



**HALL COUNTY BOARD OF COMMISSIONERS
VOTING MEETING SUMMARY 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, July 27, 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 Administrator Casey Ramsey, Commission Clerk Jennifer Rivera, County Attorney William Linkous III, Assistant County Attorney Justin Lawhon, and Special Assistant County Attorney Van Stephens

Approve Agenda

Commissioner Stowe/Commissioner Cooper — approve — unanimous

Invocation

1 Chairman Richard Higgins

Pledge

2 Commissioner Billy Powell

Public Comments

There were no comments from the public.

Note: See "Commission Time" for a public comment recieved before meeting adjournment.

Proclamation/s

3 Approve the Proclamation recognizing July 2023 as Parks and Recreation Month.

Commissioner Stowe presented Hall County Parks Staff members Brent Holloway, Hunter Reid, Cindy Langman, Becky Ruffner, Jonathan Davis, Elsa Alvarez, Christine Cave, Will Sargent, Dwight Mobley, Brandon Smith and Nick Murphy with the Proclamation.

Commissioner Stowe/Commissioner Poole — approve — unanimous

- 4 Approve the Proclamation recognizing July 2023 as Muslim American Heritage Month.

Commissioner Cooper presented Mike Choudhry, Imam Bilal Ali, Abdul Raheem, Jose Delacruz, Muhammad Ali, Yosief Ali, Umar Hendrix, Rodney Turner, Imina Gahak, Mukhtar Williams, Menguc Arslan and Naveen Elder with the Proclamation.

Commissioner Cooper/Commissioner Stowe — approve — unanimous

- 5 Approve the Joint Proclamation with The City of Gainesville recognizing August 2023 as Black Business and Philanthropy Month.

Commissioner Stowe/Commissioner Poole — approve — unanimous

Consent

Commissioner Powell/Commissioner Poole — approve — unanimous

- 6 Approve the July 24, 2023 Work Session minutes.
- 7 Approve the July 13, 2023 Voting Meeting minutes.
- 8 Approve the July 13, 2023 Executive Session minutes.
- 9 Approve the July 13, 2023 Meeting minutes.
- 10 Approve the award of RFQ #44-005 On-Call Right-of-Way Services for Public Works & Utilities to BM&K, PC of Braselton, GA, Johnson, Mirmiran & Thompson, Inc. of Kennesaw, GA, Atlas Technical Consultants, LLC of Duluth, GA, THC, Inc. of Duluth, GA and Croy Engineering, Inc. of Marietta, GA. The estimated annual cost is \$315,000.00.
- 11 Approval and authorization for the Chairman to execute a Memorandum of Agreement (MOA) between the Georgia Department of Transportation (GDOT) and Hall County for Preliminary Engineering Oversight for the Spout Springs Phase 2 road-widening project, subject to the review and approval by the County Attorney. The estimated annual cost is \$40,000.00.

Other Business - County Attorney

Mr. Stephens addressed the Board.

- 12 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. NOTE: Tabled at the July 13, 2023 Voting Meeting until the July 27, 2023 Voting Meeting.

Mr. Stephens discussed the item.

Commissioner Stowe/Commissioner Poole — approve removing item 12 from the table — unanimous

Commissioner Powell/Commissioner Stowe — remove item from agenda — unanimous

Commissioner Stowe stated the following: "I am extremely disappointed in the decision of the Buford City Commission following the proposed IGA agreement made last month among our staff, Buford City staff, and the eight other municipalities that make up Hall County. The choices of public officials play a significant role in the daily lives of our citizens and the people who frequently visit our communities. TSPLOST is a program designed to contribute funds to transportation infrastructure projects, ones that are long overdue for improvement in the County. It comes with great dissatisfaction knowing that one individual who sits on two boards - both the Buford City Board of Commissioners and Buford City School Board - is willing to put a halt on a decision that is ultimately up for vote by the people of Hall County and our municipalities. This is a selfish decision of one man who is allowing a dispute between the Hall County School Board and the Buford City School Board to interfere with his role as Chairman of the City of Buford. I urge our local delegation to work alongside with State Representatives to thoroughly review and make necessary changes to all laws among cities and counties for IGAs to have a majority agreement of the cities, rather than the 100% requirement needed for a TSPLOST IGA. This 100% rule allows a bully, like the City of Buford, to hold us hostage during negotiations. The only way to stop a bully is to finally stand our ground. I have negotiated with Buford for the last time. He has taken our lunch money one too many times. Please stand with me and let's send a strong message that we are tired of their tactics and let's work with our delegation to make a change."

Commissioner Powell stated the following: "TSPLOST would have generated \$325 million dollars over a five year period and Buford's share of it was 1.14 percent."

Chairman Higgins stated the following: "We have worked for the last three weeks. Zach (Propes) and I have been on the phone constantly trying to see if there was any way to work this out, but apparently to no avail. We will just move forward. We felt that moving forward without 75 percent of a penny was not a viable option, so we decided at this time to wait for another time, which will be another year."

Other Business - Planning and Development

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

- 13 Public Hearing for a new Malt Beverage and Wine license for Express Mini Mart located at 3528 Candler Road, Gainesville, GA 30507. Ownership is Adai Legacy Business, Inc. License Holder is Glenda Jackson and the Registered Agent is Beverly Jackson. Commission District 3.

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

The following people addressed the Board:

Favor:

- *Yosief Gebretnsaye, 1025 Richmond Place Way, Loganville*

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

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — abstained

Commissioner Stowe — aye

Motion passed.

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

- 14 **5182 Odum Smallwood Road | Use Subject to County Commission Approval** | on a 27.40± acre tract located on the east side of Odum Smallwood Road approximately 480 feet from its intersection with Jess Helton Road | Zoned AR-IV; Tax Parcel 12004 000019 | **Proposed use: telecommunications facility** | Commission District 3 | **Verizon Wireless, applicant.** NOTE: Tabled at the June 21, 2023 Meeting until the July 27, 2023 Voting Meeting.

Mr. Lawhon introduced the item. Public Hearing was previously closed at the June 21, 2023 Meeting.

Commissioner Powell/Commissioner Stowe — approve removing item 14 from the table — Vote 4 to 0

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Poole — abstained

Commissioner Stowe — aye

Motion passed.

Ms. Doveton discussed the item.

Commissioner Poole/Commissioner Stowe — approve with six (6) conditions — unanimous

During discussion of item 15: Commissioner Poole/Commissioner Stowe — amend previous motion for item 14 to approve with nine (9) conditions — unanimous

Conditions:

- 1. The proposed tower shall be located as shown on the site plan and as described in the narrative that was submitted.*
- 2. The applicant shall notify the county of any construction, tower, or site modifications that would be different from what is submitted for consideration. Of particular interest to the county are changes in height, structure, tower lighting, and ground facilities that would have any impact on the sites ability to support other users or affect the surrounding neighborhood.*
- 3. The applicant shall provide tower and foundation design prior to the issuance of a building permit.*
- 4. The height of the tower and all appurtenances, including lightning rods, shall be limited to 195 feet as shown on the proposed construction drawings included with the 2019 application.*
- 5. All plans and plats created for this development shall reference the conditions of zoning approval.*
- 6. Site must meet the requirements of Section 17.410.060. The items required by this section must be shown on all plans.*
- 7. Collocations of additional antennae and carriers must follow standard permitting process.*
- 8. No variances or exceptions are granted other than those specifically granted herein: The tower shall be no closer than 372 feet from the closest off-site residential structure and 298 feet from the closest property line as shown on the site plan submitted.*
- 9. Development shall follow the standard Hall County Development Review and construction permitting process.*

15

6084 Highway 52 | Use Subject to County Commission Approval | on a 53.96± acre tract located on the south side of Highway 52 approximately 456 feet from its intersection with Hooper Road | Zoned AR-IV; Tax Parcel 15004 000034 | **Proposed use: telecommunications facility |** Commission District 3 | **Mattaniah S. Jahn P.A. obo VB BTS II, LLC, applicant.** NOTE: Tabled at the June 21, 2023 Meeting until the July 27, 2023 Voting Meeting.

Mr. Lawhon introduced the item.

Commissioner Stowe/Commissioner Poole — approve removing item 15 from the table — unanimous

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

The following people addressed the Board:

Favor:

- Mattaniah S. Jahn, 935 Main Street, Suite C4, Safety Harbor, FL*

Commissioner Poole/Commissioner Stowe — approve with the nine (9) conditions listed below — unanimous

Commissioner Poole/Commissioner Stowe — amend previous motion for item 14 to approve with nine (9) conditions — unanimous

Conditions:

- 1. The proposed tower shall be located as shown on the site plan with revision date of January 26, 2023, and as described in the narrative that was submitted.*
- 2. The applicant shall notify the county of any construction, tower, or site modifications that would be different from what is submitted for consideration. Of particular interest to the county are changes in height, structure, tower lighting, and ground facilities that would have any impact on the site's ability to support other users or affect the surrounding neighborhood.*
- 3. The applicant shall provide tower and foundation design prior to the issuance of a building permit.*
- 4. The height of the tower and all appurtenances shall be limited to 255 feet as describe in the application materials.*
- 5. All plans and plats created for this development shall include the conditions of zoning approval.*
- 6. Site must meet the requirements ofSection 17.410.060. The items required by this section must be shown on all plans.*
- 7. Collocations of additional antennae and carriers must follow standard permitting process.*
- 8. No variances or exceptions are granted other than those specifically granted herein:*
 - a. Height shall not exceed 255 feet.*
 - b. Tower may have lattice construction.*
- 9. Development shall follow the standard Hall County Development Review and construction permitting process.*

16

1590 & 0 Monroe Drive | Use Subject to County Commission Approval |
on a 2.2± acre tract located on the north side of Monroe Drive, at its intersection
with E E Butler Parkway and Athens Highway | Zoned I-I; Tax Parcels 00140
000001D and 000001C | **Proposed use: outdoor storage of inventory items**
within the Gateway Corridors Overlay District (GCOD) | Commission
District 4 | **Westwood Sheds, applicant.**

Mr. Lawhon introduced items 16 and 17, which were heard together. Ms. Doveton discussed the items. Mr. Lawhon conducted the Public Hearing.

There were no comments from the public.

Commissioner Stowe/Commissioner Powell — approve with the six (6) conditions listed below — unanimous

Following discussion of item 19: Commissioner Poole/Commissioner Stowe — amend previous motion for item 16 to add three (3) additional conditions listed below to the conditional use and for item 17 to deny the variance — unanimous

Conditions:

- 1. The property shall be approved for the outdoor storage use, 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.*
- 2. 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.*
- 3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
- 4. The applicant shall be required to submit a combination plat for the two parcels, combining the tracts as one overall property. The plat shall be subject to the review and approval of the Hall County Plat Review process prior to recording.*
- 5. Per, Section 17.380.130. — 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.*
- 6. All conditions of zoning shall be made part of any plats created for the property.*
- 7. The existing pole high sign must be removed and be installed as our standard monument height, as stated in the Hall County code.*
- 8. A decorative fence will be required.*
- 9. Planning Staff to work with Georgia Department of Transportation (GDOT) for an approved landscaping plan for the right of way to resemble the right of way rendering displayed on the screen.(A copy of this rendering can be obtained by contacting the Commission Clerk.)*

17

1590 & 0 Monroe Drive | Variance | from the non-residential development standards in the Gateway Corridors Overlay District (GCOD) on a 2.2± acre tract located on the north side of Monroe Drive, at its intersection with E E Butler Parkway and Athens Highway | Zoned I-I; Tax Parcel 00140 000001D and 000001C | **Proposed use: outdoor storage of inventory items within the Gateway Corridors Overlay District (GCOD) | Commission District 4 | Westwood Sheds, applicant.**

Items 16 and 17 were heard together. See item 16 for public hearing details.

Commissioner Stowe/Commissioner Powell — approve with the nine (9) conditions listed below — unanimous

Conditions:

- 1. The property shall be approved for the outdoor storage use, 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.*
- 2. 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.*
- 3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
- 4. The applicant shall be required to submit a combination plat for the two parcels, combining the tracts as one overall property. The plat shall be subject to the review and approval of the Hall County Plat Review process prior to recording.*
- 5. Per, Section 17.380.130. — 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.*
- 6. All conditions of zoning shall be made part of any plats created for the property.*
- 7. The existing pole high sign must be removed and be installed as a our standard monument height, as stated in the Hall County code.*
- 8. A decorative fence will be required.*
- 9. Planning Staff to work with Georgia Department of Transportation (GDOT) for an approved landscaping plan for the right of way to resemble the right of way rendering displayed on the screen.(A copy of this photo can be obtained by contacting the Commission Clerk.)*

Following discussion of item 19: Commissioner Poole/Commissioner Stowe — amend previous motion for item 16 to add three (3) additional conditions to the conditional use and for item 17 to deny the variance — unanimous

18

6060 Old Federal Road | Use Subject to County Commission Approval | on a 2.942± acre tract located on the north side of Old Federal Road, at its intersection with Jim Crow Road | Zoned V-C; Tax Parcel 08102 001018 | **Proposed use: 3-lot subdivision | Commission District 2 | ABE Consulting Inc. / Abe Abouhamdan, PE FASCE, applicant.**

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

The following people addressed the Board:

Favor:

- *Abe Abouhamdan, 2410 Hog Mountain Road Suite 103, Watkinsville*

Commissioner Powell/Commissioner Poole — approve with the four (4) conditions listed below — unanimous

Conditions:

- 1. The property shall be subdivided into a maximum of three (3) building lots in accordance with the requirements of the Vacation Cottage (V-C, Section 17.50) zoning district as detailed in Section 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. Per Section 17.380.130, the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.*

19

5201 Browns Bridge Road | Rezone (Amend Conditions) | to amend existing conditions of a Planned Commercial Development (PCD) on a 1.47± acre tract located on the south side of Browns Bridge Road at its intersection with Ash Circle | Zoned PCD; Tax Parcel 08080 001001 | **Proposed use: food truck | Commission District 2 | Nhan Nguyen, applicant.**

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

The following people addressed the Board:

Favor:

- *Nhan Nguyen, 5201 Browns Bridge Road, Gainesville*

Commissioner Powell/Commissioner Stowe — approve with the three (3) conditions listed below — unanimous

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.*
2. *The approval of the use of a food truck in the Planned Commercial development is in addition to the self-storage warehouse and no conditions herein shall negate or replace those conditions approved by the Board of Commissioners on September 10, 2020 and listed below:*
 - a. *The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations at time of development.*
 - b. *The facility shall be limited to 16,400 square feet, and the storage building shall be limited to 1,200 square feet.*
 - c. *The proposed commercial development shall conform to Section 17.420 Gateway Corridor Overlay District (GCOD) standards in its entirety, with the exception of the following variances:*
 - i. *The development shall be permitted to have two internally illuminated signs which shall only be illuminated during business hours between 6:00 am and 10:00 pm.*
 - ii. *The façade of the self-storage warehouses shall be comprised of metal siding, except for the portions of the building facing Browns Bridge Road and the second story façade where the building faces Ash Circle, where masonry material shall be required.*
 - d. *All conditions of zoning shall be made part of any plats created for the property.*
 - e. *The fencing along Ash Circle shall be opaque and shall be a minimum of 8 feet in height.*
 - f. *The hours of operation for the self-storage warehouse shall be 6:00 am to 12:00 am, seven days a week.*
 - g. *All outdoor lighting shall be non-spill type lighting fixtures.*
 - h. *The applicant shall work with the Exxon to bring the existing signage into compliance, subject to approval of the Planning Director.*
3. *The proposed business may only offer delivery and take-away meals. No food shall be consumed on premises or furniture set up to accommodate dining on the subject property.*

Following discussion of item 19: Commissioner Poole/Commissioner Stowe — amend previous motion for item 16 to add three (3) additional conditions to the conditional use and for item 17 to deny the variance — unanimous

County Administrator

Mr. Propes did not have any items to report.

Commission Time

Commissioner Billy Powell, Commission District 2, acknowledged a current member of Leadership Hall in attendance. This member addressed the Board:

- *Brent Holloway, Director of Hall County Community Services and Parks*

Commissioner Gregg Poole, Commission District 3, stated the following: "I am concerned with not being able to object to 250 foot structures as the County and we know our County better than someone in Washington DC does. This is troublesome as a human being that someone a long way away can tell me what I have to do and I cannot object to it. It is outlandish."

Chairman Richard Higgins stated the following: "We started talking about the TSPLOST with the Chamber for the last year. Looking forward to getting something passed to help fund road projects throughout the County and municipalities. People do not realize how expensive road projects are. Spout Springs (Phase) I took five years and \$40 million dollars to do it. We were hoping to get this TSPLOST to help move forward alot of projects in the County and other municipalities. It is unfortunate that we have come to this conclusion that one entity can keep us from passing it. It really hurts the citizens of our County. If you go anywhere in Hall County right now, you can see how bad traffic is. We are limited to the amount of dollars that we have and we can spend and try to make the best use of them. This was something to at least give the general public the option to pass the TSPLOST. The one penny would great deal. Its \$325 million dollars. In the last few months, our staff and also the other municipalities have worked with us to find out what projects would benefit them and what we could do to spend the money if the voters passed this. It is unfortunate that we will not have the opportunity to try that this Novemeber, hopefully in the future we can get something corrected and we can get everything straightened out. Right now we have to sit on our hands."

The following citizen addressed the Board:

- *Jacob Alexander Hill, 2833 Sawyer Mill Drive, Gainesville*

Adjourn

Commissioner Cooper/Commissioner Powell — adjourn at 6:52 p.m. — unanimous