



**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, March 28, 2024 - 06:00 PM**

Call to Order

Chairman Higgins at 6:10 p.m.

Present:

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

Also present were County Administrator Zach Propes, Assistant County Administrator Casey Ramsey, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Abril Olivas, County Attorney William Linkous III, and Assistant County Attorney Justin Lawhon

Approve Agenda

Commissioner Powell/Commissioner Poole — approve — unanimous

Invocation

1 Chairman Richard Higgins

Pledge

2 Commissioner Jeff Stowe

Public Comments

The following people addressed the Board:

- David Hornsby, 4566 Peckerwood Road, Gillsville*
- Joseph Cody, 5109 Little River Drive, Gainesville*

Consent Agenda

Commissioner Stowe/Commissioner Poole — approve — unanimous

- 3 Approve the March 14, 2024 Voting Meeting minutes.
- 4 Approve the March 25, 2024 Work Session minutes.
- 5 Approve the award of IFB #034-44 Animal Shelter Generator Replacement for Animal Services to Capital City Electrical Services, LLC of Norcross, GA, in the amount of \$168,350.00.
- 6 Approval and authorization for the Chairman to execute a resolution accepting 3.535 acres of improved real property known as 1280 Athens Street, Gainesville, GA, deeded to the County by the Gainesville and Hall County Development Authority for access to Butler Park, and to authorize the Chairman to execute any and all documents necessary to effectuate the transaction, subject to the review and approval of the County Attorney.
- 7 Approve the application for the FY 2024 State Homeland Security Program grant for the Fire Rescue Hazmat Team to purchase identification equipment for hazardous materials in the amount of \$80,990.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related award documents. No match is required.
- 8 Approve the Agreement for Reservation of Sewerage Service between Hall County and Clayton Properties Group, Inc. for the capacity of 46,000 gallons per day for Ponderosa Farms Subdivision, in the amount of \$1,775,968.00. Commission District 2.
- 9 Approve the extension of \$615,335.39 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Union Grove Phase II Subdivision. Commission District 1.
- 10 Approve the release of a \$429,745.31 Guaranty Performance/Maintenance Agreement and acceptance of streets in Lancaster Subdivision Phase II into Hall County maintenance. Commission District 1.
- 11 Approve the release of a \$516,275.00 Irrevocable Letter of Credit/Performance Agreement and acceptance of streets in Overlook at Marina Bay Subdivision. Commission District 2.
- 12 Approve the acceptance of \$86,000.00 Irrevocable Letter of Credit/Performance Agreement for stormwater management facilities and sidewalks in Overlook at Marina Bay Subdivision. Commission District 2.
- 13 Approve the 2022 real property refund in the amount of \$2,131.42 for overpayment of Hall County Taxes regarding 9.95 acres of property located at 0 Gainesville Street, Flowery Branch to the Summit Lake Homeowners Association, Inc.
- 14 Approve the ratification of the application for the Criminal Justice Coordinating Council's (CJCC) FY 2025 Accountability Court Funding Program for Family Treatment Court for staffing, technical and professional services, supplies, and training in the amount of \$280,509.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. An in-kind match of \$42,076.00 is required.

- 15 Approve the ratification of the application for the Criminal Justice Coordinating Council's (CJCC) FY 2025 Accountability Court Funding for the HELP Program to fund HELP staff, provide surveillance, counseling, drug testing, transportation and medication assistance in the amount of \$506,613.00, and if awarded, appoint the Grants Manager as Program Designee and authorize the Chairman to execute all related application and award documents. An in-kind match of \$75,992.00 is required.
- 16 Approve the ratification of the application for the Criminal Justice Coordinating Council's (CJCC) FY 2025 Accountability Court Funding for the DUI Treatment Court to fund staff, increase surveillance, transportation, counseling, drug testing, supplies, and training in the amount of \$119,568.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. An in-kind match of \$17,935.00 is required.
- 17 Approve the ratification of the application for the Criminal Justice Coordinating Council's (CJCC) FY 2025 Accountability Court Funding Program for the Drug Court for staffing, technical and professional services, supplies, and training in the amount of \$1,002,462.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. An in-kind match of \$150,369.00 is required.

Commissioner Powell stated that item 23 would be withdrawn, item 24 would be tabled to April 23, 2024, item 25 would be withdrawn, and item 26 would be withdrawn and that there will be no public hearings conducted on those items.

Other Business - Appointments for Consideration

- 18 Appointment to the Chicopee Woods Area Park Commission to serve a term from March 27, 2024 to March 26, 2027. Commission District 1.

Commissioner Cooper/Commissioner Stowe — re-appoint Keith Morris — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — abstained

Commissioner Stowe — aye

Motion passed.
- 19 Appointment to the Chicopee Woods Area Park Commission to serve a term from March 27, 2024 to March 26, 2027. Commission District 3.

Commissioner Poole/Commissioner Powell — appoint Adam Clark — unanimous

Other Business - County Attorney

Mr. Linkous addressed the Board.

- 20 Approve the Notice of Limitation of Use and Declaration of Covenant for all Butler Park property and authorize the Chairman to execute the Notice and any documents necessary to limit the use of the Butler Park property in accordance with the Land and Water Conservation Fund Act of 1965, subject to the review and approval of the County Attorney.

Commissioner Powell/Commissioner Stowe — approve — unanimous

Other Business - Public Works and Utilities

Bill Nash, Director of Public Works and Utilities addressed the Board.

- 21 Approval and authorization for the Chairman to execute a Settlement Agreement for the purchase of 0.219 acres of real property and 0.137 acres for permanent and temporary easements for the purpose of constructing and maintaining slopes and relocating utilities, located at 3590 Thompson Bridge Road, Hall County, GA, tax parcel number 10104 000012, for the sum of \$1,866,757.00, and authorization for the Chairman to execute any and all documents necessary to effectuate the transaction, subject to review and approval of the County Attorney.

Commissioner Powell/Commissioner Stowe — approve — unanimous

- 22 Public hearing to request approval and authorization for the Chairman to execute a resolution for the expansion of a Special Tax District for street lights on Spring Road and Skelton Road in Hall County. Commission District 4.

Mr. Lawhon introduced the item. Mr. Nash discussed the item. Mr. Lawhon conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *William Mendez, 1754 Meadowview Drive, Gainesville*

Opposition:

- *Scott Wright, 1086 Glenwood Drive, Gainesville*
- *Eric Moulder, 2279 Spring Road, Gainesville*
- *Mandy Harris, 2195 Spring Road, Gainesville*

Commissioner Stowe/Commissioner Powell — deny — unanimous

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

Beth Garmon, Assistant Director of Planning and Development, addressed the Board.

- 23 **5348 Channel Drive | Amend Conditions |** of a previous rezoning on a 17.60± acre tract located on the south side of Channel Drive, approximately 2,085 feet from its intersection with Bryant Quarter Road | Zoned AR-IV; Tax Parcel 15001C000007 | **Proposed Use: 2-lot subdivision |** Commission District 3 | **Robert Ratcliffe, applicant.** Note: Tabled at the February 8, 2024 Voting Meeting until the March 28, 2024 Voting Meeting.

Commissioner Stowe/Commissioner Powell — approve removing item 23 from the table — unanimous

Mr. Lawhon introduced the item. Ms. Garmon discussed the item.

Commissioner Stowe/Commissioner Poole — approve withdrawal of item 23 — unanimous

Commissioner Cooper exited the meeting.

- 24 **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone |** from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) on 117.31± acres located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000109, 000128, 000201 & 15044 000035, 000035B, 000043, 000100, 000127 | **Proposed Use: 324-unit residential development |** Commission District 1 | **Thompson O'Brien Kappler & Nasuti PC, applicant.** Note: Tabled at the March 14, 2024 Voting Meeting until the March 28, 2024 Voting Meeting.

Commissioner Powell/Commissioner Poole — approve removing item 24 from the table — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Mr. Lawhon introduced the item. Ms. Garmon discussed the item.

Commissioner Stowe/Commissioner Powell — approve tabling item 24 until the April 23, 2024 Voting Meeting — Vote: 4 to 0

Commissioner Cooper — absent

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Commissioner Cooper re-entered the meeting.

- 25 **4610, 4616, 4630 & 4636 Winder Highway | Amend Conditions** | of a Planned Residential Development (PRD) on a combined 31.64± acre tract located on the southwest side of Winder Highway, at the intersection with Plantation Drive | Zoned PRD; Tax Parcel 15037A000001 & 15037A000070 | **Proposed Use: 54-lot single-family residential development** | Commission District 1 | **Steven P. Gilliam, applicant**

Mr. Lawhon introduced the item. Ms. Garmon discussed the item.

Commissioner Cooper/Commissioner Powell — approve withdrawal of item 25 — unanimous

- 26 **2554 White Sulphur Road | Rezone** | from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) | on a 11.94± acre tract on the east side of White Sulphur Road, approximately 230 feet from its intersection with Ramsey Circle | Zoned AR-III; Tax Parcel 15020C000005 | **Proposed Use: 53-unit townhome development** | Commission District 3 | **CMWB Company, LLC, applicant**

Mr. Lawhon introduced the item. Ms. Garmon discussed the item.

Commissioner Poole/Commissioner Powell — approve withdrawal of item 26 — unanimous

27 **6384 Yellow Creek Road | Use Subject to County Commission Approval** | on a 53.13± acre tract located on the northwest side of Yellow Creek Road, approximately 350 feet from its intersection with Cajitoma Drive | Zoned AR-III; Tax Parcel 11129 000028 | **Proposed Use: Equestrian center** | Commission District 2 | **Sara Hathaway, applicant**

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

The following people addressed the Board:

Favor:

- *Sara Hathaway, 241 Sundown Way, Dawsonville*

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

Conditions:

- 1. The property shall be developed in accordance with the site plan dated December 18, 2023, and as described in the project narrative submitted on December 28, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
- 2. The structure designated on the site plan as the Rehabilitation Barn or any other structures closer than 200 feet to the property lines shall not be used for consistent and regular boarding of horses. Use of these buildings shall be restricted to the information provided in the application's narrative.*
- 3. Further development of the property beyond what is delineated on the site plan is permitted provided any improvements comply with all county standards and ordinances, supplemental regulations, and all other requirements as established by the Official Code of Hall County enforced at the time of development.*
- 4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.*
- 5. Interior padlock fences shall be moved as needed.*

28 **2030, 2034, 2036, 2038 & 2040 Spring Road | Rezone** | from Highway Business (H-B) to Planned Residential Development (PRD) | on a combined 1.99± acre tract located on the north side of Spring Road, approximately 475 feet from its intersection with Skelton Road | Zoned H-B; Tax Parcel 00122 002013, 14, 15 & 16 | **Proposed Use: 13-unit townhome development** | Commission District 4 | **Tim Ferguson, applicant**

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

The following people addressed the Board:

Favor:

- *Carla Walker, 340 Jesse Jewell Parkway Suite 650, Gainesville*

Opposition:

- *Eugene Moon, 2070 Skelton Road, Gainesville*
- *Eric Moulder, 2279 Spring Road, Gainesville*
- *Mandy Harris, 2195 Spring Road, Gainesville*

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

Conditions:

- 1. The property shall be developed in accordance with the site plan dated January 4, 2024, and as described in the project narrative submitted on January 2, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
- 2. The development shall be limited to 13 townhome units.*
- 3. A variance shall be granted relieving the developer from including sidewalks within the development.*
- 4. Building elevations shall substantially adhere to the submitted renderings. Final review and approval of building elevations is subject to the Planning and Zoning Administrator, or their designee.*
- 5. All units shall include a minimum one-car garage.*
- 6. Guest vehicle parking shall be provided at a ratio of 1 parking space per 2 units. These parking spaces may also serve the cluster mailbox unit. All roadway design and parking configurations shall meet Hall County Traffic standards.*
- 7. All residential driveways shall measure no less than 20 feet from the internal drive aisle of the development to the garage door.*
- 8. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.*
- 9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County.*
- 10. All conditions of zoning shall be made a part of any plats or construction plans created for the property.*
- 11. A 6-foot opaque fence shall be installed along all external boundaries of the development, excluding where adjacent to Spring Road Right of Way.*
- 12. Detention pond shall be designed to meet requirements as outlined in the stormwater report. If a detention pond is required adjacent to Spring Road right-of-way, it shall be designed to be discrete and utilize solutions that are similar to bioswales or underground storage or similar in order to maintain a more desirable aesthetic. Final review and approval of the stormwater management plan shall be subject to the Assistant Director of Planning and Development, or their designee.*
- 13. The development shall be one owner and all rental.*

17, 20, 21 & 24 Spring Street | Rezone | from Residential II (R-II) to Planned Residential Development (PRD) | on a combined 1.08± acre tract on the east side of Spring Street, approximately 290 feet from its intersection with Highland Street | Zoned R-II, Tax Parcels 00063 008022, 23, & 24 | **Proposed Use: 10-unit residential development** | Commission District 4 | **Alex Petry, applicant**

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

The following people addressed the Board:

Favor:

- *Alex Petry, 434 Green Street, Gainesville*
- *Frank Norton, 687 East Lake Drive, Gainesville*

Opposition:

- *Allen Reynolds, 18 Spring Street, Gainesville*
- *Jeff Archer, 1693 Fairview Drive, Gainesville*
- *Henry Edge, 22 Spring Street, Gainesville*

Commissioner Stowe/Commissioner Powell — approve with the nine (9) 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. *The property shall be developed in accordance with the site plan submitted on November 17, 2023 and as described in the project narrative submitted on December 11, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
2. *The encroachment of the existing carport which crosses over the southwestern property line shall be resolved by either removal or modification of the structure, or the property line shall be modified in such a way to eliminate the encroachment. Any changes to property boundaries shall be reviewed and approved by the county's standard plat review process.*
3. *The development shall be limited to a total of 10 dwelling units.*
4. *The minimum heated floor area (HFA) shall be 512 square feet.*
5. *There shall be no more than five (5) parking spaces along Spring Street as*

noted on the site plan dated November 17, 2023, and there shall be no less than eighteen (18) parking spaces total provided for the development.

- 6. Architectural style and materials shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Planning and Zoning Administrator, or their designee.*
- 7. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.*
- 8. All conditions of zoning shall be made part of any plats created for the subdivision.*
- 9. The development shall include tree plantings on the slope below the parking area and bungalow to provide screening, as well as along the rear boundary behind the bungalows. Final review and approval of the planting design including tree species shall be subject to the Assistant Director of Planning and Development, or their designee.*

30

6585 Johnson Circle | Appeal a Planning Commission Decision for a Variance | 17.240.010. to reduce the front yard setback from 55 feet to 36 feet from centerline of road | on a 0.34± acre tract located on the north side of Johnson Circle, approximately 517 feet from its intersection with Yacht Club Road | Zoned PRD; Tax Parcel 08161 004005 | **Proposed Use: Construction of a single-family residence | Commission District 2 | **Kristy Wilkerson – Brown Haven Homes, applicant; Gail Hunter, appellant****

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

The following people addressed the Board:

Favor:

- Gail Hunter, 6599 Johnson Circle, Flowery Branch*

Opposition:

- Tom Valichka, 530 Hiawassee Estates Drive, Hiawassee*
- Kristy Wilkerson, 4112 Shale Drive, Dawsonville*

Commissioner Powell/Commissioner Stowe — deny appeal and uphold planning commission's approval with the four (4) conditions listed below — unanimous

Conditions:

- 1. The property shall be developed in accordance with the site plan dated January 5, 2024, with the front yard setback being reduced from 55 feet to 36 feet from centerline of Johnson Circle.*
- 2. Foundation to be staked by surveyor prior to issuance of building permit.*
- 3. All conditions of zoning shall be made part of any plats created for the property.*
- 4. Pursuant to 2.60.060, 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.*

County Administrator

Mr. Propes did not have any items to report.

Commission Time

Commissioner Kathy Cooper, District 1, wished everyone a Happy Easter.

Commissioner Billy Powell, District 2, acknowledged current members of Leadership Hall. These members addressed the Board:

- *Jennifer Ledford, Northeast Georgia Health System*
- *Adrienne Cloud, Gainesville High School*

Commissioner Gregg Poole, District 3, wished everyone a Happy Easter and stated his concerns with the permitting process. Stated he appreciates everyone's efforts in getting the issue fixed.

Adjourn

Commissioner Powell/Commissioner Stowe — adjourn at 7:39 p.m. — unanimous