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, January 08, 2026 - 06:00 PM

Call to Order

Chairman Gibbs at 6:00 p.m.

Present:

Chairman David Gibbs, Vice Chairman Jeff Stowe, Commissioners Kathy Cooper and Gregg Poole

Also present were County Administrator Zach Propes, Assistant County Administrators Casey Ramsey and John Gentry, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Ana Dominguez, County Attorney Justin Lawhon and Senior Assistant County Attorney Nathaniel Anderson

Commissioner Billy Powell was absent.

Approve Agenda

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

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Invocation

1 Commissioner Gregg Poole

Pledge

2 Commissioner Kathy Cooper

Public Comments

The following people addressed the Board:

- *Jodi White, 5166 Whitehall Road, Lula*
- *Kim Moore, 6017 Catamaran Court, Flowery Branch*
- *Tyler Crawford, 6541 Henry Smith Road, Murrayville*

Proclamation/s

Ms. Rivera addressed the Board and introduced the proclamations.

3 Approve the proclamation recognizing Johanna Rose Jones's retirement after 39 years of service to Hall County, Georgia.

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

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

4 Approve the proclamation recognizing Robert Stephen Watson Jr.'s retirement after 21 years of service to Hall County, Georgia.

Commissioner Cooper presented Robert Stephen Watson Jr. with the Proclamation.

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

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Consent Agenda

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

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

5 Approve the January 5, 2026 Work Session minutes.

6 Approve the January 5, 2026 Executive Session minutes.

7 Approve the December 11, 2025 Voting Meeting minutes.

8 Approve the appointment of Commissioner Kathy Cooper to serve as the 2026 Board of Commissioners Vice-Chairman.

9 Approve the award of IFB #030-46 Replace Patio Deck Roof at Hall County Government Center for Central Services to CGS, LLC of Norcross, GA, in the amount of $73,329.21.

10 Approval and authorization for the Chairman to execute a Memorandum of Agreement (MOA) with Habitat for Humanity of Hall County, Inc. for the purpose of applying for and administering project development activities related to a potential Community Development Block Grant application (CDBG) through the Georgia Department of Community Affairs (DCA) for the Renew Together Home Rehab Program, subject to review and approval by the County Attorney.

11 Approve the declaration of surplus vehicles and authorize the Chairman to execute any and all documents necessary to declare as surplus and unserviceable, subject to review and approval by the County Attorney.

12 Approve the updates to the FY 2026 Memorandum of Understanding with the University of Georgia (UGA) Extension for Cooperative Extension Services and Personnel; authorization for the Chairman to execute all related documents, subject to the review and approval by the County Attorney. The estimated annual cost is $154,300.00.

13 Approve the annual contract renewal for Accela Records/Permit Management Software subscription and license agreements for various County departments to Accela, Inc. of San Ramon, CA, in the amount of $428,163.51.

14 Approve the 2026 Intergovernmental Agreement (IGA) between Hall and Dawson Counties which facilitates sharing the cost of two positions 50/50.

15 Approve the award of RFQ #46-020 Navajo Circle (CR1203) Life/Safety Grade Separation Planning Study and Concept Development for Public Works & Utilities to Volkert, Inc. of Atlanta, GA, in the amount of $398,546.28.

16 Approve Change Order #1 to Contract #42-024 Spout Springs Road Right of Way (ROW) Acquisition Phase II for additional parcel acquisition, early acquisition requests, program management services, legal services, and property management services to Croy Engineering of Marietta, GA, in the amount of $587,801.85.

17 Approve the release of a $980,202.00 Guaranty Performance/Maintenance Agreement for Sewer in Union Heights Subdivision. Commission District 1.

18 Approve the acceptance of a $794,470.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities and Sidewalks in Magnolia Station Phase 3 Subdivision. Commission District 3.

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

Katie Ahmed, Planning & Zoning Administrator, addressed the Board.

19 **2632 Sardis Road | Rezone |** from Residential 1 (R-1) and Suburban Shopping (S-S) to Mixed Use (M-U) | on a 25.90± acre tract located at the intersection of Sardis Road and East Sardis Road | Zoned R-1 & S-S; Tax Parcel 10071 000136 | **Proposed use: Mixed use development** | Commission District 2 | **Rochester | DCCM c/o Bradley Dunckel, applicant** NOTE: Tabled at the December 11, 2025 Voting Meeting until the January 8, 2026 Voting Meeting.

Mr. Anderson introduced items 19, 20, 21 and 22, which were heard together. Ms. Ahmed discussed the items.

Commissioner Stowe/Commissioner Cooper — approve removing items 19, 20, 21 and 22 from the table — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Commissioner Stowe/Commissioner Poole — approve withdrawal of items 19, 20, 21 and 22 — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

20 **2632 Sardis Road | Special Use |** for outdoor storage, major in Mixed Use (M-U) & Gateway Corridor Overlay District (GCOD) | on a 25.90± acre tract located at the intersection of Sardis Road and East Sardis Road | Zoned R-1 & SS; Tax Parcel 10071 000136 | **Proposed use: Mixed use development** | Commission District 2 | **Rochester | DCCM c/o Bradley Dunckel, applicant** NOTE: Tabled at the December 11, 2025 Voting Meeting until the January 8, 2026 Voting Meeting.

(see item 19 for motion regarding approval of withdrawal of this item)

21 **2632 Sardis Road | Variance to Section 5.4.2 |** from Mixed Use (M-U) standards | on a 25.90± acre tract located at the intersection of Sardis Road and East Sardis Road | Zoned R-1 & S-S; Tax Parcel 10071 000136 | **Proposed use: Mixed use development** | Commission District 2 | **Rochester | DCCM c/o Bradley Dunckel, applicant** NOTE: Tabled at the December 11, 2025 Voting Meeting until the January 8, 2026 Voting Meeting.

(see item 19 for motion regarding approval of withdrawal of this item)

22 **2632 Sardis Road | Variance to Section 6.2 |** from Gateway Corridor Overlay District (GCOD) standards | on a 25.90± acre tract located at the intersection of Sardis Road and East Sardis Road | Zoned R-1 & S-S; Tax Parcel 10071 000136 | **Proposed use: Mixed use development** | Commission District 2 | **Rochester | DCCM c/o Bradley Dunckel, applicant** NOTE: Tabled at the December 11, 2025 Voting Meeting until the January 8, 2026 Voting Meeting.

(see item 19 for motion regarding approval of withdrawal of this item)

23 **221 Highland Terrace | Variance to Section 5.5 |** to reduce the minimum yards | on a 0.34± acre tract located on the west side of Highland Terrace approximately 125 feet from its intersection with West Highland Drive | Zoned I-1; Tax Parcel 00128 002009B | **Proposed Use: Bring existing structure into compliance** | Commission District 4 | **Generacion De Fe, applicant** NOTE: Tabled at the December 11, 2025 Voting Meeting until the January 8, 2026 Voting Meeting.

Mr. Anderson introduced items 23 and 24, which were heard together.

Commissioner Stowe/Commissioner Cooper — approve removing items 23 and 24 from the table — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Ms. Ahmed discussed the items. Mr. Anderson conducted the Public Hearing.

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

Favor:

- *Jeffrey Castillo, 221 Highland Terrace, Gainesville*

Commissioner Stowe/Commissioner Poole — approve with the two (2) conditions listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be developed in accordance with the site plan dated June 13, 2025, andas described in the project narrative dated August 15, 2025, modified as necessary forcompliance with conditions herein and development standards enforced at the time of siteplan approval.*
2. *All conditions of zoning shall be made a part of any plats or construction plans created forthe property.*

24 **221 Highland Terrace | Variance to Section 8.1** | to reduce the required parking | on a 0.34± acre tract located on the west side of Highland Terrace approximately 125 feet from its intersection with West Highland Drive | Zoned I-1; Tax Parcel 00128 002009B | **Proposed Use: Place of worship** | Commission District 4 | **Generacion De Fe, applicant** NOTE: Tabled at the December 11, 2025 Voting Meeting until the January 8, 2026 Voting Meeting.

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

Commissioner Stowe/Commissioner Poole — approve with the two (2) conditions listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be developed in accordance with the site plan dated June 13, 2025, andas described in the project narrative dated August 15, 2025, modified as necessary forcompliance with conditions herein and development standards enforced at the time of siteplan approval.*
2. *All conditions of zoning shall be made a part of any plats or construction plans created forthe property.*

25 **2701 Browns Bridge Road | Variance to Section 6.2 |** to reduce the required buffer | on a 0.47± acre tract located on the south side of Browns Bridge Road at its intersection with Cherry Lane | Zoned H-B; Tax Parcel 08015 005022 | **Proposed Use: Bring existing structure into compliance** | Commission District 4 | **Nick Pesola, applicant**

Mr. Anderson introduced items 25 and 26, which were heard together. Ms. Ahmed discussed the items.

Commissioner Stowe/Commissioner Poole — approve withdrawal of items 25 and 26 with refund of application fees — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

26 **2701 Browns Bridge Road | Variance to Section 5.3 |** to reduce the minimum yards | on a 0.47± acre tract located on the south side of Browns Bridge Road at its intersection with Cherry Lane | Zoned H-B; Tax Parcel 08015 005022 | **Proposed Use: Bring existing structure into compliance** | Commission District 4 | **Nick Pesola, applicant**

(see item 25 for motion regarding approval of withdrawal of this item)

27 **2017 Athens Highway | Rezone |** from Agricultural Residential (AR-1), Residential 1 (R-1) and Highway Business (H-B) to Highway Business (H-B) | on a 15.49± acre tract located on the north side of Athens Highway at its intersection with Athens Street | Zoned AR-1, R-1 & H-B; Tax Parcel 15032E002012A (pt) | **Proposed Use: Outdoor storage, major |** Commission District 4 | **Kevin Herbert c/o Fast Lube Solutions, LLC, applicant**

Mr. Anderson introduced items 27, 28 and 29, which were heard together. Ms. Ahmed discussed the items. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board regarding items 27, 28 and 29:

Favor:

- *Kevin Herbert, 2490 Highway 105, Demorest*
- *Jason Davis, 24 Dawson Village Way South, Dawsonville*

Opposition:

- *Charles Mays, 1442 Lakeshore Circle, Gainesville*
- *Anthony Winters, 1602, 1608 & 1610 Azelea Lane, Gainesville*

Commissioner Stowe/Commissioner Cooper — approve with the five (5) conditions listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be developed in accordance with the site plan dated September 3, 2025, and as described in the project narrative dated October 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. The developer shall coordinate with Planning & Zoning to update the site plan to have parking stop at the "Pinch Point" as identified in Exhibit A included in the official application documents.*
2. *The storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
3. *Hours of operation shall be Monday through Saturday, 7:00am to 6:30pm.*
4. *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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.*
5. *All conditions of zoning shall be made a part of any plats or construction plans created for the property.*

28 **2017 Athens Highway | Special Use |** for outdoor storage, major in GCOD & Highway Business (H-B) district | on a 15.49± acre tract located on the north side of Athens Highway at its intersection with Athens Street | Zoned AR-1, R-1 & H-B; Tax Parcel 15032E002012A (pt) | **Proposed Use: Outdoor storage, major** | Commission District 4 | **Kevin Herbert c/o Fast Lube Solutions, LLC, applicant**

Items 27, 28 and 29 were heard together. See item 27 for public hearing details.

Commissioner Stowe/Commissioner Cooper — approve with the five (5) conditions listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be developed in accordance with the site plan dated September 3, 2025, and as described in the project narrative dated October 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. The developer shall coordinate with Planning & Zoning to update the site plan to have parking stop at the "Pinch Point" as identified in Exhibit A included in the official application documents.*
2. *The storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
3. *Hours of operation shall be Monday through Saturday, 7:00am to 6:30pm.*
4. *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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.*
5. *All conditions of zoning shall be made a part of any plats or construction plans created for the property.*

29 **2017 Athens Highway | Variance to Section 6.2 |** to reduce the required buffer | on a 15.49± acre tract located on the north side of Athens Highway at its intersection with Athens Street | Zoned AR-1, R-1 & H-B; Tax Parcel 15032E002012A (pt) | **Proposed Use: Outdoor storage, major** | Commission District 4 | **Kevin Herbert c/o Fast Lube Solutions, LLC, applicant**

Items 27, 28 and 29 were heard together. See item 27 for public hearing details.

Commissioner Stowe/Commissioner Poole — approve variance along driveway with the five (5) conditions listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be developed in accordance with the site plan dated September 3, 2025, and as described in the project narrative dated October 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. The developer shall coordinate with Planning & Zoning to update the site plan to have parking stop at the "Pinch Point" as identified in Exhibit A included in the official application documents.*
2. *The storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
3. *Hours of operation shall be Monday through Saturday, 7:00am to 6:30pm.*
4. *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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.*
5. *All conditions of zoning shall be made a part of any plats or construction plans created for the property.*

30 **0 & 3180 Haynes Drive | Amend Conditions |** on a 0.575± acre portion of a tract located on the north side of Haynes Drive approximately 122 feet from its intersection with Thompson Bridge Road | Zoned R-MF; Tax Parcel "The Cedars CA" (portion of common area) and 10113 000049 | **Proposed use: Detached single-family residence** | Commission District 2 | **William Henry Slack, IV, applicant**

Mr. Anderson introduced the item.Ms. Ahmed discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Patrick Shuler, 200 SW Main Street, Suite 600, Gainesville*
- *William Henry Slack, IV*

Commissioner Poole/Commissioner Stowe — approve with the one (1) condition listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Motion passed.

Condition:

1. *Unit J is hereby recognized as a permitted use within the existing condominium development. This approval is based on the site plan dated July 28, 2025, and the project narrative dated October 2, 2025. All previously established zoning conditions for the overall 8.668-acre tract shall remain in effect, except as specifically modified by this amendment.*

31 **4415 Shellie Lane | Variance to Section 4.3 |** to reduce minimum yards | on a 0.53± acre tract located on the northwest side of Shellie Lane approximately 415 feet from its intersection with Virgina Street | Zoned R-1; Tax Parcel 08056 003076 | **Proposed use: Carport** | Commission District 2 | **Russell McMurry, applicant**

Mr. Anderson introduced the item.Ms. Ahmed discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Russell McMurry, 4415 Shellie Lane, Oakwood*

Commissioner Stowe/Commissioner Cooper — approve — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

32 **3580 Poplar Springs Road | Variance to Section 8.6.11 |** to allow multiple entrance signs | on a 84.25± acre tract located southwest of Poplar Springs Road at its intersection with Poplar Springs Church Road | Zoned PRD; Tax Parcel 15036A000001 | **Proposed use: Multiple entrance signs** | Commission District 1 | **Clayton Properties Group Inc., applicant**

Mr. Anderson introduced the item.Ms. Ahmed discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Clint Dixon, 5230 Belle Wood Court, Suite A, Buford*

Commissioner Cooper/Commissioner Poole — approve with the one (1) condition listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Condition:

1. *Signage shall be permitted in accordance with the submitted site plan by Baker Land Design dated April 1, 2025, and renderings dated April 1, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*

33 **7 Quarry Street | Variance to Section 8.6 |** Sign Standards | on a 1.14± acre tract located on the east side of Quarry Street at its intersection with Jesse Jewell Pkwy | Zoned R-1; Tax Parcel 00063 003001 | **Proposed Use: New freestanding sign** | Commission District 4 | **Jennifer Wolfe, applicant**

Mr. Anderson introduced the item.Ms. Ahmed discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Jennifer Wolfe, 4113 North Swann Street, Covington*
- *Brian Stephens, 261 Buckhorn Road, Clarksville*

Commissioner Stowe/Commissioner Poole — approve with the one (1) condition listed below — Vote: 3 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Condition:

1. *Signage shall be permitted in accordance with the submitted site plan and updated renderings submitted December 19, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*

Other Business - County Attorney

Mr. Lawhon addressed the Board.

34 Approval of a Resolution Adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Hearing Officer for Removal for Cause of Hall County Planning Commission Members Chris Braswell, Stan Hunt, and Frank Sosebee; and For Other Related Matters.

Mr. Lawhon stated that onJanuary 2, 2026, the hearing officer submitted a report with findings of fact, conclusions of law, and a recommendation to remove Planning Commission members Chris Braswell, Stan Hunt, and Frank Sosebee from office for cause. The proposed resolution would adopt the hearing officer's findings and remove Braswell, Hunt, and Sosebee for cause. The resolution includes provisions to train current and future planning commission members on Georgia's Open Meetings and Open Records laws and Hall County's Code of Ethics before reinstating the Planning Commission. Mr. Lawhon outlined the format of the public hearing, granting each side ten (10) minutes, with *county special counsel speaking first, followed by the Planning Commissioners' attorney, and disallowing public participation. Before considering adoption of the hearing officer's findings and recommendation, the Board will conduct a public hearing to allow Hall County Special Counsel Thomas Mitchell and the Planning Commissioners' attorney Tony Powell to address the board.*

The following people addressed the Board regarding item 34:

- *Thomas Mitchell, 1809 Buford Highway, Buford*
- *Tony Powell, 10 Lumpkin Street, Lawrenceville*

Mr. Mitchell stated that the Board of Commissioners authorized the hearing; sworn testimony in that public hearing validated employee accounts from prior interviews; video evidence was presented. Mr. Mitchell asserted that six times in 2025, three Planning Commissioners attended and participated in an illegal meeting that was not advertised, had no agenda, and no minutes, receiving presentations and discussing Planning Commission business, including testimony that on one occasion they had orchestrated a vote to occur at the public meeting. He enumerated dates of alleged illegal meetings and urges removal under the county's code, reserving time for rebuttal. The meetings occurred on April 7, May 5, July 21, July 29, August 4, and August 12, 2025. Mr. Mitchell stated the hearing officer's findings and conclusions recommend approval and removal, concluding the law was violated; he believes the board is authorized by its code to find cause and remove Braswell, Hunt, and Sosebee. He reserved the remainder of his time, noting the hearing provides the Planning Commissioners' attorney an opportunity to object or argue against adoption.

Tony Powell, attorney for Chris Braswell, Stan Hunt and Frank Sosebee introduced himself and vouched for the commissioners' character. Mr. Powell noted a cumulative total of 45 years of service by the three commissioners. He emphasized their character, stating they are good Christian people, and said he asked them to hold their tongue and let their efforts be defended by trusted representation. Mr. Powell referenced a biblical story of three men in a fire, asserting that reputations will remain intact. He claims an Open Meetings Act exception applies to staff meetings held for investigative purposes and asserts staff acknowledged such meetings occurred to support planning work. Mr. Powell contended there is an exception to Georgia's Open Meetings Act (OCGA 50-14-3) for staff meetings held for investigative purposes under duties and responsibilities imposed by law. He stated staff were not previously advised on that exception, but upon cross-examination in the transcript, staff affirmed they consulted commissioners on planning procedures and expertise in an investigative way. Mr. Powell asserted staff passed information to planning staff to investigate and draft conditions correctly, noting the difficulty of drafting conditions in real time during public meetings. He argued compliance duties (agenda, notice, minutes) were staff responsibilities, not the commissioners', and that commissioners reasonably relied on staff for such compliance. Powell states commissioners did not handle agenda posting, door hosting, preparing minutes, giving notice, or advertising; those were planning staff responsibilities. He argued officials often rely on staff for compliance, and the commissioners should be able to rely on staff to meet requirements, if needed. Mr. Powell challenged the procedural and constitutional basis of the removal process, alleging deviation from state law, improper evidentiary standards, and statute of limitations issues. He stated local bodies cannot vary the statewide Open

Meetings Act procedure due to constitutional standards; creating new procedures, evidence standards, or punishments undermines equal application across the state. He asserted the proper jurisdiction for Open Meetings violations is Superior Court for fairness and adherence to civil procedure. Mr. Powell argued the board's code requires the Board of Commissioners to remove members for cause on written charges after a public hearing conducted in the board's room, with the board as judge; he claimed the current proceeding deviated into no man's land with inadequate process. He contended the record includes hearsay, uncontested, unreviewed evidence, videos outside of court, and that such materials would not be allowed under civil procedure; he claims the code provides no evidentiary standard, resulting in an unauthorized procedure. Mr. Powell asserted accusations are beyond the ninety (90) day statute of limitations under the Open Meetings Act; every accusation is beyond the ninety (90) days. He referenced a North Georgia case where officials approved raises in a closed meeting, contrasting that case with the current situation, implying the present facts do not meet removal standards. Mr. Powell disputed the substance and memory of what occurred during staff meetings and argues commissioners only make recommendations, requiring clear words of misconduct for removal. He stated staff calculated when commissioners arrived and entered staff meetings, believed staff meetings are authorized, and reiterated compliance duties were not the commissioners' responsibility. Mr. Powell questioned what was said when three commissioners were present, noting eleven (11) accusations but staff could not recall details; he asserted the standard should include specific words or actions showing wrongdoing. He argued planning commissioners only make recommendations and that no one can remember what was said, concluding removal requires explicit language of misconduct that is absent.

Mr. Mitchell rebutted Powell, emphasizing legal duty to avoid illegal meetings, addressing claimed exceptions, jurisdiction, evidence, constitutional public trust, and urges removal. He acknowledged commissioners may be good men but stressed the biblical principle to obey laws; he noted the hearing officer found they did not and that they did not appear at the hearing to defend themselves. Mr. Mitchell noted the hearing officer couldn't evaluate a good faith defense because the commissioners did not appear. He addressed Powell's staff meeting investigative exception, citing the hearing officer's findings: findings of fact paragraphs 60—62 (page 8) and conclusions of law paragraphs 22—27 (pages 11—12) concluded these were not staff meetings for investigative purposes, with the exception construed narrowly; presence of a quorum further undercut the staff meeting characterization. Mr. Mitchell stated commissioners had a legal obligation not to participate in illegal meetings, defined not only by voting but also by receiving presentations and discussing commission business, staff testimony under oath corroborated video evidence.He clarified staff testified that when Braswell, Hunt, and Sosebee were present as a quorum, they discussed upcoming agendas and conditions—the core business of the Planning Commission. He disputed Powell's Superior Court requirement, citing the hearing officer's conclusions of law paragraphs 7—11: jurisdiction for an administrative for-cause removal proceeding is proper and separate from potential Superior Court actions. Mr. Mitchell asserted Planning and Zoning Administrator Katie Ahmed's sworn testimony describing pre-planning meetings used to discuss upcoming agendas and highlights were provided behind tab two (2) in the notebook given to the Board. He referenced the Georgia Constitution's public *trust provision: public officials must act in good faith and conduct business openly; failure can be grounds for recall, though recall is not at issue here, and the board may remove for cause under its code.*

Chairman Gibbs expressed frustration, emphasized accountability and adherence to rules and oath, noting costs and time spent, and framed the situation as a necessary business decision for Hall County. He stated it is unfortunate but necessary to hold officials accountable when they choose not to follow rules, asserting knowledge of rules and that illegal meetings of three commissioners should not occur; if someone has served twenty-two (22) years and does not know, it is a serious problem. Chairman Gibbs emphasized personal relationships but separates them from duty: I love every one of them… but as a leader, you have to make hard decisions and invites accountability if he does wrong. He underscored the seriousness of the oath of office, suggesting resignation if one cannot uphold it. Chairman Gibbs referenced the report as clear and notes significant taxpayer money and four months spent to provide opportunities to prove innocence; he maintained a stance of not speaking ill of others but was frustrated by the duration and cost. He framed the issue as business, not personal or based on name/popularity, and committed to doing his job for Hall County as elected, reiterating the necessity of making hard decisions despite unhappiness with the situation.

Commissioner Poole disputed accusations of prejudgment and absence at the hearing, criticized lack of transparency and livestreaming, and questions the validity of claimed votes. He stated that although they had prior access to evidence, they did not prejudge outcomes, emphasizing no declarations of guilt or innocence were made: We just knew before you knew so there was no prejudgment. Commissioner Poole explained absence from prior proceedings was due to being told not to attend; attendance would have been blamed if the case was lost, characterizing the situation as a setup. He criticized administration for not livestreaming the meeting, calling it a travesty, and questions whether a vote occurred, asserting they personally did not vote: We said, we had three votes when we didn't. I don't know if we voted or not. I know I didn't vote. Commissioner Poole expressed desire for transparency and full information. He challenged claims of universal awareness of meetings, objected to invoking religious references, noted receipt of a legal demand, and asserted respect for the involved men. Commissioner Poole refuted the assertion that everyone knew about the meetings, stating they had no knowledge and never attended or knew the location. He criticized use of religious references to gain favor or leniency, stating The Lord hates liars. Commissioner Poole Mentioned receiving a lawsuit demanding retraction of words. Commissioner Poole stated that video evidence suggested the men were running the county, alleging changes to staff recommendations and staff approval order. He clarified these are personal observations, not definitive claims of wrongdoing, and questions the resistance to transparency. He further challenged the notion of open, transparent work sessions by asking why all planning commissioners were not invited.

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

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

County Administrator

Mr. Propes addressed the Board and stated the following:

- *Hall County Offices will be closed on Monday, January 19, 2026 in observance of the Martin Luther King, Jr. Day holiday.*
- *A Board of Commissioners Work Session will be held on Tuesday, January 20, 2026 at 6:00 p.m.*
- *Thanked Planning & Zoning Staff for their work during the face of adversity. Thanked Assistant County Administrator John Gentry, Planning & Zoning Administrator Katie Ahmed and the entire Planning & Zoning team. Stated that he is impressed with the quality of and professional work being completed.*

Commission Time

35 Approve the rescission of the Board of Commissioners December 11, 2025 approval regarding the zoning applications for:

- **4745 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) to Planned Industrial Development (PID, GCOD) | on a 10.57± acre portion of a tract located on the east side of Cornelia Highway (GA-365) approximately 4,970 feet from its intersection with Cagle Road | Zoned AR-1; Tax Parcel 15007 000254(pt) | **Proposed Use: Industrial uses** | Commission District 3 | **BCBTR, LLC, applicant**
- **4745 Cagle Mill Road, 4673 & 4691 Noah Martin Drive | Rezone |** from Agricultural Residential 1 (AR-1) to Residential Mixed (R-X) | on a combined 130.84± acre tract located on the west side of Cagle Mill Road at its intersection with Noah Martin Drive | Zoned AR-1; Tax Parcels 15007 000254(pt), 15019 000114 & 000043 | **Proposed Use: 323-unit residential development** | Commission District 3 | **BCBTR, LLC, applicant**

Commissioner Poole introduced the agenda item stating that the rationale for the rescission was based off the Planning Director's testimony about the Planning Commission's 'staged' vote, which a hearing officer found 'exceedingly troubling'. Recommended rescinding the approval to avoid potential attorney fees from lawsuits, gievn the evidence of procedural issues. He stated that the applicant should not be charged any fees to re-submit the application throught the proper planning process.

Commissioner Poole/Commissioner Stowe — approve rescission of December 11, 2025 approval of rezoning for 4745 Cagle Mill Road — Vote: 2 to 2

Commissioner Cooper — nay

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — nay

Motion failed.

Commissioner Poole/Commissioner Stowe — approve rescission of December 11, 2025 approval of rezoning for 4745 Cagle Mill Road, 4673 & 4691 Noah Martin Drive — Vote: 2 to 2

Commissioner Cooper — nay

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — nay

Motion failed.

Commissioner Gregg Poole, District 3, committed to improving accountability for Administration and invited citizens to hold him accountable as well.

Adjourn

Commissioner Poole/Commissioner Stowe — adjourn at 8:01 p.m. — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — absent

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.