



**HALL COUNTY BOARD OF COMMISSIONERS  
VOTING MEETING MINUTES**

**Hall County Government Center 2<sup>nd</sup> Floor  
2875 Browns Bridge Road  
Gainesville, GA 30504**

**Streamed Live on Hall County Government's Website - [www.hallcounty.org](http://www.hallcounty.org)  
Thursday, July 13, 2023 - 06:00 PM**

**Call to Order**

*Chairman Higgins at 6:00 p.m.*

*Present:*

*Chairman Richard Higgins, Vice-Chairman Billy Powell, and Commissioners Kathy Cooper, Gregg Poole, and Jeff Stowe*

*Also present were County Administrator Zach Propes, Assistant County Administrators Katie Crumley and Casey Ramsey, Commission Clerk Jennifer Rivera, County Attorney William Linkous III, and Assistant County Attorney Justin Lawhon*

*Vice Chairman Powell and Commissioner Stowe were present by phone.*

**Approve Agenda**

*Commissioner Cooper/Commissioner Poole — approve — unanimous*

**Invocation**

- 1 Chairman Richard Higgins

**Pledge**

- 2 Commissioner Kathy Cooper

**Public Comments**

*There were no comments from the public.*

**Proclamation/s**

- 3 Approve the proclamation recognizing Damon Gowan's retirement after 25 years of service to Hall County, Georgia.

*Commissioner Cooper presented Damon Gowan with the Proclamation.*

*Commissioner Cooper/Commissioner Poole — approve — unanimous*

- 4 Approve the Proclamation recognizing Dustin Cleveland's retirement after 20 years of service to Hall County, Georgia.

*Commissioner Cooper/Commissioner Poole — approve — unanimous*

## **Consent Agenda**

*Commissioner Poole/Commissioner Cooper — approve — unanimous*

- 5 Approve the July 10, 2023 Work Session minutes.
- 6 Approve the June 21, 2023 Voting Meeting minutes.
- 7 Approve the June 21, 2023 Executive Session minutes.
- 8 Approve the June 21, 2023 Meeting minutes.
- 9 Approve the award of IFB #021-44 Furnish and Install New Playground Equipment at Cool Springs Park for Parks & Leisure to Bliss Products and Services, Inc. of Lithia Springs, GA, in the amount of \$199,872.31.
- 10 Approve the amendment to the November 17, 2022 Meeting Minutes regarding item 17 (Application of Atlas Development Services, Inc.) to correct a scrivener's error.
- 11 Approval and authorization for the Chairman to execute a resolution consenting to the de-annexation of 4042 Brock Drive, Oakwood, GA, pursuant to O.C.G.A. § 36-36-22, and authorize the Chairman to execute the resolution and any and all documents necessary to consent to the de-annexation, subject to the review and approval by the County Attorney.
- 12 Approve the Stipulation and Settlement Agreement in the worker's compensation case of Sheriff's Office employee Ernestine Smith, and authorize the Chairman to execute any and all documents necessary to effectuate the settlement, subject to the review and approval by the County Attorney.
- 13 Approval and authorization for the Chairman to execute an Intergovernmental Agreement with the Town of Braselton, City of Buford, Town of Clermont, City of Flowery Branch, City of Gainesville, City of Gillsville, City of Lula, City of Oakwood, and City of Rest Haven regarding a Transportation Special Purpose Local Option Sales and Use Tax (TSPLOST) and authorization for the Chairman to take any additional action necessary to effectuate the Agreement, subject to review and approval by the County Attorney.
- 14 Approve the FY 2024 Gainesville-Hall County Economic Development Council Service Contract between Hall County and the Greater Hall Chamber of Commerce in the amount of \$185,000.00.
- 15 Approve the adoption of the Tax Levy Resolution for the Hall County School District for FY 2024.

- 16 Approve the award of IFB #056-43 General Contractor for Hire for the construction of a new gymnasium for Boys & Girls Club of Lanier to Pencor, LLC of Alpharetta, GA, in the amount of \$2,474,740.00. This award is funded by the Community Development Block Grant (CDBG) with no financial obligation to Hall County.
- 17 Approve the renewal of the annual contract for RFQ/P #41-002 Demand Services for On-Call Concrete Contractors for various County departments to Chattahoochee Group, Inc. of Clermont, GA, Multiplex, LLC of Duluth GA, and Sol Construction, LLC of Atlanta, GA. The estimated annual cost is \$102,410.00.
- 18 Approve the renewal of the FY 2024 Memorandum of Understanding with the University of Georgia (UGA) Extension for Cooperative Extension Services and Personnel; authorize the Chairman to execute all related documents, subject to the review and approval by the County Attorney.
- 19 Approve the Employment Agreement for the Assistant Director of Financial Services.
- 20 Approve the agreement renewal for On-Call Planning Services for Planning & Development to CPL Architects, Engineers, Landscape Architect & Surveyor, D.P.C., P.C. The estimated cost is \$707,595.00.
- 21 Approve the award of RFQ/P #43-027 Gainesville-Hall Metropolitan Transportation Plan: 2025 Update/Bicycle and Pedestrian Plan Update for the Gainesville-Hall Metropolitan Planning Organization (GHMPO) to RS&H, Inc. of Atlanta, GA, in the amount of \$398,500.00.
- 22 Approve the award of Task Order 2024-001 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation of various County roads for the FY 2024 resurfacing program to Allied Paving Contractors, Inc. of Pendergrass, GA, in the estimated amount of \$13,079,799.25.
- 23 Approval and authorization for the Chairman to execute an Early Acquisition Request to the Georgia Department of Transportation (GDOT) regarding four (4) parcels on the Spout Springs Road Phase II Project; authorization for the Chairman to execute any and all additional documents necessary to effectuate the transaction, subject to review and approval by the County Attorney.
- 24 Approve the Release of a \$297,169.00 Irrevocable Letter of Credit for Streets and Stormwater Management Facilities in Magnolia Station Phase II Subdivision. Commission District 3.
- 25 Approve the Acceptance of a \$297,169.00 Guaranty Performance/Maintenance Agreement for Streets and Stormwater Management Facilities in Magnolia Station Phase II Subdivision. Commission District 3.
- 26 Approve the purchase of Replacement VxRail Hardware and Software for the Sheriff's Office to Ahead, Inc. of Chicago, IL, in the amount of \$440,016.26.

### **Other Business - County Attorney**

*Mr. Linkous addressed the Board.*

- 27 Approval and authorization for the Chairman to execute a resolution of the Board of Commissioners of Hall County calling for an election on the question whether or not to impose a Transportation Special Purpose Local Option Sales and Use Tax (TSPLOST), subject to Hall County voters' approval of a referendum on November 7, 2023, and authorization for the Chairman to take any and all additional action necessary to effectuate the Resolution, subject to review and approval by the County Attorney.

*Commissioner Poole/Commissioner Cooper — approve tabling item 27 until the July 27, 2023 Voting Meeting — unanimous*

### **Other Business - Planning and Development**

*Randi Doveton, Director of Planning and Development, addressed the Board.*

- 28 Public Hearing to adopt Hall County's updated short-term work program and capital improvement element.

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*There were no comments from the public.*

*Commissioner Cooper/Commissioner Poole — approve — unanimous*

- 29 Public Hearing for a new Malt Beverage Package license for Supermercado Hidalgo, located at 210 Atlanta Highway, Gainesville, GA 30501. Ownership is FN and MN Investment, LLC. License holder is Firoz Himani and the Registered Agent is Maria Diaz. Commission District 4.

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*The following people addressed the Board:*

*Favor:*

- *Firoz Himani*

*Commissioner Stowe/Commissioner Cooper — approve — Vote: 4 to 0*

*Commissioner Cooper — aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — abstained*

*Commissioner Stowe — aye*

*Motion passed.*

- 30 Public Hearing to amend Title 17 of the Official Code of Ordinances of Hall County, Georgia, to comply with O.C.G.A. § 36-66-1 through 36-66-6, commonly known as the Zoning Procedures Law, as amended by the adoption of HB 1405; to repeal conflicting ordinances and resolutions; and for other purposes.

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*There were no comments from the public.*

*Commissioner Cooper/Commissioner Poole — approve — unanimous*

- 31 Public Hearing to change the name of a segment of road on the official Hall County road map from Deaton Creek Parkway to Deaton Way; being a ±0.096 mile section between Friendship Road and Thompsons Mill Road. Commission District 1.

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*There were no comments from the public.*

*Commissioner Cooper/Commissioner Poole — approve — unanimous*

**Public Hearing to amend Hall County's Zoning Map as follows:**

- 32 **3263 Tanners Mill Road | Use Subject to County Commission Approval |** on a 37.28± acre tract located on the east side of Tanners Mill Road approximately 756 feet from its intersection with Weaver Road | Zoned AR-IV; Tax 15025 000002 | **Proposed use: agri-entertainment venue |** Commission District 1 | **Paden M. Dunagan, applicant.**

*Mr. Lawhon introduced items 32 and 33, which were heard together. Ms. Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.*

*The following people addressed the Board regarding both items 32 and 33:*

*Favor:*

- *Paden Dunagan, 3263 Tanners Mill Road, Gainesville*

*Commissioner Cooper/Commissioner Stowe — approve with the five (5) conditions listed below — unanimous*

*Conditions:*

- 1. The agri-entertainment business shall operate as described in the narrative and depicted on the site plan.*
- 2. The agri-entertainment business shall satisfy all comments from the Environmental Health Department, Fire Marshal, Public Works and Utilities, and Georgia Department of Transportation prior to obtaining an agri-entertainment business license. Plans addressing comments, or for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
- 3. No variances are granted as part of this request.*
- 4. Any expansion to the existing agri-entertainment business shall require additional approval from the County Commission.*
- 5. Per, section 2.60.060. — effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.*

- 33 **3263 Tanners Mill Road | Variance |** to allow for outside amplification of voice, music and/or instruments except during a wedding ceremony on a 37.28± acre tract located on the east side of Tanners Mill Road approximately 756 feet from its intersection with Weaver Road | Zoned AR-IV; Tax 15025 000002 | **Proposed use: agri-entertainment venue | Commission District 1 | Paden M. Dunagan, applicant.**

*Items 32 and 33 were heard together. See item 32 for public hearing details.*

*Commissioner Cooper/Commissioner Poole — approve with the one (1) condition listed below — unanimous*

*Conditions:*

- 1. All music must stop at 10:30 pm.*

**5800 Lanier Islands Parkway | Rezone (Amend Conditions) |** from Planned Commercial Development (PCD) Conditional to Planned Commercial Development (PCD) to amend existing conditions on a 3.57± acre tract located on the south side of Lanier Islands Parkway at its intersection with Beards Road | Zoned PCD; Tax Parcel 07329 004012 | **Proposed use: vehicle sales and construction equipment rental & sales | Commission District 2 | Vacutek, LLC, applicant.**

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*The following people addressed the Board:*

*Favor:*

- *Scott Angel, 1127 Reece Drive, Hoschton*

*Commissioner Powell/Commissioner Stowe — approve with the twelve (12) conditions listed below — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — abstained*

*Commissioner Stowe — aye*

*Motion passed.*

*Conditions:*

- 1. Development is approved as generally shown on the concept plan and described in the revised project narrative dated June 2, 2023 modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.*
- 2. Any repair or replacement fencing along Lanier Islands Parkway shall be decorative metal with regular brick columns no less than every 50 feet. Replacement of fencing along all other property lines shall be constructed of standard wood fencing materials or vinyl-coated chain link with privacy slat inserts at a minimum but may also match the decorative metal fencing, at the owner's discretion.*
- 3. The fence must be properly maintained by the owner (1997).*
- 4. Fencing shall be located 10 feet from the property line (1997).*
- 5. The setback from Beards Road shall be 55 feet from the centerline of the right-of-way (1997).*
- 6. Vehicle parking areas shall be paved with either asphalt or concrete (2004).*
- 7. Any outdoor lighting on the premises shall be non-spill type (2004).*
- 8. The applicable bulk and development standards in the Suburban Shopping district (S-S) shall apply.*
- 9. The following uses shall be prohibited: junk yard; salvage yard; pick and pull; storage of debris; or inoperable vehicles.*

10. *While inoperable vehicles as an ongoing storage activity is prohibited, it is anticipated that rental equipment might be in need of repair or decommissioning and may be stored on the site from time to time. Limited storage of those items is permitted, provided the equipment is stored adjacent to the eastern interior side property line and is screened by an opaque fence a minimum of six (6) feet in height.*
11. *Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
12. *All conditions of zoning shall be made a part of any plat created for the property.*

35 **4033 Hidden Hollow Drive | Rezone |** from Planned Residential Development (PRD) to Agricultural-Residential-III (AR-III) on a 4.36± acre tract located on the west side of Hidden Hollow Drive approximately 718 feet from its intersection with Hidden Hollow Terrace | Zoned PRD; Tax Parcel 10098 000125 | **Proposed use: permitted uses in AR-III |** Commission District 2 | **Bourdua REI, LLC/Brian Bourdua, applicant.**

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*The following people addressed the Board:*

*Favor:*

- *Brian Bourdua, 2895 New College Way, Cumming*

*Commissioner Powell/Commissioner Poole — approve with the five (5) conditions listed below — unanimous*

*Conditions:*

1. *Development of the subject parcel shall be limited to one (1) site-built single family residence developed with similar materials and colors as surrounding dwelling units established within the existing development. Final elevations shall be subject to the approval of the Planning Director.*
2. *The Applicant/Developer shall satisfy all comments from Environmental Health Department, Hall County Fire Marshal, Public Works and Utilities, and Georgia Department of Transportation prior to obtaining a certificate of occupancy.*
3. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."*
4. *All conditions of zoning shall be recorded on the final plat.*
5. *The only allowable uses are those allowed in R-I zoning.*



36 **4375 Peckerwood Road | Rezone |** from Residential-I-Low Density (R-I-L) to Agricultural Residential-III (AR-III) on a 5.21± acre tract located on the east side of Peckerwood Road approximately 1,720 feet from its intersection with Gillsville Highway | Zoned R-I-L; Tax Parcel 15003 000136 | **Proposed use: permitted uses in AR-III |** Commission District 3 | **Carlos & Tara Gregory, applicants.**

*Mr. Lawhon introduced the item. Ms. Doveton discussed the item. Mr. Lawhon conducted the Public Hearing.*

*There were no comments from the public.*

*Commissioner Poole/Commissioner Cooper — approve with the two (2) conditions listed below — unanimous*

*Conditions:*

*1. The property shall be developed in accordance with the standards of the Agricultural-Residential-III (AR-III, 17.110) zoning district.*

*2. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."*

### **County Administrator**

*Mr. Propes addressed the Board. He stated the following:*

- *Hall County's Fitch Rating assessment has been upgraded to AA+ from AA. Thanked the Board for their support and dedication to financial excellence.*

### **Commission Time**

*The Commissioners did not have any items to report.*

### **Adjourn**

*Commissioner Poole/Commissioner Cooper — adjourn at 6:36 p.m. — unanimous*