



HALL COUNTY BOARD OF COMMISSIONERS VOTING MEETING MINUTES

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

**Streamed Live on Hall County Government's Website - www.hallcounty.org
Thursday, October 12, 2023 - 06:00 PM**

Call to Order

Chairman Higgins at 6:00 p.m.

Present:

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

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

Approve Agenda

Commissioner Stowe/Commissioner Powell — approve with an amendment to add an additional agenda item #26 under Other Business - Administration — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Invocation

1 Chairman Richard Higgins

Pledge

2 Commissioner Gregg Poole

Public Comments

There were no comments from the public.

Presentation/s

Cindy Levi, CEO of Avita Community Partners, addressed the Board.

3 Avita Community Partners Update.

Proclamation/s

4 Approve the Proclamation recognizing Eric McClure's retirement after 23 years of service to Hall County, Georgia.

Commissioner Powell presented Eric McClure with the Proclamation.

Commissioner Powell/Commissioner Stowe — approve — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

5 Approve the Proclamation recognizing Rylan Chambers for an act of heroism.

Commissioner Stowe presented Rylan Chambers with the Proclamation. Interim Fire Chief Jerry Smith declared Mr. Chambers an honorary member of Fire Rescue and presented Mr. Chambers with a Fire Rescue badge and the Fire Chief Award, an award for those who go above and beyond while also displaying excellent service.

Commissioner Poole/Commissioner Powell — approve — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Consent

Commissioner Powell/Commissioner Stowe — approve — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

- 6 Approve the October 9, 2023 Work Session minutes.
- 7 Approve the September 28, 2023 Voting Meeting minutes.
- 8 Approve the September 28, 2023 Executive Session minutes.
- 9 Approve the September 28, 2023 Meeting minutes.
- 10 Approval and authorization for the Chairman to execute a resolution urging the Governor and General Assembly of Georgia to continue efforts to reform and improve mental health services for the citizens of Georgia; subject to review and approval by the County Attorney.
- 11 Approve the re-appointment of Judah Echols to the Lula Development Authority to serve a term from September 26, 2023 to September 25, 2027. Commission Districts 1, 2, 3 & 4.
- 12 Approve the appointment of Commissioner Gregg Poole to the Lula Development Authority to serve a term from September 26, 2023 to September 25, 2027. Commission Districts 1, 2, 3 & 4.
- 13 Approve the master services agreement for GIS Managed Services for Planning & Development to ROK Technologies, LLC of Mount Pleasant, CA, in the amount of \$117,392.00, subject to review and approval by the County Attorney.
- 14 Approve the purchase of additional GIS software licenses for cloud hosted enterprise GIS solution to Environmental Systems Research Institute, Inc. (ESRI) of Redlands, CA, in the amount of \$66,000.00.
- 15 Approve the Road Resurfacing List for the FY 2025 Local Maintenance Improvement Grant (LMIG) application for seven (7) miles of road resurfacing on thirteen (13) various County roads, in the amount of \$3,052,436.00. Commission Districts 1, 2, 3 & 4.
- 16 Approval and authorization for the Chairman to execute the Stormwater Management Program (SWMP) for Hall County in order to meet Georgia Environmental Protection Division (EPD) requirements on the National Pollutant Discharge Elimination System (NPDES) permit. Commission Districts 1, 2, 3 & 4.

- 17 Approve the acceptance of a \$614,732.00 Guaranty Performance/Maintenance Agreement for the streets, stormwater management facilities, and sidewalks in Union Grove Phase 1 Subdivision. Commission District 1.
- 18 Approve the purchase of three (3) 2023 Dodge Charger Pursuit Vehicles for the Sheriff's Office to Akins Ford Dodge Chrysler Jeep of Winder, GA, in the amount of \$108,917.94.

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

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

- 19 **3579 Poplar Springs Road | Use Subject to County Commission Approval**
| 17.60.040. subdivisions | on a 8.56± acre parcel located on the north side of Poplar Springs Road, approximately 125 feet from its intersection with Poplar Springs Church Road | Zoned AR-III and R-I, Tax Parcel 15036 000006C |
Proposed Use: 2-lot subdivision | Commission District 3 | Fernando Magana Jr / Brenda Magana, applicant.

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

The following people addressed the Board:

Favor:

- Fernando Magana, 3579 Poplar Springs Road, Gainesville

Commissioner Poole/Commissioner Stowe — approve with the four (4) conditions listed below — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. The property shall be subdivided into a maximum of 2 building lots in accordance with the requirements of the Residential-I (R-I, 17.60) zoning district as detailed in 17.240, area and setback requirements.
2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.
3. All conditions of zoning shall be made part of any plats created for the property.
4. 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."

20

2353 Athens Highway | Use Subject to County Commission Approval

| 17.420.050 vehicle sales lot, new or used | on a 1.14± acre parcel located on the east side of Athens Highway, approximately 430 feet from its intersection with Smallwood Road | Zoned H-B (GCOD), Tax Parcel 15022C000016 |

Proposed Use: used vehicle sales | Commission District 4 | Morteza Modaber, applicant.

Mr. Lawhon introduced items 20 and 21, which were heard together. Ms.

Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.

The following people addressed the Board regarding both items 20 and 21:

Favor:

- Morteza Modaber, 1130 East Street, Suwanee

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

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be approved for used vehicle sales only, subject to all conditions herein and development standards enforced at the time of site plan approval. No variances are approved as part of this request other than those stated. No other uses shall be permitted unless approved by the Board of Commissioners.*
2. *Development is approved as generally shown on the concept plan and described in the project narrative (both dated May 8, 2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.*
3. *Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
4. *Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
5. *Any outdoor storage shall be screened as required by the standards listed in section 17.420 Gateway Corridors Overlay District.*
6. *Vehicles displayed for sale may be parked on geogrid with gravel as shown on the submitted site plan.*
7. *Per, 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.*
8. *All conditions of zoning shall be made part of any plats created for the property.*
9. *There shall be a vegetative buffer to the east of the property. A landscape*

plan shall be submitted to be approved by staff.

10. *No servicing or maintenance of vehicles shall be allowed.*
11. *The hours of operation shall be Monday thru Friday 9:30am to 6pm, Saturday 9:30am to 4pm and closed on Sunday.*
12. *The applicant shall install a 10 foot wide landscape strip along Athens Highway and shall work with planning staff to determine the appropriate plantings.*

21 **2353 Athens Highway | Variance** | 17.420.050. landscape requirements | on a $1.14\pm$ acre parcel located on the east side of Athens Highway, approximately 430 feet from its intersection with Smallwood Road | Zoned H-B (GCOD), Tax Parcel 15022C000016 | **Proposed Use: used vehicle sales** | Commission District 4 | **Morteza Modaber, applicant.**

Items 20 and 21 were heard together. See item 20 for public hearing details.

Commissioner Stowe/Commissioner Poole — deny — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

22 **4260 Winder Highway | Amend Conditions of a Planned Commercial Development (PCD)** | on a $27.96\pm$ acre parcel located on the west side of Winder Highway, at its intersection with Strickland Road | Zoned PCD (GCOD), Tax Parcel 15044B000006 | **Proposed Use: commercial signage** | Commission District 1 | **Masstar Signs / Craig Inabinet, applicant.**

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

The following people addressed the Board:

Favor:

- *Preston Kendall, 15 West Vista Drive, Candler, NC*

Commissioner Powell/Commissioner Poole — approve with the one (1) condition listed below — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *Development is approved as generally shown on the concept plan and described in the project narrative modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.*

23 **0 Friendship Road | Rezone** | from Agricultural Residential IV (AR-IV) to Planned Commercial Development (PCD) on a 11.462± acre parcel located on the south side of Friendship Road at its intersection with River Place | Zoned AR-IV (GCOD), Tax Parcels 15039 000004 and 000656 | **Proposed Use: mixed use development** | Commission District 1 | **William Schmid, Rochester/DCCM, applicant.**

Mr. Lawhon introduced items 23 and 24, which were heard together. Ms. Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.

The following people addressed the Board regarding both items 23 and 24:

Favor:

- *Bill Schmid, 425 Oak Street, Gainesville*

Commissioner Powell/Commissioner Stowe — approve with the nine (9) conditions listed below — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *Development is approved as generally shown on the concept plan dated July 5, 2023, described in the project narrative titled 'Letter of Intent' and dated July 6, 2023, and detailed in the "Thompson Mills Village PCD District Design Standards" as submitted with modifications, if any, as presented on September 5, 2023, and excluding specific conditions referenced herein and modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards, as modified herein.*
2. *Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.*
3. *This section of the development is approved for a maximum of 529,212 square feet of office/retail, 168 residential units, and a 200 room hotel.*
4. *Prior to issuance of any permits, a traffic impact study shall be completed by an independent party that includes an assessment of existing conditions and projected impacts on transportation due to the development of this property for external roads. This report shall be generated at the expense of the applicant/developer. The Traffic Impact Study shall be submitted to GDOT and the Hall County Traffic Engineer for review and approval prior to the issuance of any permits for the property. The study shall identify improvements necessary to alleviate those impacts related to the project which exceed capacity of existing and planned improvements and a recommended timeframe for implementation of the improvements. A Signal Warrant Analysis for existing and projected conditions shall be included.*
5. *Prior to issuance of a building permit for individual parcels, the owner/developer shall submit a landscape plan to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.*
6. *Prior to issuance of sign permits, other than general signs permitted pursuant to 17.270.050, the owner/developer shall submit a master sign package for street, wall, internal directional, temporary and other signs to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.*
7. *Prior to issuance of a building permit, the owner/developer shall submit an Architectural Design Guidebook which lists a palette of acceptable building materials which shall designate required minimums and acceptable design alternatives to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.*
8. *No variances or development exceptions not specifically listed in these conditions of approval are granted. Submitted materials referenced in*

Condition one (1) are incorporated and approved by reference.

9. *All conditions of zoning shall be made a part of any plats created for the development.*

24

5800 Thompsons Mill Road and 0 Friendship Road | Amend Conditions of a Planned Commercial Development (PCD) | on a 26.685± acre parcel located on the south side of Friendship Road at its intersection with Deaton Way | Zoned PCD (GCOD), Tax Parcels 15039 000002 (pt.), 000640, 000641, 000642 and 000643 | **Proposed Use: mixed use development |** Commission District 1 | **William Schmid, Rochester/DCCM, applicant.**

Items 23 and 24 were heard together. See item 23 for public hearing details.

Commissioner Powell/Commissioner Poole – approve with the nine (9) conditions listed below – Vote: 4 to 0

Commissioner Cooper – absent

Commissioner Powell – aye

Chairman Higgins – aye

Commissioner Poole – aye

Commissioner Stowe – aye

Motion passed.

Conditions:

1. *Development is approved as generally shown on the concept plan dated July 5, 2023, described in the project narrative titled 'Letter of Intent' and dated July 6, 2023, and detailed in the "Thompson Mills Village PCD District Design Standards" as submitted with modifications, if any, as presented on September 5, 2023, and excluding specific conditions referenced herein and modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards, as modified herein.*
2. *Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.*
3. *This section of the development is approved for a maximum of 529,212 square feet of office/retail, 168 residential units, and a 200 room hotel.*
4. *Prior to issuance of any permits, a traffic impact study shall be updated by an independent party that includes an assessment of existing conditions and projected impacts on transportation due to the development of this property for external roads. This report shall be generated at the expense of the applicant/developer. The updated Traffic Engineering Study shall be submitted to GDOT and the Hall County Traffic Engineer for review and*

approval prior to the issuance of any permits for the property. The study shall identify improvements necessary to alleviate those impacts related to the project which exceed capacity of existing and planned improvements and a recommended timeframe for implementation of the improvements. A Signal Warrant Analysis for existing and projected conditions shall be included.

5. *Prior to issuance of a building permit for individual parcels, the owner/developer shall submit a landscape plan to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.*
6. *Prior to issuance of sign permits, other than general signs permitted pursuant to 17.270.050, the owner/developer shall submit a master sign package for street, wall, internal directional, temporary and other signs to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.*
7. *Prior to issuance of a building permit, the owner/developer shall submit an Architectural Design Guidebook which lists a palette of acceptable building materials along which shall designate required minimums and acceptable design alternatives to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.*
8. *No variances or development exceptions not specifically listed in these conditions of approval are granted. Submittal materials referenced in condition one (1) are incorporated and approved by reference.*
9. *All conditions of zoning shall be made a part of any plats created for the development.*

25 **5354, 5352, 5350, 5342, and 0 Thompsons Mill Road | Rezone |** from Agricultural Residential IV (AR-IV) to Planned Residential Development (PRD) on a 13.976± acre parcel located on the north side of Thompsons Mill Road approximately 555 feet from its intersection with Spout Springs Road | Zoned AR-IV (GCOD), Tax Parcels 15041 000054, 000055, 000080, 000091, 000092, 000106, and 000122 | **Proposed Use: 133 unit rental community** | Commission District 1 | **Rochester/DCCM, applicant.**

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

The following people addressed the Board:

Favor:

- *Bradley Dunckel, 425 Oak Street, Gainesville*
- *Jason Florey, 277 Hwy 74 North, Peachtree City*

Commissioner Stowe/Commissioner Powell — approve with the eleven (11) conditions listed below — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *Development is approved for lots as generally shown on the concept plan dated October 11, 2023 and described in the project narrative modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards.*
2. *Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.*
3. *The development is approved for a maximum of 129 dwelling units, as described in the project narrative and detailed on the site plan.*
4. *The minimum heated floor area (HFA) shall be 690 square feet for individual units within a duplex, 984 square feet for 2 bedroom cottage units and 1,265 square feet for 3 bedroom cottage units. Building elevations shall be composed of a mixture of cement siding, stone, and/or brick façade, with a minimum of brick or stone accents on the front of the homes. The balance of the home may be the same material or of fiber-cement material. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings.*
5. *The development shall have a 50 foot exterior buffer per the requirement of 17.180.060, Planned Residential Development along Thompsons Mill Road. There shall be a 15 foot re-vegetated buffer along the east and west property lines. The development shall delete units 73, 74, 78 and 79 from the plan, however the total number of units shall not exceed 129. Along Friendship Road, there shall be a re-vegetated buffer within the property of 100 feet from the back of the multi-use trail or 15 feet from the property line, whichever is greater. The development shall install decorative fencing or columns along the Thompsons Mill right-of-way and Friendship Road.*
6. *The recommendations of the traffic study shall be implemented as part of the development process.*
7. *All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.*
8. *No variances or development exceptions not specifically listed in these conditions of approval are granted. Relief is granted from the following requirements:*
 - a. *17.180.060(B)(8) — Open Space — Open Space shall be required at 30% of the gross acreage*
 - b. *Table 17.270(A) — Signs — Free standing permanent signs shall be allowed within 5 feet of the right-of-way*
 - c. *17.180.060.6 — Landscape Requirements — The requirement for two trees per lot shall be modified to one tree per unit (133) plus any trees necessary to satisfy the development's tree density requirements.*

9. Upon final approval by Hall County Planning & Engineering, applicant shall construct a 6 foot wide pedestrian path, within the right-of-way of Thompson Mill Road, for the full frontage width.
10. Detached garages, in approximate locations shown on the rezoning plan dated October 11, 2023 shall be allowed.
11. Parking shall be provided at a ratio of 2.5 spaces per unit, inclusive of garage parking.

Other Business - Administration

Ms. Crumley addressed the Board.

26 Approval and authorization for the Chairman to execute a lease agreement between Hall County and WCCB Enterprises, LLC; authorization for the Chairman to execute any and all documents necessary to effectuate the agreement, subject to review and approval by the County Attorney.

Commissioner Stowe/Commissioner Powell — approve — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

County Administrator

Ms. Crumley and Mr. Ramsey did not have any items to report.

Commission Time

Commissioner Billy Powell, District 2, stated the following: "The Hall County Board of Commissioners condemns the violence and terroristic attacks taken upon Israel and we stand in solidarity with all of the innocent people hurting as a result of the events taking place in the Middle East. We extend our deepest sympathies to all of those affected by these unimaginable acts of violence, and our thoughts and prayers are with the people as they navigate the aftermath and an uncertain future in the wake of these attacks. We ask the citizens of Hall County to join us in keeping the innocent victims of these tragedies in our hearts, minds and prayers during this tumultuous time. It is important to recognize the impact that violence can have on communities around the world. The recent attacks in the Middle East remind us of the need to promote peace and understanding. By standing together in condemning violence and promoting peace in our local community, we stand in solidarity with the victims of this violence."

Commissioner Powell/Commissioner Stowe — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Chairman Richard Higgins announced that he will be running for re-election in 2024. Stated it is a pleasure to be on the Hall County team, which works together to accomplish a lot. Stated there are many challenges going forward like infrastructure and roads.

Adjourn

Commissioner Powell/Commissioner Stowe — adjourn at 7:02 p.m. — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.