending the insurance rebate in the amount of \$32,217.00.

County Clerk Simpson reported receiving a bond copy of the Codification of the Dawson County Codes. County Attorney Homans added this has been a long process. This item will be on next week's Work Session agenda for approval to hold public hearings.

APPROVAL OF MINUTES:

No minutes to be approved at this time.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda addition of the Courthouse Design Discussion and Letter to the City regarding Atlanta Motorsports Park. Nix/Swafford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Application for Permit – Adventure Race

Motion passed unanimously to approve the Adventure Race Application for Permit as submitted.
Connor/Swafford

Approval of the Chamber of Commerce Hotel/Motel Taxes Contract

Motion passed unanimously to approve the Chamber of Commerce Hotel/Motel Taxes Contract with the stipulation last year's financials are turned over to the finance department. Pichon/Nix

Approval of the Legacy Link Addendum #1 Nutrition Program

Motion passed unanimously to approve the Legacy Link Addendum #1 Nutrition Program.
Connor/Swafford

Approval of the New Hope Road construction contract with JJE Constructors

Motion passed unanimously to approve the New Hope Road construction contract with JJE Constructors in the amount of \$46,250.00 as submitted in Contract #7208 IFB. Swafford/Nix

Fueling Station at Burt Creek Complex

Motion passed unanimously to approve the contract with Leslie Contracting in the amount of \$140,000.00 to construct the fueling station at Burt Creek Complex as submitted in Contract #7608RFP. Pichon/Nix

IGA with Board of Education on the Fueling Station

Motion passed unanimously to approve the Intergovernmental Agreement with the Dawson County Board of Education with the stipulation if any substantial changes are submitted by the BOE Board; this item will be brought back before the Board in two weeks. Pichon/Swafford

Approval to hold hearings regarding the re-adoption of the Current Zoning Maps

Motion passed unanimously to hold two hearings regarding the current zoning maps. Swafford/Nix

Request for refund of zoning application fees – Mr. Russ Wallace

Motion made to refund \$588.92. Pichon/Swafford

Amended motion passed unanimously to approve the request to refund \$88.82

Courthouse Design Discussion

Motion to move forward with the Courthouse Design. Nix/Connor

Letter to City of Dawsonville regarding the Atlanta Motorsports Park

Motion passed unanimously to send the following letter to the City regarding the Atlanta Motorsports Park. Pichon/Swafford

“February 6, 2009

To the Mayor and Council Members of the City of Dawsonville

As all in the community are aware, you are faced with making a decision about the proposed Motor Sports Park. As you consider the various elements you are required to balance under the laws of Georgia, we are aware of the weight of the decision you bear. As those who have had to make these kinds of choices, we understand that people of good will may legitimately arrive at different conclusions even after having heard and examined all the applicable evidence.

The Board of Commissioners does not presume to tell the City how to arrive at the final conclusion. The jurisdiction is yours. That burden and right is recognized to be yours and yours alone.

Our commissioner has not heard all the facts first hand and you have. We have not conducted the hearings as you have. We have not seen all the various studies as you have.

As you are aware we have begun to think about a noise ordinance for the County area of jurisdiction. That effort is not intended to try and regulate noise within the City, nor is it an attempt to try and suppress the potential Motor Sports Park. We know that any ordinance which we may adopt will have no efficacy within your jurisdiction unless you were to adopt a like set of rules.

The Members of the Board of Commissioners have individually considered the issues of noise, lights, hours of operation, fuel storage, water quality, the proximity of DNR land, and soil erosion. And we have considered the potential of job creation and the possible tax stream revenues which may accrue. We have heard the concerns about the possible "performance bond". And we are aware that we will have to request that GDOT put in some turn lanes or other changes to Highway 53 to improve access safety, and that Duck Thurmond Road would likely need widening and improving at the expense of the developer should this project be approved.

The Board of Commissioners is in agreement that this project holds the promise of some very positive outcomes for this County and the City. But, it also may present real and substantial noise, to not only those living in the jurisdiction of the City, but in the County as well.

We believe that the necessary regulations and stipulations are in place to handle many of the negative except possibly excessive noise.

The uncertainty surrounding the issue of noise is difficult to remove. Weather, type vehicles, time of day, conditions of the mitigation elements, seasons of the year, numbers of vehicles, condition of the

asphalt, etc., make the mathematical modeling by sound engineers a very, very, difficult problem. We understand that a mathematical sound study is underway.

We would also request that some public demonstrations be made available showing the noise reductions possible with different noise mitigation systems being contemplated by the developer.

We, like you, would like for this to be a great success for all involved and measure of that success would be having a noise level that does not adversely affect the health, safety and welfare of the citizens of Dawsonville and Dawson County.

Respectfully,

Mike Berg,

Chairman on behalf of the Dawson County Board of Commissioners”

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

Mrs. Jean Schilling, 336 Elliot Family Parkway, Dawsonville, Georgia offered comments regarding the Atlanta Motorsports Park and the Noise Control Ordinance.

APPROVE:Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Agenda - February 19, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – FEBRUARY 19, 2009

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 Swafford, 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: Spencer Wright & the Dawson County Chamber Singers

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported the Board of Commissioners will hold a work shop on Impact Fees on Monday, February 23, 2009 at City Hall starting at 9:00am. The public is invited to attend.

County Manager Tanner announced the Dawson County Recycling Center will have a Green Ribbon Cutting on Thursday, February 26, 2009 at 2:00pm at the Dawson County Transfer Station.

County Attorney Homans invited the Board to attend the 2009 North Georgia Forecast by Mr. Frank Norton at the Lakeview Center starting at 11:30am. This discussion is being hosted jointly by the Dawson County Kiwanis and Rotary Clubs.

APPROVAL OF MINUTES: No minutes to be approved at this time.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as submitted.

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 #08-18: Ben Trail has submitted a request to rezone a 3.008 acre tract known as TMP #114 040.002 and 114 040.003 from C-IR (Commercial Industrial Restricted) to C-HB (Highway Business Commercial) for a proposed restaurant, motel, office spaces and retail use; located at Dawson County Industrial Park Road and 400 Center South.

Mr. Ben Trail, 3898 War Hill Park Road, Dawsonville, Georgia answered questions from the Board. He reported in 1983, the parcel was divided into two tracks. One was zoned CHB and the other CIR. He is requesting the CIR track be rezoned back to CHB. All ROW issues have been solved.

He noted interconnectivity was not possible due to hesitation on the part of one adjacent property owner. Mr. Trail added he has interested tenants but no one under contract at this time.

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

Mr. Charlie Auvermann, 135 Prominence Court, Suite 170, Dawsonville, Georgia spoke in favor of the application on behalf of the Development Authority of Dawson County. He reported the property was owned by the Development Authority as part of an industrial park. As part of the industrial park, there is a set of deeds and covenants that is still in force by the Planning Department. The Development Authority does not have an objection to the rezoning of this property.

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

Motion passed unanimously to approve the application as submitted. Pichon/Nix

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Approval to Increase of Hotel/Motel Tax Resolution

Motion passed unanimously to approve the Increase of the Hotel/Motel Tax Resolution with the stipulation the funds will go to the Dawson County Convention and Visitors Bureau division of the Chamber of Commerce. Pichon/Nix

Approval of the Voter Registration Lease agreement

Motion passed unanimously to approve Voter Registration Lease agreement. Connor/Nix

Approval to hold Public Hearings regarding the Noise Control Ordinance

Motion passed unanimously to hold Public Hearings regarding the Noise Control Ordinance with the addition of the definitions of ATV and motor vehicle out of Official Georgia Code Annotated. Connor/Swofford

Approval to hold public hearings regarding the Dawson County Codification

Motion passed unanimously to hold Public Hearings regarding the Code of Dawson County, Georgia. Nix/Swofford

Approval of BOC 2008 Expenses

Motion passed unanimously to approve the BOC 2008 Expenses as submitted. Connor/Nix

Beer License - Ricardo Torres d/b/a Taqueria la Morena

Motion passed unanimously to approve the Beer License request by Mr. Ricardo Torres d/b/a Taqueria la Morena. Connor/Pichon

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

Mrs. Jane Graves, 224 Park Cove Road, Dawsonville, Georgia spoke on the subjects of the Noise Control Ordinance and in rebuttal to a Letter to the Editor.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - February 26, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, FEBRUARY 26, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

K. NEW BUSINESS

1. Application for Permit: Kiwanis 5K Run – Mrs. Becky Holbrook

This item will be placed on the 03/05/09 Regular Meeting Agenda.

2. NACo Prescription Drug Program – HR Director Jay Sessions

This item will be placed on the 03/05/09 Regular Meeting Agenda.

3. Approval of Vendor and Contract for Calcium Chloride – Purchasing Director Jill Rathe

This item will be placed on the 03/05/09 Regular Meeting Agenda.

4. Approval of Vendor and Contract for Ambulance Preventive Maintenance & Repair – Purchasing Director Jill Rathe

This item will be placed on the 03/05/09 Regular Meeting Agenda.

5. Approval of the Vendor and Contract for Fire Apparatus Preventive Maintenance & Repair - Purchasing Director Jill Rathe

This item will be placed on the 03/05/09 Regular Meeting Agenda.

6. Fire Prevention & Safety Grant Application – EMA Director Billy Thurmond

This item will be placed on the 03/05/09 Regular Meeting Agenda.

7. Discussion of a County Vehicle Policy – County Manager Tanner

This item will be placed on the 03/12/09 Work Session Agenda.

8. Request to advertise to purchase Backhoe for Public Works – County Manager Tanner

This item will be placed on the 03/05/09 Regular Meeting Agenda.

9. Update on Turner property – County Manager Tanner

This item will be placed on the 03/05/09 Regular Meeting Agenda.

10. County Manager Report

This item was for information only.

11. County Attorney Report

This item was for information only.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - March 5, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – MARCH 5, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Swafford, 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. District 1 Commissioner Pichon was absent.

OPENING PRESENTATION: Dawson County Arts Council – Marcia Chelf, Director of the Bowen Arts Center and Mary Bob Fox

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported the death of Johnny Holtzclaw's grandmother. Mr. Holtzclaw is the former Chief Magistrate Judge and works for Dawson County Sheriff's Department.

Chairman Berg reported he had spoken to Mrs. Sue Tennant this week. She is recovering well.

He also visited Mr. Charles Duncan in the hospital. He is scheduled to be released next week.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on January 22, 2009. Nix/Swafford

Motion passed by majority to approve Minutes of Regular Commission Meeting held on February 5, 2009. Nix/Swofford Commissioner Connor opposed the motion.

Motion passed by majority to approve Minutes of Regular Commission Meeting held on February 19, 2009. Swafford/Nix Commissioner Connor opposed the motion.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as submitted. Nix/Swofford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Approval of the Code of Dawson County, Georgia (1st of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the codification of Dawson County's ordinances and hearing none closed the hearing. The next hearing will be on March 19, 2009.

OLD BUSINESS:

None

NEW BUSINESS:

Application for Permit: Kiwanis 5K Run

Motion passed unanimously to approve the Kiwanis 5K Run Application. Connor/Swofford

NACo Prescription Drug Program

Motion passed unanimously to approve the NACo Prescription Drug Program. Nix/Connor

Approval of Vendor and Contract for Calcium Chloride

Motion passed unanimously to award bid #8509IFB to Gainesville Janitorial and approve entering into the resulting contract. Nix/Swafford

Approval of Vendor and Contract for Fire Apparatus Maintenance & Repair

Motion passed unanimously to approve the contracts with Peach County Ford as recommended. Nix/Swafford

Approval of Vendor and Contract for Ambulance Preventive Maintenance & Repair

Motion passed unanimously to approve the contracts with Peach County Ford as recommended. Swafford/Nix

Fire Prevention & Safety Grant Application

Motion passed unanimously to approve the Fire Prevention & Safety Grant Application as submitted. Connor/Swafford

Request to purchase Backhoe for Public Works

Motion passed unanimously to go out to bid for a Backhoe. Nix/Swafford

Authorization to enter into contract with Turner family

Motion passed unanimously to direct the County Attorney to draft a contract between the County and the Turner Family to purchase 1.3 acres behind the Dollar General property per the survey documents; provide an easement to the Turner Family through County property AND to negate the condemnation process for the property between the current courthouse and historic courthouse. This property is commonly known as the gravel lot. Connor/Swafford

EXECUTIVE SESSION:

Motion passed unanimously to enter into executive session to discuss one legal issue. Nix/Swafford/Connor/Berg

Motion passed unanimously to come out of executive session to return to open session. Nix/Swafford/Connor/Berg

Motion passed unanimously to settle the workman's compensation case as suggested by ACCG.
Nix/Swafford

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - March 19, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – MARCH 19, 2009

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 Swafford, 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.

SPECIAL PRESENTATION: Recognition of Dawson County's 11-12 girls All Star team for winning the State Basketball Champions – Lisa Henson, Parks & Recreation Director

OPENING PRESENTATION: Dana Chapman – Rape Crisis

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Dawson County has obtained the non-attainment status with Georgia EPD. There are several options to consider. More information will be available in the future.

Commissioner Connor made the following appointments:

District 3 Planning Commissioner - Lionel Graves

District 3 Planning Commissioner Alternate - Arlene McClure

These terms are from January 1, 2009 – December 31, 2010

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on March 5, 2009. Nix/Swafford

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the addition of Planning Commissioner appointments under announcements.

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Noise Control Ordinance (1st of 2 hearings)

Mr. Dick Scharf, 1103 Woodpecker Lane, Big Canoe, GA gave a presentation highlighting issues that have not been addressed in the proposed noise control ordinance. A few of those concerns were quiet hours (day and night); plainly audible versus decibel standard; more definitions in the ordinance defining terms as not to leave gaps in the law.

Ms. Cherrie Racine, 35 Windsor Court, Dawsonville, GA would like to see a change to the daytime hours.

Mrs. Sue Poynter, 156 Poplar Trail, Dawsonville, GA urged the Board to pass a noise ordinance. She added the ordinance does not diminish law enforcement's view in the public.

Mr. Jackie Townley, 1061 Memorial Park Road, Dawsonville, GA asked the Board to consider business/construction owners when adopting the ordinance. He noted some exceptions need to be street sweepers, garbage trucks, poultry, repair work (water lines, electrical, etc.).

Mr. Vernon Smith, 182 East View Drive, Dawsonville, GA asked if this ordinance is needed at this time. He feels if this ordinance is too specific making enforcement harder on law enforcement.

Chairman Berg asked whether anyone else wished to speak on the Noise Control Ordinance and hearing none closed the hearing. The second hearing will be April 2, 2009.

Land Use Resolution Zoning Map (2nd of 2 hearings)

Chairman Berg announced this is the second hearing on the map. One minor change was added due to a recent zoning. Chairman Berg asked whether anyone wished to speak on the Land Use Resolution Zoning Map and hearing none closed the hearing.

Motion passed unanimously to adopt the Land Use Resolution Zoning Map as submitted. Pichon/Nix

Approval of the Code of Dawson County, Georgia (2nd of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the codification of Dawson County's ordinances and hearing none closed the hearing. The County Attorney and County Clerk have requested this item be tabled for further review due to several items that were omitted. If there are substantial changes made, more hearings will be held to hear public comment.

Motion passed unanimously to table the approval of the Code of Dawson County, Georgia.

OLD BUSINESS:

None

NEW BUSINESS:

Proclamation recognizing National Assoc. of Social Workers

Motion passed unanimously to approve the Proclamation recognizing National Association of Social Workers. Connor/Swofford

Mrs. Jennifer Rager and Mrs. Shirley Adams accepted the proclamation.

Approval of Vendor and Contract of the Hot Asphalt bid

This bid does not commit the County to purchasing any materials.

Motion passed unanimously to approve the Vendor and Contract with Baldwin Paving Company with the Hot Asphalt bid. Nix/Connor

Discussion of the County Vehicle Policy

Motion passed unanimously to approve the Vehicle Use Policy as presented by the County Manager. Pichon/Nix

Motion passed unanimously to approve the Vehicle Replacement and Maintenance Policy as presented by the County Manager. Nix/Pichon

Motion passed unanimously to approve the staff to bid to either purchase or to enter into a municipal lease of a modular building to be located at the transfer station to house the road department offices and the transfer station supervisor's office. Swafford/Nix

Motion passed unanimously to approve the purchase of the recommended equipment to allow county staff to perform vehicle maintenance in-house. The funding for these purchases will come from the existing vehicle budgets and will be proportionately deducted from each department's vehicle maintenance budget. This also authorizes finance to establish a fleet maintenance fund to account for the maintenance activity. Nix/Swafford

Discussion of the proposed changes to the Planning Commission Ordinance

Motion passed by majority to hold two public hearings regarding changes to the Planning Commission Ordinance. Pichon/Swafford Commissioner Connor opposed the motion.

Board Appointments for the Tree Preservation Committee

Motion passed unanimously to re-appoint Mr. Dave Hinderliter to the Tree Preservation Committee. Pichon/Nix

Motion passed unanimously to appoint Mr. Jim Smith to the Tree Preservation Committee replacing Mr. Tim Costley. Nix/Pichon

Motion passed unanimously to re-appoint Mr. Carl Bailey to the Tree Preservation Committee.
Swafford/Connor

All terms will expire January 2013.

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - April 2, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – APRIL 2, 2009

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 Swafford, 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: Keep Dawson County Beautiful – Mrs. Cathy Brooks

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported on April 29, 2009 there will be a poverty simulation by UGA and sponsored by Family Connection. The simulation will be held at Veterans Memorial Park from 3pm-5pm. Also, the Ninth District Opportunity will be holding their monthly food distribution on April 16, 2009. This will be held at Veterans Memorial Park beginning at 9am.

APPROVAL OF MINUTES:

No minutes to approve at this time.

APPROVAL OF THE AGENDA:

Two items were removed from the agenda:

The Board has already held the second hearing for the Approval of the Code of Dawson County, Georgia. This has been sent back to staff for revisions. This item will be placed back on a future agenda.

Also, the Approval of the Medical Director for the Dawson County Detention Center needs to be removed from the agenda. The contact at ACCG regarding medical is not available for questions at this time. This item will be added to the March 19, 2009 Voting Session.

Motion passed unanimously to approve the agenda with the two changes noted. Nix/Swofford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Noise Control Ordinance (2nd of 2 hearings)

Chairman Berg stated the Board has received numerous emails and letters regarding this topic. All have been reviewed. County Attorney Homans reported there were minor verbiage changes made between the two public hearings. No substantive changes were made.

Chairman Berg asked whether anyone wished to speak on the Noise Control Ordinance.

Mr. Carl Dean, 2031 McElroy Mountain Drive, Dawsonville, GA gave a presentation to the Board of Commissioners. He reported a good noise ordinance does not control noise but responsible behavior and governance. It is for continuance sounds not occasional sounds. All counties south of Dawson have noise ordinances but it was after the growth. Mr. Dean would like Dawson County to be proactive rather than being reactive. He added no objective standards are set (plainly audible) and no day/night time hours are specified. He asked the Board to consider making these changes to the Noise Control Ordinance.

Mr. Tony De Vita, 580 Kilough Church Road, Dawsonville, GA quoted the Dawson County Mission statement. He added there is a substantial noise problem in this area. A few of those noises are ATV, dog and other common noises.

Ms. Sexton, 109 Valley Brook West, Dawsonville, GA reported she is a migraine sufferer and would like the ordinance to include day time hours.

Mrs. Arlene McClure, 1007 Stowers Road West, Dawsonville, GA stated keeping the environment beautiful does not exclude noise pollution. She feels the plainly audible standard is too vague.

Mr. Kurt Brookshire, 753 Reece Road, Dawsonville, GA stated mandating ATVs have mufflers will not correct the problem. He would like to Board to work with the City of Dawsonville to give equal protection to citizens of the city and county.

Mrs. Terri Tragesser, 44 Gold Bullion Drive, Dawsonville, GA asked the Board to adopt decibel levels as opposed to a plainly audible standard. She expressed her support for the recommendations by the citizen committee.

Mr. Zach Buice, 165 Payton Duncan Drive, Dawsonville, GA asked the Board to adopt daytime hours.

Mrs. Jane Graves, President of the Home Owners Association, 224 Park Cove Road, Dawsonville, GA, reported the reason for quantitative measures is not to stop enterprise but is to protect what is currently in place. She would like the County to be proactive as opposed to reactive to a population increase. She reported other surrounding counties have adopted decibel levels as the standard.

Mr. Brooke Anderson, General Manager of Etowah Water & Sewer Authority, 1162 Hwy 53 East, Dawsonville, GA, asked for an exemption for EWSA under Section 7 for the purposes of operation, construction and maintenance. He added the activities of EWSA are for the public health and welfare of the residents of Dawson County and cannot always abide by daytime hour and noise restrictions.

Mrs. Kathleen Mango, 337 River Sound Lane, Dawsonville, GA reported she gave the Board NY State ordinances and would like to take some of the concepts and add them to the Dawson County ordinance. She added monetary penalties will not be enough for larger corporations. She would like a stop work order for three days.

Commissioner Connor gave a presentation to the Board regarding this issue. The US Census Bureau cites noise as one of the top four factors for neighborhood issues. There are many physical stresses put on the body by noise. He stated the citizens committee and staff are close to a good ordinance but subjective standards need to be applied.

Commissioner Pichon reported none of the counties with similar demographics that of Dawson County have a noise ordinance. He reports finding no county north of Atlanta has quantitative standards. He cited Forsyth, Cherokee and Hall counties take the quiet hours approach. In years past the Board has passed very stringent regulations regarding several issues (Impact Fees, 400 Overlay, etc.) that now makes it harder for businesses to come to Dawson County. He added the Sheriff will need to agree with the ordinance in order to enforce it.

Chairman Berg added the Board may need to look at daytime hours as well as zoning districts criteria.

County Attorney Homans reported the term “plainly audible” is not his term but a term the Georgia Supreme Court has upheld. The Court stated “...plainly audible provides clear notice of what conduct is prohibited. The statute prohibits sound plainly audible of 100 feet provides an objective standard with which persons are to comply.” This ruling has withstood challenges since 2000. He noted staff has recommended 50 feet.

Code Enforcement Sgt. Robbie Irvin reported Dawson County responded to 122,738 service calls in 2008. Of that total, 162 of those complaints were noise related complaints. Code Enforcement responded to three complaints while under Community Development. Sgt. Irvin will bring back more information for the Board at the next meeting. He added the decibel meter would best serve commercial districts.

1:28:34 (info for Davida – will be removed once approved)

Motion to adopt the ordinance as presented. Pichon/Nix Commissioner Connor opposed the motion.

Motion passed by majority amend page 5, paragraph 11 – Change 11:00 pm to 10:00 pm. It will now read 10:00 pm-6:00 am Nix/Pichon Commissioner Connor objected to the motion.

Commissioner Connor motioned to accept the offer by the citizen group along with Mrs. Jane Graves to continue work with staff on a new ordinance to include the Land Use Resolution. Motion dies for lack of second.

Motion passed by majority to amend the main motion to include 24/7 quiet hours in a residential areas. Swafford/Connor Commissioner Pichon opposed the motion.

Motion passed unanimously to amend the previous motion to include 7:00 am-10:00 pm to a 100 foot standard (moving from 50 feet during daylight hours in residential area). Pichon/Nix

Motion passed unanimously to hold one additional public hearing to receive input from citizens regarding the amendments made previously and not to vote on adopting the Noise Control Ordinance at this time. Connor/Pichon Hearing will be on May 7, 2009.

OLD BUSINESS:

None

NEW BUSINESS:

DHR Unified Transportation Grant

Motion passed unanimously to approve the DHR Unified Transportation Grant. Connor/Swafford

Approval of additional Health Environment fees

Motion passed unanimously to hold public hearings regarding the Additional Health Environment Fees. Pichon/Nix Hearings shall be on May 7, 2009 and May 21, 2009.

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - April 9, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, APRIL 9, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

K. NEW BUSINESS

1. PROCLAMATION: Silver Star Banner Day – County Clerk Simpson

This item will be placed on the 04/16/09 Regular Meeting Agenda.

2. PROCLAMATION: Dawson County Community Clean-Up Day – Government and Community Affairs
Cathy Brooks

This item will be placed on the 04/16/09 Regular Meeting Agenda.

3. Approval of the Vendor and Contract for the Backhoe – Purchasing Agent Jill Rathe

This item will be placed on the 04/16/09 Regular Meeting Agenda.

4. Approval of the K9 Rescue Team Fundraiser – Deputy Chief Satterfield

This item will be placed on the 04/16/09 Regular Meeting Agenda.

5. Approval to bid for a General Contractor for the Fires Station – County Manager Tanner

This item will be placed on the 04/16/09 Regular Meeting Agenda.

6. Discussion of Impact Fee Structure Review – County Manager Tanner

This item will be placed on the 04/16/09 Regular Meeting Agenda.

7. Discussion of Noise Control Ordinance – Chairman Berg

This item was for information only. Next Public Hearing on 05/07/09.

8. County Manager Report

This item was for information only.

9. County Attorney Report

This item was for information only.

10. PROCLAMATION: Nation County Government Week "Greening Our Future" - Government and Community Affairs Cathy Brooks

This item will be placed on the 04/16/09 Regular Meeting Agenda.

11. Permit for Assembly: Dawson County Rotary Club – 30, 50 & 100mile Bike Ride – Tom French, Rotary President

This item will be placed on the 04/16/09 Regular Meeting Agenda.

12. Approval of the contract to purchase 1.3 acres for Courthouse – County Manager Tanner

This item will be placed on the 04/16/09 Regular Meeting Agenda.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - April 16, 2009

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Regular Meeting Minutes - May 21, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – MAY 21, 2009

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 Swafford, 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: Vocational Rehab Program – Lynn Stewart

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported the Dawson County Boy Scouts attended the meeting. Symphony Night is downstairs at City Hall at 7:30pm.

APPROVAL OF MINUTES: None

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the following changes:

- Removal of VR 09-03. The applicant withdrew his request to be heard before the Board of Commissioners.
- Addition of #14 Permit of Assembly: Tour of Atlanta Bicycle Race on May 25, 2009.
- Addition of #15 K9 Grant Proposal – Sheriff Billy Carlisle

- Move PROCLAMATION: Dawson County High School Graduating Class Lock-In to the beginning of the agenda prior to zonings.

Nix/Pichon

PUBLIC COMMENT:

None

NEW BUSINESS:

PROCLAMATION: Dawson County High School Graduating Class Lock-In

Chairman Berg read the proclamation to the citizens in attendance.

Motion passed unanimously to approve the PROCLAMATION: Dawson County High School Graduating Class Lock-In as submitted. Nix/Swofford

ZONINGS:

VR 09-03 – Morris Mayo has submitted a request for a Home Occupation Variance (Land Use Resolution Sect. 1201.d) to operate a wood working business from home; TMP #L21 024 (portion of L19 051); located at 2482 War Hill Park Road. The applicant is appealing the decision of the Planning Commission to the Board of Commissioners.

The applicant withdrew his request to be heard before the Board of Commissioners.

VR 09-04 – James Swafford has submitted a request for an Intra-Family Transfer (Dawson County Subdivision Regulations, Sect. 1010), Land Lots 95, 96, and 110 of the 14th District, 1st Section, Dawson County, GA Map #080, Parcels 015, 015.001, 016, 016.001, 016.002, and 039.001; located on Hwy. 136 West; 60.816 total acres.

Commissioner Swafford recused himself from the hearing as the requesting applicant.

Mr. James Swafford, 2799 Why 136 West, Dawsonville, GA answered questions for the Board. He stated this request will allow for a family subdivision of his late mother's estate to four different land owners. The zoning will remain RA.

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

Motion passed unanimously (3-0) to approve the request as submitted. Pichon/Nix

PUBLIC HEARINGS:

Approval of Amending Environmental Health Fees (2nd of 2 hearings)

Mr. Kent Garrison, Environmental Health Inspector reminded the Board these fees are \$25.00 for temporary food service permits and \$50.00 re-inspection of public permitted swimming pools due to negligence on the part of the operator of maintain the quality of their product.

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

Motion passed unanimously to approve the Approval of Amending Environmental Health Fees.
Pichon/Nix

Approval of Amending the Impact Fee Ordinance (2nd of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the change to the Impact Fee Ordinance.

Mr. Jay Walker, 6625 Hwy 53 East, Dawsonville, GA spoke on behalf of Dawsonville Kroger and the Dawson County Chamber of Commerce. He reported the Chamber of Commerce supports this change. He noted small businesses were impacted by the drought and the fuel crisis among other issues. This change would help stimulate the economy and bring shoppers to Dawson County.

Mr. Bill Stembler, ECO Georgia Theater Company, stated five years ago when Dawson 400 Theater opened there were "great plans" for the surrounding property. The current impact fee level has impaired development in the area. He applauded the Board for reducing changing the ordinance.

Ms. Jehnee Prince, VP of Policy, Council for Quality Growth, Gwinnett, GA commended the Board for their decision to roll back the impact fees for one year. She noted this is an attempt to eliminate any barriers to businesses, development and jobs.

Ms. Elinda Eakins, representing Dawson Commons, stated impact fees are wonderful when times are good but with the current economic state, they [impact fees] play as a major deterrent to businesses to Dawson County. Dawson Commons would like to see impact fees eliminated overall. More businesses bring higher revenue and taxes to the County negating the need for the fees. She added the increase costs of impact fees make bank loans very difficult to obtain for developers.

Mr. Darrell Chapman, Bull Realty, Dawsonville, GA thanked the Board again for these changes. He added with the Board considering a roll back in fees, potential businesses have contacted him regarding property on GA 400.

Mr. Derron Hicks, Attorney for the Home Builders Association of Georgia, Warm Springs, GA stated there is not a quick-fix for the economic situation. He thanked the Board for being proactive and trying to get Dawson County back on track.

Ms. Elora Stargel, 761 Dixon Drive, Gainesville, GA is a property owner in Dawson County. She thanked all involved for helping repeal the impact fees. She feels the diligence in the matter will reward the citizens of Dawson County.

Mr. Vincent Lindley, 31 Successful Way, Dawsonville, GA asked for clarification regarding the moratorium. Chairman Berg stated the draft submitted ensures footings need to be in place the first year and a CO must be issued by the end of the second year.

Chairman Berg asked whether anyone else wished to speak about changing the Impact Fees and hearing none closed the final hearing.

County Attorney Homans reminded the Board there are two separate provisions in the submitted ordinance that states 1) there will be a 0% collection and 2) would change the grandfathering from how it is currently written. The change would mandate one year from the date the permit is issued a foundation must be in place and in two years a CO must be obtained.

Community Development Director Tully reported the changes are based on the issuance of permits and COs; therefore the lack of collection is on building permit and not done by project.

Motion passed unanimously to approve Amending the Impact Fee Ordinance as drafted.
Pichon/Swofford

OLD BUSINESS:

None

NEW BUSINESS:

Approval of the Legacy Link Local Share Commitment Letter

Motion passed unanimously to approve the Legacy Link Local Share Commitment Letter. Connor/Nix

Approval of the Fundraiser for Stations #6 and #3

Motion passed unanimously to approve the Fundraisers for Station #3 (Harmony Church) on May 23, 2009 and #6 (Hubbard Road) on June 6, 2009. Connor/Pichon

Approval of the Give Burns the Boot Fund Raiser June 4-6, 2009

Motion passed unanimously to approve the Give Burns the Boot Fundraiser. Pichon/Connor

Treatment Court vendor and contract approval

Motion passed unanimously to approve the Treatment Court vendor and contract. Swafford/Connor

Modular Building vendor and contract - Approval to void the bid

Motion passed unanimously to reject all bids. Swafford/Nix

Approval to hold public hearings on the Storm Water Regulations & Ordinance

Motion passed unanimously to approve hold public hearings regarding the Storm Water Regulations & Ordinance on June 18, 2009 and July 2, 2009. Swafford/Connor

Approval of the FY2008 Budget to Actual

Motion passed unanimously to approve the FY2008 Budget to Actual. Pichon/Nix

Approval to hold public hearings regarding the FY2010 Chairman's Recommended Budget

Motion passed unanimously to hold public hearings regarding the FY2010 Chairman's Recommended Budget. Pichon/Connor

Approval to request a Huey UH-1 Series helicopter for Veterans Memorial Park

Motion passed unanimously to approve sending a request to the DoD regarding a Huey UH-1 Series helicopter for Veterans Memorial Park. Swafford/Nix

Discussion of Noise Mitigation regarding Etowah Valley Sporting Clays

Motion passed unanimously to direct the County Attorney to continue the course, not to spend \$10,000.00 in noise mitigation negotiations with EVSC. Nix/Connor

PERMIT FOR ASSEMBLY: Tour of Atlanta Bike Race, May 25, 2009

Sheriff Carlisle expressed concern regarding the danger of the roads on the route.

Motion passed by majority to deny the Permit for Assembly as submitted. Swafford/Nix Chairman Berg voted to deny the motion. Commissioners Pichon and Connor voted to approve the request.

K9 Grant Proposal

Motion passed unanimously to approve the K9 Grant proposal. Nix/Swafford

EXECUTIVE SESSION:

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

The following citizens were signed up to speak but neither of them were present during the Public Comment portion of the agenda.

- Mrs. Shirley Horah - Topic: Goldmine Road
- Ms. Sandy Tarleton – Topic: Noise Control Ordinance

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - June 4, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – JUNE 4, 2009

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 Swafford, District 2; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County. District 3 Commissioner Connor was absent.

OPENING PRESENTATION: Tracy Walker – Dawson County Library

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced the Family Connection Celebrity Breakfast at Long Horn at 7am-9:30am.

Commissioner Pichon announced his participation in the Bicycle Ride across Georgia. Several citizens from Dawson County are currently enrolled.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on April 16, 2009. Nix/Swafford

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the removal of K3) Approval of the fast track request for VR09-03. This issue was resolved and withdrawn by the applicant. Swafford/Pichon

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

PROCLAMATION Honoring Nicky Gilleland, Superintendent of Dawson County School System

Chairman Berg read the Proclamation honoring Nicky Gilleland.

Motion passed unanimously to approve the Proclamation Honoring Nicky Gilleland, Superintendent of Dawson County School System. Nix/Swafford

Approval to hold a Special Called meeting on June 11, 2009 for a Special Events Permit*

Motion passed unanimously to deny request to hold a Special Called Meeting on June 11, 2009 for a Special Events Permit. Nix/Pichon

Approval to hear the fast track request for VR09-06

Item removed from the agenda.

Approval of the Senior Center Elevator Fundraising Proposal

Motion passed unanimously to approve all proposals to raise funds for the Senior Center Elevator as presented. Nix/Swafford

Approval of the Kiosk Contract

Motion passed unanimously to approve to reduce County portion of fees in the Kiosk Contract as submitted. Pichon/Nix

Approval to hold Public Hearings regarding the Amendments to the Residential District

Motion passed unanimously to direct staff to advertise the public hearings regarding the Amendments to the Residential District in the Legal Organ. Pichon/Nix

Approval of the New Courthouse Design

All Commissioners thanked staff and Elected Officials for all the hard work to this point. Judge Deal and Court Administrator Reggie Forrester appreciated all the time everyone has invested in this project.

Motion passed unanimously to approve Option #1, the general appearance of the façade, and the proposed floor plans. Pichon/Nix

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - June 18, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – JUNE 18, 2009

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 Swafford, 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: Cathy Brooks, Lisa Henson and Buffie Henson – Dawson Day Extravaganza

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS: Chairman Berg reported that Mr. Fred Youngman had passed away and asked his family be in the hearts and prayers of all who knew him. Mr. Youngman was the County Surveyor who was in his fourth term.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on May 7, 2009. Nix/Pichon

APPROVAL OF THE AGENDA:

Motion passed by majority to approve the agenda with the addition of K3) Appeal to the Planning Director's Decision - Mr. Vincent Lindley. Nix/Swafford Commissioner Connor opposed the motion.

PUBLIC COMMENT:

None

ZONING:

ZA 09-02 – Thomas Severance has made a request from the Dawson County Land Use Resolution, Section 307.A.4., for a permissive use of a dog kennel; TMP #115 034; located at 237 Blue Ridge Overlook; +/- 5 acre tract zoned R-A (Agricultural Residential District).

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.

Mr. Thomas Severance, applicant, 237 Blue Ridge Overlook, Dawsonville, GA answered questions from the Board. He reported he has been a resident for 25+ years on five acres in Dawsonville. The applicant does not intend on breeding or grooming any animals on the property. The facility would only be a boarding house for a maximum of six animals not belonging to the applicant. Mr. Severance has taken the following steps prior to coming before the Board: heating/AC, double fencing as needed, 12" insulation for noise control, sprinkler system, 24-hour surveillance, and a septic system dedicated to the boarding house.

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

Commissioner Pichon reported this plan is in line with the Future Land Use Plan. Commissioner Connor expressed concern regarding noise issues. No noise complaints have been filed at this time.

Motion passed unanimously to approve the request as submitted without additional stipulations.
Pichon/Connor

PUBLIC HEARINGS:

Approval of the Changes to the Storm Water Ordinance (1st of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the proposed changes to the Storm Water Ordinance and hearing none closed the hearing. The next hearing will be on July 2, 2009.

Budget FY2010 Hearings (1st of 3 hearings)

Chairman Berg asked whether anyone wished to speak about the proposed Budget FY2010 and hearing none closed the hearing. The next hearings will be on July 2, 2009 and July 16, 2009.

Request for Special Events Permit – Lindley (1st of 1 hearing)

Chairman Berg asked whether anyone wished to speak about the request for a Special Events Permit for North Georgia Events Center request and hearing none closed the hearing.

County Attorney Homans stated the County already has an Adult Bookstore Ordinance as well as other prohibited activities within the alcohol ordinance, specifically the By the Drink Ordinance. Commissioner Swafford stated currently, adult businesses are only allowed under industrial areas. North Georgia Events Center is zoned industrial so this would limit the number of business of this nature in the County.

Motion passed by majority to issue a special events permit to Mr. Vincent Lindley with the following stipulations:

- Certificate of Occupancy must be obtained prior to a business license being issued;
- Any outside event must comply with the hours of the Noise Control Ordinance;
- Must comply with all State and County regulations;
- No adult novelty stores;
- No adult entertainment centers; and
- No tattoo studios.

Swafford/Pichon

OLD BUSINESS:

None

NEW BUSINESS:

Request for Letter of Support to apply for DCA Homeless Prevention Grant

Motion passed unanimously to approve the request for Letter of Support to apply for a DCA Homeless Prevention Grant. Nix/Swafford

Decision regarding Daycare Center Lease

Motion passed by majority to allow the County Manager to send a letter to tenant with the following conditions to remain in the building: 30 days to become current on all back rent due to Dawson County. After that time the tenant would have to purchase and close on the property by September 30, 2009. Nix/Pichon Commissioner Connor opposed the motion.

Appeal to the Planning Director's Decision – Mr. Vincent Lindley

Motion passed by majority to approve the appeal to the Planning Director's decision and allow the existing landscaping and parking area to meet requirements. Pichon/Nix Commissioner Connor opposed the motion.

ADJOURNMENT:

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - July 2, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – JULY 2, 2009

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 Swafford, District 2; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County. District 3 Commissioner Connor and District 4 Commissioner Nix were absent.

OPENING PRESENTATION: First Steps Program – Ms. McKenzie Weaver

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reminded citizens to attend the Dawson Day Extravaganza tomorrow at Rock Creek Park from 5pm-11pm.

Chairman Berg reported the Board will discuss the ROMA Litigation at the next Work Session and the proposed changes to the Alcohol Ordinance will be on a future agenda in August.

APPROVAL OF MINUTES:

None.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as submitted.

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Approval of the Storm Water Ordinance Update (2nd of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the proposed changes to the ordinance and hearing none closed the hearing.

Motion passed unanimously to approve the Storm Water Ordinance Update dated 05-10-09 as submitted. Pichon/Swafford

Budget FY2010 Hearings (2nd of 3 hearings)

Chairman Berg asked whether anyone wished to speak about the Proposed FY2010 Budget and hearing none closed the hearing. The final hearing will be on July 16, 2009.

OLD BUSINESS:

None

NEW BUSINESS:

Approval of Bid for Couch Road Culvert

Motion passed unanimously to award the bid for the Couch Road Culvert to TW Phillips, Inc in the amount of \$50,900.00. Pichon/Swafford

Presentation of Proposed Park & Rec Ordinances

Motion passed unanimously to hold public hearings regarding the proposed changes to the Park & Recreation Ordinance in August 2009. Swafford/Pichon

Approval of Inmate Medical Care Physician Contract

Motion passed unanimously to approve the Inmate Medical Care Physician Contract. Pichon/Swafford

Approval of Contract for Inmate Electronic Monitoring System Contract

Motion passed unanimously to approve the Inmate Electronic Monitoring System Contract as submitted. Swafford/Pichon

Request to Submit Fire Station Grant

Motion passed unanimously to direct staff to apply for the Fire Station Grant as requested. Swafford/Pichon

Approval of Cooperative Fire Protection Agreement

Motion passed unanimously to approve the Cooperative Fire Protection Agreement as submitted. Swafford/Pichon

Ratification of the Intergovernmental Agreement with Hall & Lumpkin Counties regarding the Lake Lanier Coalition

Motion passed unanimously to ratify the IGA with Hall & Lumpkin Counties with the stipulation of no county money will be spent. Pichon/Swafford

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - July 9, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JULY 9, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

K. NEW BUSINESS

1. Approval of an additional Magistrate Court position – Magistrate Court Judge Lisa Thurmond

This item will be placed on the 07/16/09 Regular Meeting Agenda.

2. Tax Assessor Board presentation regarding FY2010 Budget

This item was for information only.

3. Roma litigation update – County Attorney Homans

This item will be placed on the 07/16/09 Regular Meeting Agenda.

4. Library Board appointments – Chairman Berg

This item will be placed on the 07/16/09 Regular Meeting Agenda.

5. County Manager Report

This item was for information only.

6. County Attorney Report

This item was for information only.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - July 16, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – JULY 16, 2009

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 Swafford, 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: Dawson County Junior Fire Academy – Asst. Chief Robbie Hughey and Government & Community Affairs Rep Cathy Brooks

SPECIAL PRESENTATION – County Manager Tanner presented Mrs. Margie Weaver a plaque and roses acknowledging her 25 years of service to Dawson County.

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on May 21, 2009. Nix/Swafford

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as submitted. Nix/Swafford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Budget FY2010 (3rd of 3 hearings)

Chairman Berg announced this will be the final hearing of the Proposed FY2010 Budget process. He asked if anyone wished to speak regarding the budget and hearing none closed the hearing.

Motion passed by majority to approve the FY2010 Budget as submitted Pichon/Nix Commissioner Connor opposed the motion.

Millage Rate Adoption (1st of 1 hearing)

BOC Millage- 8.138

BOE Millage- 14.046

Total: 22.184

Chairman Berg asked whether anyone wished to speak about the Millage Rate Adoption and hearing none closed the hearing.

Motion passed unanimously to adopt the Millage Rate as submitted. Nix/Swafford

Proposed Changes to the Residential Districts (1st of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the proposed changes to the Residential Districts.

Mr. Michael Benz, Vice President of Development of the Big Canoe Company, 10591 Big Canoe, Big Canoe, Georgia, stated short term rentals are vital to Big Canoe's future. It brings tourism dollars as well as prospective homeowners. He asked the Board to consider this need when making any changes to the ordinance.

Mr. Glen Ulmer, Owner of Crimson & Scarlett Vineyards, 36 Collins Road, Dawsonville, Georgia, reported the limits in the proposed changes (50% locally grown) are too stringent for local wineries. He asked the Board to consider the needs of Agro-Tourism businesses and wishes the Board to reduce this criterion.

OLD BUSINESS:

None

NEW BUSINESS:

Approval of an additional Part-Time Magistrate Court position

Motion passed unanimously to approve the addition of a part-time Magistrate Court position.
Connor/Pichon

Discussion of the Roma litigation

Roma Attorney, Adam Webb, Webb Klase & Lemond, LLC, 1900 The Exchange S.E., Suite 480, Atlanta, Georgia, gave a presentation to the Board, answering questions and concerns of the Commission.

Commissioner Connor objected to discussing these issues without going into Executive Session. 51:09

Motion passed by majority to adopt the settlement agreement as attached to official minutes.
Pichon/Swofford Commissioner Connor opposed the motion.

Library Board Appointments

Motion passed unanimously to appoint Clint Bearden to the Library Board. Term of service will be from June 30, 2009-July 1, 2013. Nix/Swofford

Motion passed unanimously to appoint Marsha Robinson to the Library Board. Term of service will be from June 30, 2009-July 1, 2011. Swofford/Pichon

Motion passed unanimously to appoint Leslie Kupkowski to the Library Board. Term of service will be from June 30, 2009-July 1, 2013. Swafford/Nix

Motion passed unanimously to re-appoint Lynn Sweatte to the Library Board. Term of service will be from June 30, 2009-July 1, 2013. Pichon/Nix

Wholesale Beer & Wine License – Mr. Michael Paz d/b/a Mediterranean Wine Merchants, Inc.

County Attorney Homans reported to the Board the applicant meets all requirements but requests two exceptions to the ordinance: The corporation has not been in operation for six months prior to this request and Mr. Howard Miller would be designated as the agent for this license is a resident of White County. All contact information has been provided to the County Marshal's Office.

Motion passed unanimously to approve Mr. Michael Paz's d/b/a Mediterranean Wine Merchants, Inc., request for a Wholesale Beer & Wine License as submitted. Pichon/Connor

RESOLUTION: Moratorium for the Sign Ordinance

Motion passed unanimously to adopt the Resolution regarding Moratorium for signs larger than 100 sq.ft. and or 25ft in height for a period of 45 days until a public hearing can be held. Swafford/Pichon

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - July 23, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, JULY 23, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

K. NEW BUSINESS

1. PROCLAMATION: Firefighter Month – Ms. Bonnie Beck, MDA

This item will be placed on the 08/20/09 Regular Meeting Agenda.

2. PROCLAMATION: Raymond Parks Day – County Manager Tanner

This item will be placed on the 08/06/09 Regular Meeting Agenda.

3. Auditor's Presentation for the Comprehensive Financial (CAFR) of 2008 – Mr. Duane Schlereth, CPA
Bates, Carter & Co.

This item will be placed on the 08/06/09 Regular Meeting Agenda.

4. Approval to hold a Public Hearings regarding the Special Event License Request – Peachtree Rides –
Community Development Director Lynn Tully

This item will be placed on the 08/06/09 Regular Meeting Agenda.

5. Approval of the Automatic Aid Agreement between Dawson & Pickens for Fire Stations #5 & #8 –
Emergency Services Director Billy Thurmond

This item will be placed on the 08/06/09 Regular Meeting Agenda.

6. Presentation of the All Terrain Vehicle (ATV) Ordinance – Dawson County Marshal's Office Sgt. Robbie
Irvin

This item will be placed on the 08/13/09 Work Session Agenda for additional information.

7. Approval of Vendor and Contracts for Janitorial Supply Bid - Purchasing Director Jill Rathe

This item will be placed on the 08/06/09 Regular Meeting Agenda.

8. Fire Station #2 Bids - Purchasing Director Jill Rathe & County Manager Tanner

This item will be placed on the 08/06/09 Regular Meeting Agenda.

9. Approval of the Woodland Circle Paving Request – County Manager Tanner

This item was covered under the County Manager’s Report.

10. Local Small Business Initiative - County Manager Tanner

This item will be placed on the 08/06/09 Regular Meeting Agenda.

11. Approval to bid the Courthouse Contractor through the RFQ process – County Manager Tanner

This item will be placed on the 08/06/09 Regular Meeting Agenda.

12. County Manager Report

- Re-adoption of the Budget to Actual 2008 Resolution will be placed on the 08/06/09 Regular Meeting Agenda.
- Request to reject all Vehicle bids will be placed on the placed on the 08/06/09 Regular Meeting Agenda.

13. County Attorney Report

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Agenda - August 6, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – AUGUST 6, 2009

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 Swafford, 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: Director Nancy Stites, Family Connections – Backpack Program

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Commissioner Connor announced the Lions Club will be sponsoring a golf tournament on September 2, 2009.

Commissioner Nix reported letters are for sale to support the Dawson County Literacy Center's 'Are You Smarter than a 10 Year Old' program.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on June 4, 2009. Nix/Swafford

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on June 18, 2009. Pichon/Swafford

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the removal of K2) Auditor's Presentation of the Comprehensive Financial Report (CAFR) of 2008 as it is the same voting item as K12) Resolution: Revised Budget to Actual 2008. Nix/Swofford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Proposed Changes to the Residential Districts (2nd of 2 hearings)

Mr. Michael Benz, Vice President of Development of the Big Canoe Company, 10591 Big Canoe, Big Canoe, Georgia reported his company would like to see the one rental per seven days and the 16 rental limit per year be eliminated from the standards. Regarding the number of occupancies, he defers back to Big Canoe POA Public Safety standards and Dawson County staff. Regarding the number of occupants per bedroom, he asks the Board define certain floor plans. He concluded the Big Canoe Company will support most changes but had concerns about enforcement.

Mr. Richard Bolt, 2236 Ahaluna Place, Big Canoe, Georgia proffered comments regarding chronic overcrowding in the short term rental homes as there are no clear or strict guidelines to such. He stated there are clear public health issues and requests the two persons per bedroom limit should remain. Dr. Bolt reportedly agrees with giving public safety a better tool by strengthening this document.

Mr. Bill Bates, Public Safety Director at Big Canoe, 841 Yellow Creek Road, Big Canoe, Georgia reported vacation rentals are a vital asset to Big Canoe bringing potential property owners and guests which generates revenue. He agrees to the overcrowding issues. For the nighttime occupancy requirements he proposes two people per bedroom plus two additional guests. He asked for the Board to address day time hours regarding occupancy limits as well. Mr. Bates states enforcement may not be an issue because it can be enforced at the gates. All vacation rental guests are registered with security.

Mr. Glen Ulmer, Owner of Crimson & Scarlett Vineyards, 36 Collins Road, Dawsonville, Georgia, asked the Board to adopt the State requirements for production and processing of winery.

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

After much discussion, Commissioner Pichon motioned to Call to Question. Chairman Berg ruled on the motion.

Motion passed unanimously to hold a third hearing on September 3, 2009 regarding the Residential Districts and the changes proffered (see attached document identified as Final Residential Districts Updated 8-28-2009). Pichon/Swafford

Proposed Changes to the Park & Recreation Ordinance (1st of 2 hearings)

Chairman Berg asked whether anyone else wished to speak about the Proposed Changes to the Park & Recreation Ordinance and hearing none closed the hearing. The next hearing will be on August 20, 2009. Copies were available.

Proposed Changes to the Sign Ordinances (1st of 2 hearings)

Chairman Berg asked whether anyone else wished to speak about the Proposed Changes to the Sign Ordinance and hearing none closed the hearing. The next hearing will be on August 20, 2009. Copies were available.

Proposed Changes to the GA 400 Corridor Overlay District (1st of 2 hearings)

Chairman Berg asked whether anyone else wished to speak about the Proposed Changes to the GA 400 Corridor Overlay District and hearing none closed the hearing. The next hearing will be on August 20, 2009. Copies were available.

OLD BUSINESS:

None

NEW BUSINESS:

PROCLAMATION: Raymond Parks Day

Chairman Berg read the Proclamation into the record.

Motion passed unanimously to approve the Proclamation making August 8, 2009 Raymond Parks Day.
Nix/Swafford

Approval to hold Public Hearings regarding the Special Event License Request

Motion passed unanimously to approve the public hearings regarding the Special Even License Request.
Pichon/Nix

Approval of the Automatic Aid Agreement between Dawson & Pickens for Fire Stations #5 & #8

Motion passed unanimously to approve the Automatic Aid Agreement between Dawson & Pickens Counties for Fire Stations #5 and #8. Pichon/Swafford

Approval of Vendor and Contracts for Janitorial Supply Bid

Motion passed unanimously to approve the Vendor and Contracts for the Janitorial Supply Bid to Victory Paper out of Gainesville, GA. Nix/Swafford

Fire Station #2 Bids

Motion passed unanimously to approve CRS for construction for Fire Station #2 in the amount of \$1,554,916.00 with a cap on the rainwater collection option of \$15,000.00 and the request to spend an additional SPLOST Funds to complete the Emergency Station #2 project in the amount of \$182,310.00.
Pichon/Swafford

Local Small Business Initiative

Commissioner Connor motioned to approve the Local Small Business Initiative with the stipulation of removal of the banking statement. Motion died for lack of second.

Motion passed by majority to approve the Local Small Business Initiative as proffered. Pichon/Nix
Commissioner Connor opposed to the motion.

Approval to bid the Courthouse Contractor through the RFQ process

Motion passed unanimously to bid the Courthouse Contractor through the Request for Qualification process. Pichon/Swafford

Request to reject all Vehicle Bids

Motion passed unanimously to reject all Vehicle Bids. Nix/Pichon

RESOLUTION: Revised Budget to Actual 2008

Motion passed unanimously to approve the Resolution: Revised Budget to Actual 2008. Swafford/Nix

Public Hearing for Special Event License Request: Peachtree Rides

Chairman Berg asked whether anyone else wished to speak about the Special Events request for Peachtree Rides.

Mr. Vernon Smith, 182 Overlook Circle, Dawsonville, Georgia asked whether taxes were being collected. County Attorney Homans reported such taxes were being collected.

Motion passed unanimously to approve the Special Event License Request for Peachtree Rides as submitted. Connor/Swafford

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Agenda - August 20, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – AUGUST 20, 2009

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 Swafford, 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: Dr. Mark Weaver, Good Shepherd Clinic of Dawson County at Grace Presbyterian New Church Development

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported he and Commissioner Nix attended the Dawson County Treatment Court graduation. He congratulated all of the graduates.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on July 2, 2009. Pichon/Nix

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on July 16, 2009. Nix/Swafford

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the removal of K16) HVAC Contract Termination. Swafford/Nix

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Proposed Changes to the Park & Recreation Ordinance (2nd of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the Park & Recreation Ordinance and hearing none closed the final hearing.

Motion passed unanimously to approve the Park & Recreation Ordinance as submitted. Connor/Nix

Proposed Changes to the Sign Ordinances (2nd of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the proposed changes to the Sign Ordinance and hearing none closed the final hearing.

Motion passed unanimously to approve the Sign Ordinance as proffered. Pichon/Swafford

Proposed Changes to the GA 400 Corridor Overlay District (2nd of 2 hearings)

Chairman Berg asked whether anyone wished to speak about the Park & Recreation Ordinance and hearing none closed the final hearing.

Motion passed unanimously to approve the proposed changes to the GA400 Corridor Overlay District. Swafford/Pichon

Proposed Moratorium on Sign Permits (1st of 1 hearing)

Motion passed unanimously to remove this issue due to Board approval of the proposed changes to the Sign Ordinance and the GA 400 Corridor Overlay District. Nix/Swofford

OLD BUSINESS:

None

NEW BUSINESS:

RESOLUTION: Furlough for Dawson County Government

Motion passed unanimously to adopt the Resolution: Furlough for Dawson County Government.
Connor/Swofford

Medical Insurance Renewal

Motion passed unanimously to approve the Medical Insurance Renewal Option 1 as submitted by the Human Resources Department. Nix/Pichon

Approval of 2009 Audit Contract Extension with Bates, Carter & Co

Motion passed unanimously to approve the 2009 Audit Contract Extension with Bates, Carter & Co.
Pichon/Swofford

2009 Byrne Jag Stimulus Grant & Intergovernmental Agreement

Motion passed unanimously to approve the 2009 Byrne Jag Stimulus Grant application and Intergovernmental Agreement as submitted. Connor/Swofford

Emergency Medical Supplies bid

Motion passed unanimously to accept the bid and approve a contract with Midwest Supply Co, LLC (MMS) as recommended. Swofford/Nix

Approval to Reject the War Hill Bath House bids

Motion passed unanimously to reject all bids received for the War Hill Bathhouse project.
Swofford/Pichon

Approval of Station #2 Fundraiser

Motion passed unanimously to approve the Fundraiser for Fire Station #2. Nix/Connor

Approval to hold MDA Boot Drive

Motion passed unanimously to the MDA Boot Drive. Pichon/Swofford

Re-discussion of ATV Ordinance

Motion passed unanimously to hold public hearings regarding the All Terrain Vehicle Ordinance on September 17, 2008 and October 1, 2009. Connor/Swofford

Policy Stance on Habitat Conservation Plan

Motion passed by majority to send a letter stating Dawson County's stance on the Habitat Conservation Plan. Pichon/Nix Commissioner Connor opposed the motion.

IGA with City of Dawsonville regarding Fueling Station

Motion passed unanimously to approve the Intergovernmental Agreement with the City of Dawsonville regarding the Fueling Station. Swofford/Nix

Authorization to purchase West 2nd Street

Motion passed unanimously to authorize staff to enter into negotiations with the City of Dawsonville in order to purchase West 2nd Street. Nix/Connor

PROCLAMATION: August is Fire Fighter Month

Motion passed unanimously to the Proclamation: August is Fire Fighter Month as submitted.
Connor/Swofford

Beer, Wine & Distilled Spirits License request: LP's Kani, Inc. d/b/a Kani House

County Attorney Homans reported the applicant meets all the requirements of the Alcohol Ordinance with the exception he needs conditional approval to get his final CO, business license and health permits as construction is being finalized. Mr. Leon Parks is a resident of Buford, Georgia and requests to be the registered agent rather than designating a local agent, as the owner and operator.

Chairman Berg asked whether anyone wished to speak about the request for license and hearing none closed the hearing.

Motion passed unanimously to approve the request as submitted with the exceptions listed. Pichon/Nix

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

Mr. Shane Womack 116 Reeves Road spoke about chicken houses being built in RA zoning districts.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - September 3, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – SEPTEMBER 3, 2009

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 Swafford, District 2; Commissioner Connor, District 3; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County. District 4 Commissioner Nix was absent.

OPENING PRESENTATION: Karen Armstrong – Cancer Support Group

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg invited everyone to attend the 9-11 Memorial Service at Station #1 on Friday, September 11, 2009 beginning at 9am and the Chamber Picnic on Tuesday, September 8, 2009.

Commissioner Connor announced the Lions Club golf tournament was successful in collecting over \$11,000.00.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on August 8, 2009. Swafford/Pichon

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on August 16, 2009. Pichon/Swafford

APPROVAL OF THE AGENDA:

Motion passed unanimously approve the agenda with the removal of item K5) Approval to hold public hearings regarding the Proposed Changes to the Alcohol Ordinance from the agenda. Pichon/Swafford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

Proposed Changes to the Residential Districts (3rd of 3 hearings)

Chairman Berg asked whether anyone wished to speak on the Proposed Changes to the Residential Districts.

Arlene McClure, 772 Stowers Road West, Dawsonville, GA stated she feels allowing short term rental housing within neighborhoods is a safety concern. She asked the Board to consider the issue prior to vote.

Jane Graves, 224 Park Cove Road, Dawsonville, GA understands the need for Vacation Rentals at Big Canoe but feels it would open up residential areas across the county for a lack of protection. Gate communities are more equipped with registering renters to maintain security while it is more difficult to do so in a more densely populated area.

George David, 651 Deer Leap Road, Dawsonville, GA asked the Board for more time to review the documents. He requested two more additional hearings on the revisions. He expressed concerns over short term rentals in residential areas.

Leo Sheppard, 15 North Chestatee Place, Dawsonville, GA asked the Board for additional hearings. He cited many instances where he had concerns about the short term rentals, set backs on lake property, amenities area allowances, etc.

Vernon Smith, 182 East View Drive, Dawsonville, GA reminded the Board that Vacation-Cottage Restricted (VCR) is an existing zoning where short term rentals may be considered. Mr. Smith feels there will be regulation issues with the document as submitted.

Terri Tragesser, 44 Gold Bullion Drive, Dawsonville, GA reported she attended a security class on residential areas. One of the biggest values to residential policing and crime prevention was knowing your neighbors. With the changes to the ordinance as proffered, allowing short term rentals would negate any security features in the immediate residential area. She asked the Board table the vote and take additional feedback from HOAs and POAs in the County.

Randy Gross, 58 Toto Creek Drive, Dawsonville, GA states his neighbor has been doing short term rentals for the past two years. He stated most of the clientele that rents the lake property next to his are out of control. Several noise and nuisance complaints have been filed with Dawson County Sheriff's Department. He states the problem has gotten progressively worse.

Pepper Pettit, 81 Holly Hill Road, Dawsonville, GA cited several concerns with short term rentals. He feels it would open up the County for 'spot zoning' allowing for commercial zoning in residential districts. He asked the Board to table to vote and re-consider the issues at hand.

After much discussion on the Board, motion passed unanimously to postpone the vote for 30 days to allow staff to return to the Board in a Work Session to help refine the ordinance, and publish and hold two additional hearings. Pichon/Swofford

OLD BUSINESS:

None

NEW BUSINESS:

Senior Center Quilt Raffle and Southern Supper

Motion passed unanimously to approve the Senior Center fundraiser as submitted. Connor/Swofford

Senior Center Yard Sale

Motion passed unanimously to declare all items as surplus and to hold the Senior Center Yard Sale.
Connor/Swofford

Board of Education ELOST Election

Motion passed unanimously to approve the Board of Education ELOST Election. Pichon/Swafford

Approval to hold public hearings regarding the CIE Update

Motion passed unanimously to hold public hearings regarding the CIE Update and Transmittal.
Connor/Pichon

Beer & Wine License: Dawson Pizza LLC – d/b/a Johnny’s New York Style Pizza

Motion passed unanimously to approve Beer & Wine License request by Dawson Pizza LLC, d/b/a
Johnny’s New York Style Pizza as submitted. Pichon/Connor

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE:Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - September 17, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – SEPTEMBER 17, 2009

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 Swafford, 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: No One Alone Program Update – Brenda Bland

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

None

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with addition of an Alcohol License Request section to the agenda and move item K10 to G1. Connor/Swafford

PUBLIC COMMENT:

None

ZONINGS:

None

PUBLIC HEARINGS:

CIE Update (1st of 1 hearing)

Chairman Berg stated this is will be the only hearing on the CIE Update prior to transmittal to DCA. He asked whether anyone wished to speak on the topic and hearing none closed the hearing.

Motion passed unanimously to send the CIE Annual Update to DCA as presented. Pichon/Nix

CIE Transmittal (1st of 1 hearing)

Chairman Berg stated this is will be the only hearing on the CIE Transmittal prior to sending it to DCA. He asked whether anyone wished to speak on the topic and hearing none closed the hearing.

Motion passed unanimously to send the CIE Transmittal to DCA as presented. Pichon/Swofford

All Terrain Vehicle Ordinance (1st of 2 hearings)

Chairman Berg stated this is the first of two hearings regarding the All Terrain Vehicle (ATV) Ordinance.

Ms. Brenda Harvill, 368 Amicalola Drive, Dawsonville, GA feels the ordinance does not need to be too restrictive aside from safety issues. She also stated that at no time does the County Marshal need to come to a place of business to issue a citation.

Ms. Laurie Stubbs, 346 Amicalola Drive, Dawsonville, GA asked the Board to tighten any loopholes of the ordinance. Her main concern was noise permeating from ATVs and disrupting the lives of her family members.

OLD BUSINESS:

None

NEW BUSINESS:

PROCLAMATION: Clean Water Month

Chairman Berg read the Proclamation into the record.

Motion passed unanimously to approve the Proclamation for Clean Water Month. Nix/Swofford

Hazard Mitigation Plan Grant

Motion passed unanimously to direct staff to apply for the Hazard Mitigation Plan Grant as submitted.
Connor/Swofford

Historical Building Association Donation to the Senior Center

Motion passed unanimously to accept the donation from the Historical Building Association of Dawson County. Connor/Pichon

NOTE: This is not the Historical Society of Dawson County.

Acceptance of donation to purchase asphalt paving machine

Motion passed unanimously to accept the donation from Great Northern Construction, Inc. to purchase the asphalt paving machine as submitted. Nix/Pichon

RESOLUTION: Authorize Investments

Motion passed unanimously to approve the RESOLUTION to Authorize Investments as proffered.
Swofford/Pichon

Agreement with Chestatee Regional Hospital

Motion passed unanimously to table the vote for two weeks. Nix/Pichon

Ratification of list of Courthouse Bidders

Motion passed unanimously to ratify the list of Courthouse Bidders as tendered by the evaluation committee. Pichon/Swofford

Recovery Zone Bond Allocations

Motion passed unanimously to not use the funds for Dawson County Government. Nix/Swafford

Motion passed unanimously to table decision regarding the resolution and Intergovernmental Contract with the Development Authority of Dawson County. Pichon/Connor

Discussion of Day Care Lease Agreement

Commissioner Connor motioned to extend the lease for one year due to the current state of the economy. Motion dies for lack of a second.

Motion passed by majority to give tenant 60 days or until November 1, 2009 to move out of the County facility with the stipulation of getting current on all back rent owed. The additional months rent (October and November) shall be paid prior to September 30, 2009. Swafford/Nix Commissioner Connor opposed the motion

Retail Beer License – Brillo's Pizza-n-Wings

Motion passed unanimously to approve the Retail Beer License application as submitted for Brillo's Pizza-n-Wings. Connor/Pichon

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

Pepper Pettit, 81 Holly Hill Road thanked the Board and staff for War Hill Park. He feels it is the nicest park on Lake Lanier.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - October 8, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, OCTOBER 8, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

L. NEW BUSINESS

1. PROCLAMATION: Red Ribbon Week: Doris Cook, Dawson County Meth Taskforce

This item will be placed on the October 15, 2009 Voting Session agenda.

2. PROCLAMATION: Census 2010: David Headley, Public Works Director

This item will be placed on the October 15, 2009 Voting Session agenda.

3. CJCC – Juvenile Court Services Grant – Kay Molden, Grants Administrator

This item will be placed on the October 15, 2009 Voting Session agenda.

4. Proposed changes to the Business License Ordinance – Sgt. Robbie Irvin and David McKee, Planning & Zoning Director

This item will be placed on the October 15, 2009 Voting Session agenda.

5. Update on Courthouse Funding – County Manager Tanner

This item was for information only.

6. County Manager Report

This item was for information only.

7. County Attorney Report

This item was for information only.

8. FY2010 VAWA Grant Application Request – Maj. John Cagle, DCSO

This item will be placed on the October 15, 2009 Voting Session agenda.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - October 15, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – OCTOBER 15, 2009

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 Swafford, 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: Ian Cowie, 4H Program Update

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Deputy Chief Tim Satterfield - Countywide Fire Drill on Friday, October 23, 2009 @ 10pm

Commissioner Connor asked for an update regarding the Courthouse project including funding to be added to the next work session agenda in order to understand the projects many aspects prior to the November 3, 2009 bid opening.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on October 1, 2009 with the addition of motions regarding the Alcohol Ordinance. Swafford/Nix

APPROVAL OF THE AGENDA:

None

PUBLIC COMMENT:

None

ALCOHOL LICENSE HEARINGS:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

PROCLAMATION: Red Ribbon Week

Chairman Berg read the proclamation into the record.

Motion passed unanimously to adopt the Proclamation resolving that October 17-25, 2009 as Red Ribbon Week in Dawson County. Pichon/Nix

PROCLAMATION: Census 2010

Chairman Berg read the proclamation into the record.

Motion passed unanimously to adopt the Proclamation for the 2010 Census as submitted. Nix/Pichon

CJCC – Juvenile Court Services Grant

Motion passed unanimously to apply for the CJCC-Juvenile Court Services Grant as proffered.
Connor/Swafford

Approval to hold Public Hearings regarding the proposed changes to the Business License Ordinance

Commissioner Connor motioned to amend the motion hold public hearings with the addition of the new fee schedule as submitted on 10/15/09. Motion dies for a lack of a second.

Motion passed by majority to hold public hearings regarding the proposed changes to the Business License Ordinance with the fee schedule submitted on 10/08/09. Pichon/Swafford

FY2010 VAWA Grant Application Request

Motion passed unanimously to approve the Grant Application for the FY2010 VAWA program.
Connor/Swafford

EXECUTIVE SESSION:

Motion passed unanimously to enter into executive session for the purposes of discussing personnel.
Connor/Swafford/Pichon/Nix

Motion passed unanimously to come back into open session and adjourn. Connor/Nix

ADJOURNMENT

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Session Minutes - November 5, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – NOVEMBER 5, 2009

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 Swafford, 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: Wayne Watkins, Vietnam Veterans of America #970

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg reported the Dawson County Veteran's Day festivities will begin at 2pm on Memory Lane.

Chairman Berg stated due to the Thanksgiving holiday the Board of Commissioners will hold the last Work Session on Monday, November 23, 2009 at 4:00pm.

Chairman Berg reported the Board of Commissioners will hold its annual Pancake Breakfast for employees on Tuesday, December 15, 2009 from 7:00am-9:00am in the Rock Creek Community Room.

County Manager Tanner announced Dawson County's First Annual Pheasant Shoot will be on December 12, 2009. All interested parties need to speak with a staff member for more information.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on October 15, 2009. Swafford/Pichon

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the addition of L14) EWSA Easement Agreement for Fire Station #2. Nix/Pichon

PUBLIC COMMENT:

None

ALCOHOL LICENSE HEARINGS:

None

ZONINGS:

None

PUBLIC HEARINGS:

Copies of both proposed ordinances can be found online at www.dawsoncounty.org under the Ordinance section of the website.

Proposed changes to the Consolidated Alcohol Ordinance (1st of 2 hearings)

Chairman Berg asked whether anyone wished to speak on the Consolidated Alcohol Ordinances and hearing none closed the hearing. The next hearing will be on November 19, 2009.

Proposed changes to the Business License Ordinance (1st of 2 hearings)

Chairman Berg asked whether anyone wished to speak on the proposed changes to the Business License Ordinance and hearing none closed the hearing. The next hearing will be on November 19, 2009.

OLD BUSINESS:

None

NEW BUSINESS:

Approval of Application and Modification of Social Security 218 Agreement

Motion passed unanimously to approve the Application and Modification of the Social 218 Security Agreement as submitted. Swafford/Pichon

PROCLAMATION: November as Family Month

Chairman Berg read the proclamation into the record.

Motion passed unanimously to approve the Proclamation stating November as Family Month.
Nix/Swafford

Request to refund zoning application fees – Mr. Sanflippo

Motion passed unanimously to refund \$831.47 to the applicant. Connor/Nix

Right-of-Way Easement and Electrical Services Agreement with Sawnee EMC for Fire Station #2

Motion passed unanimously to approve the Right of Way Easement and Electrical Agreement with Sawnee EMC for Fire Station #2. Nix/Connor

Approval of the IGA with EWSA and Dawson County re: Fueling Station

Motion passed unanimously to approve the IGA with EWSA and BOC/BOE regarding the Fueling Station with the addition of the wording \$0.05/gallon. Pichon/Nix

Discussion of the Residential Districts update

All motions are for the purposes of moving to Public Hearings and to publish the proposed changes on the County website at www.dawsoncounty.org under Ordinances.

Motion passed unanimously to approve Option #3 regarding Short Term rental permit requirements.
Pichon/Swafford

Motion passed unanimously to approve Option #3 regarding Bed & Breakfast permit requirements.
Pichon/Nix

Motion passed unanimously to approve Option #3 regarding Accessory Structure permit requirements.
Pichon/Swofford

Discussion of Animal License fees

Commissioner Connor motioned to direct staff to proceed with creating an ordinance that would incorporate Animal Licensing Fees as a voluntary program. Motion died for lack of second.

No further action was taken by the Board.

Commissioner's Expense Policy

Motion passed unanimously to adopt the Commissioner's Expense Policy with additional changes. See attached policy. Swafford/Pichon

Board discussion of Courthouse project

County Manager Tanner reported the Courthouse bids were not opened on November 3, 2009 as anticipated due to an addendum being added by Rosser, Inc. He reported bids will be opened on November 10, 2009.

Motion passed unanimously to table this discussion until the November 23, 2009 Work Session.
Pichon/Nix

EWSA Loan renewal

Motion passed unanimously to approve the EWSA Loan renewal as proffered. Pichon/Swofford

Approval of a GDOT Transit Grant funded by Federal Stimulus dollars

Motion passed unanimously to submit the application for the GDOT Transit Grant funded by Federal Stimulus dollars. No County match was required. Pichon/Swofford

EWSA Easement for Fire Station #2

Motion passed unanimously to approve the EWSA Easement Agreement for Fire Station #2.
Nix/Swafford

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Work Session Minutes - November 12, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION MINUTES – THURSDAY, NOVEMBER 12, 2009

G.L. PETE GILLELAND CHAMBERS AT CITY HALL

415 HIGHWAY 53 EAST, DAWSONVILLE

4:00 p.m.

L. NEW BUSINESS

1. United Way Campaign – HR Director Jay Sessions

This item was for information only.

2. Standby Consultation Services – Purchasing Director Jill Rathe

This item will be placed on the 11/19/09 Regular Meeting Agenda.

3. CSI Financial System Support and Maintenance Agreement 2010 – Finance Director Lowayne Craig

This item will be placed on the 11/19/09 Regular Meeting Agenda.

4. Solar Panel Grant Application for Dawson County Law Enforcement Center – County Manager Tanner

This item will be placed on the 11/19/09 Regular Meeting Agenda.

5. Dawson County Speed Zone Ordinance – County Manager Tanner

This item will be placed on the 11/19/09 Regular Meeting Agenda.

6. Home Occupation Ordinance – Planning Director David McKee

This item will be placed on the 11/19/09 Regular Meeting Agenda.

7. Site Plan Requirements – Planning Director David McKee

This item will be placed on the 11/19/09 Regular Meeting Agenda.

8. County Manager Report

This item was for information only.

9. County Attorney Report

This item was for information only.

10. Board Appointment: Reappointment to the Park & Recreation Board of Mr. Tony Keller

This item will be placed on the 11/19/09 Regular Meeting Agenda.

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - November 19, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – NOVEMBER 19, 2009

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 Swafford, 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: Billie Izard, Sandy Lipkowitz & Cathie Davis – READ Dawson & Georgia's Certified Literate Community Program update

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes of Regular Commission Meeting held on November 5, 2009. Swafford/Nix

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as proffered. Nix/Pichon

PUBLIC COMMENT:

None

ALCOHOL LICENSE HEARINGS:

None

Chairman Berg announced that if anyone had contributed more than \$250 to the campaign for public office and wished to speak they would have to fill out a form which will be made available to them. Under our 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 09-04 – Jennifer A. Blackburn, authorized agent for Cellco Partnership, d/b/a Verizon Wireless, had submitted a request for a Conditional Use Permit pursuant to the requirements of Sect. 407 of the Dawson County Land Use Resolution to allow for the construction and operation of a 195-foot monopole to be located on Harley Fausett Road; TMP 020 003; property owner Danny Fausett.

Ms. Blackburn, 104 Terrace Drive, Atlanta, GA, reported this tower would provide noise and data coverage for the residents of Dawson County. The location was specific so it would follow all requirements of the Land Use Regulation that would allow for the minimal damage to the land and least visual impact on the surrounding communities. The proposed tower height of 195' is the minimum needed to provide suitable coverage to the target service area. The tower will not have to be lit under the FAA requirements. Ms. Blackburn added at the request of the Planning Commission, Verizon examined the possibility into moving the tower 500' to the west. Unfortunately, the tower is not feasible due to the following reasons: the topography of the subject property has an existing stream that runs across the property on the west. The monopole must be located at least 75' away from the stream. In the event the tower was moved west, it would also be moved north which would locate it closer to the Kinnard and Weaver's property. In addition, the relocation could create run off issues with the creek. Second, the elevation of the property would make the monopole much more visible from the adjacent properties. Third, the proposed site was specifically located to be tucked in the tree canopy on the subject property to allow for screening. Lastly, moving the tower would decrease the level of service Verizon Wireless could provide the citizens of Dawson County. The applicant stated the tower can be painted to help camouflage. She added that Dawson County may relocate the E-911 Tower onto this tower free of charge. All other carriers/service providers will be able to co-locate onto this tower.

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

Mrs. Sharon Fausett, 11524 Hwy 136 West, Dawsonville, GA stated she is in favor of the application as submitted as well as the location of the tower. Mrs. Fausett is the property owner in which the tower is being proposed. She adds that many long hours have gone into this project to ensure that the tower creates the minimum impact on the land, surrounding property owners and environment.

Chairman Berg asked whether anyone wished to opposition of the application.

Mr. Charles Finley, 225 Finely Road, Dawsonville, GA asked the Board to deny the request. He reported the balloon test was preformed from 8am-12pm and while the trees were still full. Mr. Finley added this cell tower will decrease the resell value of his home.

Mr. Tommy Weaver, 55 Lawrence Drive, Dawsonville, GA stated the location is not very desirable and would be in favor of the application if the tower were moved to the alternate site. He reported moving the tower is a onetime expense for Verizon but would be a lifetime expense for the surrounding property owners.

Mr. Danny Kinnard, 1922 Goshen Church Road, Dawsonville, GA stated he is opposed to the location of the tower only. He does not feel the elevation difference or the trees pose any problem to moving the monopole back.

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

Ms. Blackburn stated that Verizon would be happy to move the tower if it were possible but given the above mentioned reasons, it is not acceptable at this time.

Motion passed unanimously to approve the application with the following stipulations:

1. Planting per landscape plan shall be completed during the fall/winter planting season;
2. A one year guarantee must be provided to the County from the installer for all landscaping per the landscape plan;

3. Move tower location any number of feet to the northwest if possible to be determined by Verizon;
4. The monopole shall be painted to allow for camouflage;

Pichon/Nix

PUBLIC HEARINGS:

Proposed changes to the Consolidated Alcohol Ordinance (2nd of 2 hearings)

Chairman Berg stated this is the final hearing to accept public comment regarding the proposed changes to the Consolidated Alcohol Ordinance. He asked whether anyone wished to speak.

Ms. Katie Owen of the Blue Bicycle, 671 Lumpkin Campground Road, Dawsonville, GA asked the Board to consider leaving the corking procedures in the ordinance as submitted. This is where customers may purchase an entire bottle of wine and once done at the restaurant, the bottle is then resealed so that the customer may take the bottle home and still comply with all open container laws. She also asked the Board to consider a "Bring Your Own Bottle" corkage fee where customers would be allowed to bring their own bottle and pay a fee for the restaurant to open and serve the contents.

Mr. Vernon Smith, owner of the Lake View Center, 2057 Dawson Forest Road East, Dawsonville, GA asked the Board to consider Sunday sales of spirits and to allow individuals to have an individual pour license to be countywide as opposed to location specific. He cited that part time bar tenders must hold a license at each location they work at instead of a countywide permit.

Mr. Leon Park, Owner of Kani Japanese Steakhouse, 55 Hwy 400 South, Dawsonville, GA agreed with Mr. Smith in that the customers are leaving the County on Sundays so they may partake in distilled spirits. He believes that the County is not just loosing revenues on excise taxes but also SPLOST dollars.

Motion passed unanimously to approve the Consolidate Alcohol Ordinance as submitted. Pichon/Connor

Proposed changes to the Business License Ordinance (2nd of 2 hearings)

Chairman Berg stated this is the final hearing to accept public comment regarding the proposed changes to the Business License Ordinance. He asked whether anyone wished to speak and hearing none closed the hearing.

Motion passed unanimously to approve the Business License Ordinance as proffered. Pichon/Swafford

OLD BUSINESS:

None

NEW BUSINESS:

Approval of Standby Consultation Services: Standby Planning, Standby Civil Engineering, Standby Geo Tech, Standby Architecture, Standby Surveying, and Standby Traffic Engineering

Motion passed unanimously to approve all Standby Services as submitted. Swafford/Pichon

CSI Financial System Support and Maintenance Agreement

Motion passed unanimously to approve the CSI Financial System Support and Maintenance Agreement. Pichon/Nix

Ratification of MOU Solar Panel Grant Application for Dawson County Law Enforcement Center

Motion passed unanimously to ratify the Solar Panel Grant Application. Nix/Swafford

Approval of the Dawson County Speed Zone Ordinance

Motion passed unanimously to approve the Dawson County Speed Zone Ordinance. Pichon/Swafford

Approval to hold public hearings and advertise the proposed Home Occupation Ordinance

Motion passed unanimously to hold public hearings and advertise the proposed Home Occupation Ordinance. Pichon/Nix

Approval to hold public hearings and advertise the proposed Site Plan Requirements

Motion passed unanimously to hold public hearings and advertise the proposed Site Plan Requirements. Swafford/Pichon

Board Appointment: Park & Recreation Board of Mr. Tony Keller

Motion passed unanimously to approve Mr. Tony Keller to the Park & Recreation Board. Nix/Connor

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - December 3, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – DECEMBER 3, 2009

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 Swafford, District 2; Commissioner Connor, District 3; County Attorney Homans; County Manager Tanner; County Clerk Simpson and interested citizens of Dawson County. District 4 Commissioner Nix was absent.

OPENING PRESENTATION: Kare for Kids Holiday Program – Mr. Calvin Byrd

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

None

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as proffered. Pichon/Swafford

PUBLIC COMMENT:

None

ALCOHOL LICENSE HEARINGS:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Approval of Concession Bids

Motion passed unanimously to approve the Concessions bid as submitted. Connor/Swafford

Approval of BOC 2010 Meeting Dates

Motion passed unanimously to approve the 2010 BOC Meeting Dates. Swafford/Pichon

Ratification of the Courthouse Bid and Approval of Contract

Motion passed by majority to move the previous question. Pichon/Swafford Commissioner Connor opposed.

Motion passed by majority to approve the agreement with Winter Construction Company, Inc. as contractor, for construction of the Dawson County Government Center for the contract sum of \$15,458,333.00 as presented, which consists of AIA document A101-2007, Addendum 7 to the Dawson County Government Center Construction Contract, and AIA document A201-2007. Pichon/Swafford Commissioner Connor opposed.

Georgia Power Easement Agreement for Dawson County Government Center

Motion passed unanimously to approve the GA Power Easement Agreement for the Dawson County Government Center as submitted. Pichon/Swafford

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk

Regular Meeting Minutes - December 17, 2009

DAWSON COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES – DECEMBER 17, 2009

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 Swafford, District 2; Commissioner Nix, District 4; County Attorney Homans; County Manager Tanner and interested citizens of Dawson County. District 3 Commissioner Connor and County Clerk Simpson were absent.

OPENING PRESENTATION: DCHS Chamber Choir – Mr. Spencer Wright

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Mr. Charlie Auvermann offered brief comments regarding Vice President Joe Biden's visit to Dawson County's Impulse Manufacturing.

Chairman Berg announced the next Board of Commissioners meeting will be Monday, December 21, 2009 at 4pm due to the Christmas holiday.

APPROVAL OF MINUTES:

No minutes were submitted for approval.

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda with the change to move L9 to L1.

PUBLIC COMMENT:

Mr. George David asked the Board to continue to support the Dawson County Humane Society in any way possible.

ALCOHOL LICENSE HEARINGS:

None

ZONINGS:

None

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Discussion of Humane Society Contract

Ms. Kaye Harris, Director Dawson County Humane Society gave a brief presentation covering revenues, budget, ongoing mission, comparison and contrast of animal intakes for 2008, 2009 and projected 2010 fiscal years.

Motion passed unanimously to approve the Dawson County Animal Care and Control Agreement as submitted with the following changes:

- Page 3 strike leukemia testing;
- Addition of Dawson County Humane Society provide the Dawson County Board of Commissioners with a CPA prepared audit by June 2010 for the fiscal year of 2009;

- Dawson County Humane Society shall keep a monthly record of the number of animals received from the County over or under the limit of 150 animals per month. At year's end any numbers in excess of the 1800 total (150/month) be paid by the County of the additional fee of \$100.00.
- Dawson County Humane Society shall provide monthly charts provided to the Board of Commissioners showing total amount of animals, holding, adopted, county versus public drop-offs and animals euthanized. Running totals for years end.

Nix/Pichon

Permit for Assembly: Blue Ridge Relay

Motion passed unanimously to postpone item until applicant can receive all signatures from GSP and GDOT. Pichon/Nix

Request for Fiscal Agent by Family Connection

Motion passed unanimously to approve the request for the County to act as the Fiscal Agent for Family Connection. Pichon/Swofford

Approval of Family Connection Grant

Motion passed unanimously to approve the Family Connection grant as proffered. Swafford/Nix

Approval of the 2010 Public Defender Contract and the IGA with Hall County for Indigent Defense Services

Motion passed unanimously to approve the 2010 Public Defender Contract as submitted. Pichon/Swofford

Approval of War Hill Rest Area Bid

Motion passed unanimously to approve the War Hill Rest Area bid. Nix/Swofford

Approval to declare Surplus Items from the Dawson County Daycare Center

Motion passed unanimously to declare all items submitted as surplus from the Dawson County Daycare Center. Swafford/Pichon

Adoption of CIE Update

Motion passed unanimously to adopt the CIE Update as submitted. Nix/Pichon

Approval of Board Appointments:

EMS Advisory Council: Billy Thurmond & Lanier Swafford.

Motion passed unanimously to reappoint Billy Thurmond and Lanier Swafford to the EMS Advisory Council. Pichon/Nix Commissioner Swafford abstained from vote.

Health Board: Beth Greenberg

Motion passed unanimously to reappoint Ms. Beth Greenberg to the Dawson County Health Board.
Swafford/Pichon

Tax Assessor's Board: John Stegall & Steven Helvick

Motion passed unanimously to reappoint John Stegall and Steven Helvick to the Tax Assessor's Board.
Nix/Swafford

ADJOURNMENT

Motion passed unanimously to adjourn.

PUBLIC COMMENT:

None

APPROVE: Mike Berg, Chairman

ATTEST: Davida Simpson, County Clerk