



**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, November 09, 2023 - 06:00 PM**

Call to Order

Vice Chairman Powell 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, Deputy Commission Clerk Abril Olivas, County Attorney William Linkous III, and Assistant County Attorney Justin Lawhon

Chairman Higgins was present by phone.

Approve Agenda

(Motion made following the pledge.)

Commissioner Stowe/Commissioner Cooper — approve — unanimous

Invocation

- 1 Commissioner Gregg Poole

Pledge

- 2 Commissioner Kathy Cooper

Public Comments

There were no comments from the public.

Proclamation/s

- 3 Approve the Proclamation recognizing November 1, 2023 as National Family Literacy Day.

Commissioner Powell presented Penny Walker and Carolyn Launer with the Proclamation.

Commissioner Stowe/Commissioner Poole — approve — unanimous

- 4 Approve the Proclamation recognizing November 2023 as National American Indian Heritage Month.

Commissioner Stowe presented Penny Walker and Carolyn Launer with the Proclamation.

Commissioner Stowe/Commissioner Poole — approve — unanimous

Consent

Commissioner Stowe/Commissioner Poole — approve — unanimous

- 5 Approve the November 6, 2023 Work Session Meeting minutes.
- 6 Approve the November 6, 2023 Executive Session minutes.
- 7 Approve the November 6, 2023 Meeting minutes.
- 8 Approve the October 26, 2023 Voting Meeting minutes.
- 9 Approve the October 26, 2023 Executive Session minutes.
- 10 Approve the October 26, 2023 Meeting minutes.
- 11 Approve the re-appointment of Dr. Antonio Rios to the Board of Health to serve a term from January 1, 2024 to December 31, 2028. Commission Districts 1, 2, 3 & 4.
- 12 Approve the re-appointment of Rev. Don Harrison to the Board of Health to serve a term from January 1, 2024 to December 31, 2028. Commission Districts 1, 2, 3 & 4.
- 13 Approve the re-appointment of Srikanth Yamala to the Chestatee Chattahoochee RC&D Council to serve a term from January 1, 2024 to December 31, 2024. Commission Districts 1, 2, 3 & 4.
- 14 Approve the re-appointment of Commissioner Gregg Poole to the Chestatee Chattahoochee RC&D Council to serve a term from January 1, 2024 to December 31, 2024. Commission Districts 1, 2, 3 & 4.
- 15 Approve the re-appointment of Commissioner Billy Powell to the Gainesville Hall Development Authority to serve a term from January 1, 2024 to December 31, 2024. Commission Districts 1, 2, 3 & 4.
- 16 Approve the re-appointment of Commissioner Jeff Stowe to the Parks & Leisure Services Board to serve a term from January 1, 2024 to December 31, 2024. Commission Districts 1, 2, 3 & 4.

- 17 Approve the re-appointment of Jennifer Pettitt to the Board of Tax Assessors to serve a term from January 1, 2024 to December 31, 2027. Commission District 1.
- 18 Approval and authorization for the Chairman to execute an Extension of the Letter of Intent between Hall County and Glade Farm, LLC originally executed on January 15, 2010, and any all additional documents necessary to effectuate the transaction, subject to review and approval by County Attorney.
- 19 Approve the contract for Everbridge Mass Notification Alert System for Emergency Management to Everbridge, Inc. of Pasadena, CA, in the amount of \$64,914.71.
- 20 Approve the proposed Environmental Health Fee Schedule, effective January 1, 2024.
- 21 Approve the award of IFB #026-44 Sheriff's Office Training Center Metal Storage Building for the Sheriff's Office to KBP Construction Plus, LLC, of Winder, GA, in the amount of \$103,932.65.
- 22 Approve the award of IFB #025-44 Furnish and Install Security Fencing for the Hall County Courthouse Parking Deck for the Sheriff's Office to Blue Ridge Fence, Inc. of Lula, GA, in the amount of \$63,639.00.
- 23 Approve the 2024 Board of Commissioners Meeting Schedule.

Other Business - Appointments for Consideration

- 24 Appointment to the Board of Tax Assessors to serve a term from January 1, 2024 to December 31, 2027. Commission District 3.

Commissioner Poole/Commissioner Stowe — appoint Casey Ryals — unanimous

Other Business - Planning and Development

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

- 25 Public Hearing to amend section 17.410 entitled "Standards for Telecommunication Antennas and Towers" and section 17.412 entitled "Standards for Small Wireless Facilities Placed in the County Right-of-Way" within Title 17 of the Official Code of Ordinances of Hall County, Georgia; 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 Stowe/Commissioner Poole — approve — unanimous

Other Business - Public Works and Utilities

Jorge Gomez, Assistant Director of Public Works and Utilities addressed the Board.

- 26 Approve the release of a \$95,002.00 Guaranty Performance/Maintenance Agreement for the Streets, Stormwater Management Facilities, and sidewalks in Stephens Point Subdivision Phase II. Commission District 2.

Commissioner Powell/Commissioner Stowe — approve — unanimous

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

Ms. Doveton addressed the Board.

- 27 **3902 & 0 Belmont Highway | Rezone** | from Agricultural Residential IV (AR-IV) to Planned Industrial Development (PID) on 15.75± acres located on the southeastern side of Belmont Highway, approximately 1,780 feet north of its intersection with Mountain Creek Road | Zoned AR-IV (GCOD), Tax Parcels: 15013 000017B and 000074 (pt.) | **Proposed Use: truck parking and office** | Commission District 3 | **Gus E. Simpson, applicant.**

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

The following people addressed the Board:

Favor:

- *James Irvin, 164 Professional Drive, Baldwin*

Opposition:

- *William C. Jenkins, 3950 Blmont Highway, Talmo*
- *Barry Latty, 3858 Belmont Highway, Talmo*

Commissioner Poole/Commissioner Cooper — approve with the seventeen (17) conditions listed below — Vote: 3 to 2

Commissioner Cooper — aye

Commissioner Powell — nay

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — nay

Motion passed.

Conditions:

1. *Development is approved as generally shown on the concept plan dated July 31, 2023 and described in the updated letter of intent received dated October 2, 2023, 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. The proposed dump truck storage shall be limited to a maximum of 35 trucks on-site at any one time.*
 - 3. Light fixtures shall be installed with full cut-offs. Any existing fixtures shall be retrofitted to be full cut-off.*
 - 4. All proposed on-site improvements shall be located beyond proposed GDOT project limits.*
 - 5. Any building to be utilized for the business shall be inspected for compliance with commercial building code requirements. Should any improvements be required for compliance, work shall be completed and inspected prior to the issuance of a certificate of occupancy or business license.*
 - 6. All truck parking shall be located outside of the 300-foot Gateway Corridors Overlay District limit as depicted on Hall County GIS maps.*
 - 7. No gravel shall be permitted within the Gateway Corridors Overlay District. All employee parking areas and driveways shall be paved with asphalt or concrete.*
 - 8. No approval of the proposed use in Hall County shall constitute approval of the use on any portion of the property within Jackson County.*
 - 9. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
 - 10. 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."*
 - 11. The hours of operation for the business shall be 6:30am-7:00pm Monday through Friday, and 6:30am-12:30pm on Saturday, and the business will be closed on Sundays.*
 - 12. The driveway shall be paved from the edge of road to the limits of the Gateway Corridors Overlay District (measuring 300 feet from the centerline of the road).*
 - 13. The existing manufactured home and accessory buildings located within the limits of the Gateway Corridors Overlay District (measuring 300 feet from the centerline of the road) shall be exempt from GCOD standards, as the use will be dedicated to a caretaker/employee's residence for the business.*
 - 14. Direct sales of dirt, sand, gravel, mulch, and rock is prohibited on site.*
 - 15. There shall be a decel lane and turning lane added in accordance with Department of Transportation (DOT) specifications.*
 - 16. The annual business license renewal for calendar year 2025 shall be subject to Board of Commissioners approval.*
 - 17. There shall be no auctions, sales of vehicles, equipment or materials allowed on site.*

6777 and 6804 Spout Springs Road | Rezone | from Agricultural Residential III (AR-III) and Planned Residential Development (PRD) to Planned Residential Development (PRD) on a combined 22.88± acres located on the west side of Spout Springs Road, approximately 100 feet from its intersection with Lancaster Crossing | Zoned AR-III & PRD; Tax Parcels 15042 000018 and 000140 (pt.) | **Proposed Use: 95-unit townhome development |** Commission District 1 | **Walker Anderson Homes, applicant.**

Mr. Lawhon introduced items 28 and 29, which were heard together. Ms. Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.

The following people addressed the Board regarding both items 33 and 34:

Favor:

- *Steve Gilliam, 340 Jesse Jewell Parkway, Suite 300, Gainesville*
- *Corbitt Williams*

Opposition:

- *Joel Bell, 6756 Spout Springs Road, Flowery Branch*

Commissioner Cooper/Commissioner Stowe — approve with the thirteen (13) conditions listed below — unanimous

Conditions:

1. *The development shall not exceed a maximum of 95 units and may be 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 minimum heated floor area (HFA) shall be 1,800 square feet.*
4. *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 all exterior boundaries.*
6. *All associated stream buffers shall be contained completely within HOA common areas and shall not be on any individual lot.*
7. *All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.*
8. *The development shall be limited to a maximum of two (2) model homes prior to recording of the final plat.*

9. *The following variances are granted herein:*
 - a. *70% of garage door area shall be allowed.*
 - b. *The street design as presented in the conceptual plan shall be subject to review and approval of the Hall County Engineering Department.*
 - c. *The design shall be subject to review and approval of Hall County Fire Marshal.*
 - d. *Sewer design shall be subject to review and approval of the County Engineer.*
 - e. *The building elevations shall be reviewed and approved by the Planning Director.*
10. *Driveways are required to be 22 feet with parking for two cars.*
11. *There shall be no on street parking allowed.*
12. *There shall be a 6 foot privacy fence or screening installed on the property line bordering the seven lots located on Lancaster Crossing.*
13. *There shall be at least 30 offsite parking spaces.*

29

6804 Spout Springs Road | Amend Conditions | of a Planned Residential Development (PRD) on a 20.37± acre parcel located on the west side of Spout Springs Road, at its intersection with Lancaster Crossing | Zoned PRD; Tax Parcels 15042 000018 | **Proposed Use: 95-unit townhome development |** Commission District 1 | **Walker Anderson Homes, applicant.**

Items 28 and 29 were heard together. See item 28 for public hearing details.

Commissioner Cooper/Commissioner Stowe — approve with the thirteen (13) conditions listed below — unanimous

Conditions:

- 1. The development shall not exceed a maximum of 95 units and may be 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 minimum heated floor area (HFA) shall be 1,800 square feet.*
- 4. 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 all exterior boundaries.*
- 6. All associated stream buffers shall be contained completely within HOA common areas and shall not be on any individual lot.*
- 7. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.*
- 8. The development shall be limited to a maximum of two (2) model homes prior to recording of the final plat.*
- 9. The following variances are granted herein:*
 - a. 70% of garage door area shall be allowed.*
 - b. The street design as presented in the conceptual plan shall be subject to review and approval of the Hall County Engineering Department.*
 - c. The design shall be subject to review and approval of Hall County Fire Marshal.*
 - d. Sewer design shall be subject to review and approval of the County Engineer.*
 - e. The building elevations shall be reviewed and approved by the Planning Director.*
- 10. Driveways are required to be 22 feet with parking for two cars.*
- 11. There shall be no on street parking allowed.*
- 12. There shall be a 6 foot privacy fence or screening installed on the property line bordering the seven lots located on Lancaster Crossing.*
- 13. There shall be at least 30 off site parking spaces.*

8730 Forrester Road | Use Subject to County Commission Approval | on a 5.57± acre tract located on the east side of Forrester Road, approximately 297 feet from its intersection with Forrester Road | Zoned AR-IV; Tax Parcel 12128 000009 (pt.) | **Proposed use: expansion of commercial kennel |** Commission District 3 | **Steven & Holly Crumley, applicants.**

Mr. Lawhon introduced items 30, 31 and 32, which were heard together. Ms. Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.

The following people addressed the Board regarding both items 30, 31 and 32:

Favor:

- *Holly Crumley, 120 Magnolia Place, Homer*

Opposition:

- *Virginia Martin, 5355 Elliott Crossing, Gainesville*
- *Kathryn Askew, 8720 Forrester Road, Lula*

Commissioner Stowe/Chairman Higgins — approve with the six (6) conditions listed below — Vote: 4 to 1

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — nay

Commissioner Stowe — aye

Motion passed.

Conditions:

- 1. Any and all further expansion of the facility or kennel activity will be subject to further review and approval of the Board of Commissioners, and appropriate permits obtained upon approval.*
- 2. No residential dwelling may be added to the parcel where the commercial kennel is located.*
- 3. The business shall maintain the fencing and planted buffer as described in the applicant's statement.*
- 4. The applicant will pursue retroactive building permits for all buildings measuring more than sixteen feet in length and width.*
- 5. There shall be a total fine of \$1000 imposed.*
- 6. The application will require an engineer's report for the work conducted without a building permit or inspections. Once a certificate of occupancy (CO) is issued, the applicant must obtain a retroactive business license for last year and this year.*

31 **8730 Forrester Road | Variance** | from 17.240.060 to reduce the setback for commercial kennels from 200 feet to 44 feet | on a 5.57± acre tract located on the east side of Forrester Road, approximately 297 feet from its intersection with Forrester Road | Zoned AR-IV; Tax Parcel 12128 000009 (pt.) | **Proposed use: commercial kennel structures** | Commission District 3 | **Steven & Holly Crumley, applicants.**

Items 30, 31 and 32 were heard together. See item 30 for public hearing details.

Commissioner Stowe/Commissioner Cooper — approve with the six (6) conditions listed below — Vote: 4 to 1

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — nay

Commissioner Stowe — aye

Motion passed.

Conditions:

- 1. Any and all further expansion of the facility or kennel activity will be subject to further review and approval of the Board of Commissioners, and appropriate permits obtained upon approval.*
- 2. No residential dwelling may be added to the parcel where the commercial kennel is located.*
- 3. The business shall maintain the fencing and planted buffer as described in the applicant's statement.*
- 4. The applicant will pursue retroactive building permits for all buildings measuring more than sixteen feet in length and width.*
- 5. There shall be a total fine of \$1000 imposed.*
- 6. The application will require an engineer's report for the work conducted without a building permit or inspections. Once a certificate of occupancy (CO) is issued, the applicant must obtain a retroactive business license for last year and this year.*

32 **8730 Forrester Road | Variance** | from 17.240.060 to reduce the setback for commercial kennels from 200 feet to 48 feet | on a 5.57± acre tract located on the east side of Forrester Road, approximately 297 feet from its intersection with Forrester Road | Zoned AR-IV; Tax Parcel 12128 000009 (pt.) | **Proposed use: commercial kennel structures** | Commission District 3 | **Steven & Holly Crumley, applicants.**

Items 30, 31 and 32 were heard together. See item 30 for public hearing details.

Commissioner Stowe/Commissioner Cooper — approve with the six (6) conditions listed below — Vote: 4 to 1

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — nay

Commissioner Stowe — aye

Motion passed.

Conditions:

- 1. Any and all further expansion of the facility or kennel activity will be subject to further review and approval of the Board of Commissioners, and appropriate permits obtained upon approval.*
- 2. No residential dwelling may be added to the parcel where the commercial kennel is located.*
- 3. The business shall maintain the fencing and planted buffer as described in the applicant's statement.*
- 4. The applicant will pursue retroactive building permits for all buildings measuring more than sixteen feet in length and width.*
- 5. There shall be a total fine of \$1000 imposed.*
- 6. The application will require an engineer's report for the work conducted without a building permit or inspections. Once a certificate of occupancy (CO) is issued, the applicant must obtain a retroactive business license for last year and this year.*

33 **3405, 3419, 3443, 3505 Cleveland Highway and 3906 Donna Drive | Rezone** | from Agricultural Residential III (AR-III) and Planned Commercial Development (PCD) to Light Industrial (I-I) on 20.16± acres located on the north side of Cleveland Highway, at its intersection with Donna Drive | Zoned AR-III and PCD (GCOD), Tax Parcels: 10144 000036, 000030, 000035, 000041, and 000029 | **Proposed Use: boat/RV storage and an office/warehouse** | Commission District 3 | **Dutton Properties, applicant.**

Mr. Lawhon introduced items 33, 34 and 35, which were heard together. Ms. Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.

The following people addressed the Board regarding both items 33, 34 and 35:

Favor:

- Ed Myers, 752 Chattahoochee Place, Gainesville

Opposition:

- Marty Smallwood, 3366 Small Woods Lane, Gainesville
- Mark Kirves, 3338 Wilkerson Drive, Gainesville
- Ken Coggins, 3471 Big View Road, Gainesville
- Michael O'Chasey, 3342 Wilkerson Drive, Gainesville
- Richard Prior, 3342 Nottingham Forest Drive, Gainesville
- Terry Lucas, 4614 Babbing Creek Way, Gainesville
- Petra Urban, 3418 Cleveland Highway, Gainesville
- Mary Alice Smith, 3342 Nottingham Forest Drive, Gainesville
- Robert Simmons, 4010 Donna Drive, Gainesville
- Ken Simmons, 3950 Donna Drive, Gainesville

Commissioner Poole/Commissioner Cooper — approve tabling item 33 until the January 25, 2024 Voting Meeting — unanimous

- 34 **3405, 3419, 3443, 3505 Cleveland Highway and 3906 Donna Drive | Use Subject to County Commission Approval | 17.420.050.** outdoor storage | on 20.16± acres located on the north side of Cleveland Highway, at its intersection with Donna Drive | Zoned AR-III and PCD (GCOD), Tax Parcels: 10144 000036, 000030, 000035, 000041, and 000029 | **Proposed Use: outdoor storage within Gateway Corridors Overlay District | Commission District 3 | Dutton Properties, applicant.**

Items 33, 34 and 35 were heard together. See item 33 for public hearing details.

Commissioner Poole/Commissioner Stowe — approve tabling item 34 until the January 25, 2024 Voting Meeting — unanimous

- 35 **3405, 3419, 3443, 3505 Cleveland Highway and 3906 Donna Drive | Variance | 17.420.050.C.2** to reduce the required transitional buffer in Gateway Corridors Overlay District | on 20.16± acres located on the north side of Cleveland Highway, at its intersection with Donna Drive | Zoned AR-III and PCD (GCOD), Tax Parcels: 10144 000036, 000030, 000035, 000041, and 000029 | **Proposed Use: boat/RV storage and office/warehouse | Commission District 3 | Dutton Properties, applicant.**

Items 33, 34 and 35 were heard together. See item 33 for public hearing details.

Commissioner Poole/Commissioner Stowe — approve tabling item 35 until the January 25, 2024 Voting Meeting — unanimous

812 Atlanta Highway | Appeal a Planning Commission Decision for a Variance | from 17.240.010 to reduce the front yard setback from 55 feet from centerline to 14 feet from centerline of road on a 0.25± acre parcel located on the west side of Atlanta Highway at its intersection with Conner Street | Zoned H-B, Tax Parcels 00127 002001 | **Proposed Use: residential addition** | Commission District 4 | **Robert Murillo, applicant.**

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

The following people addressed the Board:

Favor:

- *Robert Murrillo, 535 Dixon Drive, Gainesville*

Commissioner Stowe/Commissioner Poole — approve appeal with the two (2) conditions listed below— unanimous

1. *Must obtain a retroactive permit for the 519 square foot addition. The cost will be \$217.98, which reflects a penalty (3 x \$72.66 = \$217.98).*
2. *The application will require an engineer's report for the work conducted without a building permit or inspections.*

County Administrator

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

- *Hall County Offices will be closed on Thursday, November 23, 2023 and Friday, November 24, 2023 in observance of the Thanksgiving holiday.*

Commission Time

Commissioner Billy Powell, District 2, announced that he will run for re-election in 2024 as District 2 Commissioner and stated he is excited in the opportunities that lie ahead and would appreciate support for another term.

Commissioner Gregg Poole, District 3, mentioned spot zoning and how many industrial parks are located within residential areas.

Adjourn

Commissioner Stowe/Commissioner Poole — adjourn at 8:32 p.m. — unanimous