



HALL COUNTY BOARD OF COMMISSIONERS
MINUTES
Georgia Mountains Center
301 Main Street SW
Gainesville, Georgia
February 12, 2009
5:00 P.M.

Commissioners present: Chairman Tom Oliver, Vice Chairman Ashley Bell, Commissioner Billy Powell, and Commissioner Bobby Banks

Absent: Commissioner Steve Gailey.

Others present: County Administrator Charley Nix, Assistant County Administrator Phil Sutton, County Attorney Bill Blalock and Commission Clerk Heather Bennett.

Meeting called to order by Chairman Oliver at 5 p.m. in the Georgia Mountains Center, Room B, 301 Main Street, Gainesville, GA 30501.

- 1. Invocation by Reverend Gloria Gilstrap, Pastor, New Hope Church, Gainesville**
- 2. Pledge of Allegiance**
- 3. Consent Agenda:**
 - a. Approve January 22, 2009 Meeting Minutes.
 - b. Approve requested prorated refund of back taxes paid and a waiver of future ad valorem taxes on real property owned by Flowery Branch located at 5509 and 5511 Main Street.
 - c. Approve the Appointment of Berlinda Lipscomb to the Hall County Tax Assessor's Board.
 - d. Approve the Appointment of Sonia Magaña to the Hall County Library Board (District Four).
 - e. Approve the acceptance of a gift deed for a 0.571 acre parcel at New Harvest Road Industrial Park Property and authorize the Chairman to execute all necessary documents.
 - f. Approve request for Modification Race Track Business License for Road Atlanta LLC located at 5300 Winder Highway, Braselton, GA; Owner: Road Atlanta, LLC. District One.
 - g. Approve grant application submission to the Georgia Department of Transportation for their Section 5303 Metropolitan Planning Grant, authorization for Chairman Oliver to execute all documents, allocate the in-kind match and accept grant funds.
 - h. Approve authorization for County Attorney to proceed with the collection of \$60,000 Irrevocable Letter of Credit and Acceptance of Streets in Candler Business Park into the County Maintenance System. Commission District One.
 - i. Approve authorization for County Attorney to proceed with the collection of \$120,000 Irrevocable Letter of Credit for Sidewalks in Silver Ridge Subdivision Phases I & II. Commission District Three.
 - j. Approve release of \$28,000 Irrevocable Letter of Credit and Acceptance of Streets in Red Oak Plantation Subdivision into the County Maintenance System. Commission District Three.
 - k. Approve release of \$204,000 Irrevocable Letter of Credit and Acceptance of Streets in Avalon Hills Phase II Subdivision into the County Maintenance System. Commission District Three.
 - l. Approve acceptance of \$87,000 Irrevocable Letter of Credit for Sidewalks in Avalon Hills Phase II Subdivision. Commission District Three.

- m. Approve acceptance of \$30,000 Irrevocable Letter of Credit for Streets in Saint Barts Subdivision. Commission District One.
- n. Approve Guaranteed Maximum Price for the construction of the new Hall County Animal Control Facility for \$1,871,314 with Scroggs & Grizzel Construction (CM) and authorize Chairman to sign the necessary documents to execute the contracts.
- o. Approve the following bid and authorize the Chairman to execute any necessary documents:
 - 046-29 Aluminum Box Culvert (Engineering/Road Maintenance) – \$39,741.15
 - All – Contech Construction Products.

Commissioner Powell motioned to approve the consent agenda and Commissioner Bell seconded the motion. Vote 4-0 (Commissioner Gailey absent)

- 4. **Public Hearings to consider applications to amend the Zoning Maps of Hall County as follows:**
 - a. **Previously tabled application of Gary Anderson to rezone from R-II to I-II and a Use Subject to County Commission approval on a 6.25± acre tract located on the south side of West Ridge Road at its intersection with Benson Drive; a.k.a. 989 and 1005 W. Ridge Road; 1332, 1370 and 1428 Benson Drive; Tax Parcels 00055 000019; 020; 023; 024 and 042. Proposed Use: Stone and rock crushing operation. Commission District Four.**

Commissioner Bell motioned to remove the item from the table and Commissioner Powell seconded the motion. Vote 4-0 (Commissioner Gailey absent)

Comment in favor of the application.

Steve Gilliam, 301 Green Street, Gainesville, Georgia, spoke on behalf of Gary Anderson that the subject area was already zoned industrial and there are several other properties that are adjacent to the subject property that were already zoned industrial also. He added the Comprehensive Land Use Plan called for this to be zoned industrial. Mr. Gilliam requested this be rezoned and added the rock or concrete crusher that will be used on the property has been in operation at the Georgia Mountains Center as they have been taking down the parking deck. The particular rock or concrete crusher that will be used on the property has a self contained water reservoir to keep down dust on the site. Mr. Gilliam stated there would be no more than 10 dump truck loads on Ridge Road which already had heavy industrial traffic and this site will be surrounded by a six foot chain link fence.

Comment in opposition to the application.

Earl Jarrard, 1103 West Ridge Road, Gainesville, Georgia, stated he attended Macedonia Baptist Church which was near this property. Mr. Jarrard added that there was already too much traffic on West Ridge Road along with lots of wrecks and with the run off at the church this would not be a good addition to the area.

Herman Hooper, 1220 Harmony Street, Gainesville, Georgia, stated West Ridge Road had been a problem for a long time. They kept running surveys on it and there was heavy traffic and also a church that will start about 300 feet from where this crusher will be located. He also stated that there would be a lot of dust from the rock crusher and it was going to cause trouble.

James Cantrell, Pleasant View Circle, Gainesville, Georgia, stated he owned two rental properties in the area near the subject property. He had a concern for one of his tenants that worked at night and would not be able to sleep during the day with all the noise. Another of Mr. Cantrell's concerns was someone else he knew owned some property at the end of the development and had been there for

over 20 years. Mr. Cantrell stated he felt if this development was approved it would destroy the property value that they have left in that area.

Willard Thomas, Harmony Street Baptist Church, Gainesville, Georgia, stated he had been the pastor of Harmony Street Baptist Church for 27 years and in his opinion from the Gainesville Depot to West Ridge Road was the worst stretch of road in Hall County. Mr. Thomas stated that in the last 25 years the church had spent \$50,000 for a drainage system and that 90% of the road had blind spots. Mr. Thomas begged the commission to consider all the issues with this project.

Craig Young, 1206 West Ridge Road, Gainesville, Georgia, spoke on behalf of the home owners of Benson Drive. Mr. Young stated this development would be a health hazard with the dust and problems of traffic flow for emergency vehicles. Mr. Young had a petition with approximately 30 names of home owners that were opposed to this rezoning. He requested that the commission keep this property zoned residential.

Comment in rebuttal.

Steve Gilliam stated that the 9 Conditions of Zoning given by the Planning Commission were acceptable and there would only be approximately 10 trucks a day that will travel on West Ridge Road to this site. In the Conditions the times for operation for this development would be 9am-4pm each day therefore it would not cause heavy traffic during the hours of 8am-5pm. He also stated that in the Conditions there can not be any access to Benson Drive so that would eliminate the traffic that the Benson Drive home owners were worried about. Also there would be a six foot fence around the entire site for the safety of kids in the area. Mr. Gilliam also stated again that the rock crusher had a water reservoir which would keep any dust from being produced. He referred to the Georgia Mountains Center parking deck construction and that there has been no dust generated from that construction. Mr. Gilliam requested the board approve this rezoning and also stated that industrial land in this area was more expensive than residential property.

Commissioner Bell stated that he appreciated all the comments and everyone that attended to voice their concerns. Commissioner Bell also stated he had the opportunity to listen to the rock crusher and that although it was quieter than he had anticipated, it was not silent.

Commissioner Bell motioned to approve with conditions [listed below] and Commissioner Powell seconded the motion. Vote 4-0 (Commissioner Gailey absent)

1. The development of the site shall occur as generally depicted and described in the concept plan and project narrative. No other use other than the requested shall be permitted on the property. If any additional uses or expansion are proposed they must be submitted to the County Commission for review and approval and may be subject to review by the Georgia Mountains Regional Development Center (GMRDC).
2. EPD shall provide oversight of materials to be crushed.
3. Hours of operation are limited to 9:00 a.m. to 4:00 p.m. Monday through Saturday.
4. The proposed rock crushing apparatus should be located near the center of the property to minimize impacts to the surrounding area.
5. Final driveway design and placement are subject to approval by the Hall County Engineering Department. No access shall be permitted on Benson Drive.
6. Any access improvements required by the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.

7. Any outdoor lighting on the premises shall be of a non-spill type.
 8. The vehicle parking areas shall be paved with either asphalt or concrete.
 9. All conditions of zoning shall be made a part of any plat created for the property.
 10. Crushed rocks are to be watered down and if there are any rock mounds they are to be covered.
 11. The rock crusher is to remain at least 200 feet from any residence.
 12. Mounds of dirt are to be taken away from the street to minimize visual impact from the street and residences.
 13. No trucks are to enter or exit the facility from Benson Drive.
- b. Previously tabled application of Jennifer Blackburn for a Use Subject to County Commission approval; a Use Subject to Planning Commission approval; and setback variances on an 8.429± acre tract located on the south side of Deaton Henry Road, 477± ft. east of its intersection with Spout Springs Road; a.k.a. 6982 Deaton Henry Road; Zoned AR-IV; Tax Parcel 15042 000071. Proposed Use: Telecommunication tower. Commission District One.**

Commissioner Banks motioned to remove the item from the table and Commissioner Powell seconded this motion. Vote 4-0 (Commissioner Gailey absent)

Comment in favor of the application

Jennifer Blackburn, Attorney with Troutman Sanders, spoke on behalf of Verizon Wireless. Ms. Blackburn stated this area was in desperate need of a cell tower because it had inadequate cell phone coverage for Verizon service. Ms. Blackburn added that Verizon had agreed to allow Hall County's Emergency 911 Center to place their radio equipment on the tower free of charge as well as any tornado sirens in use by the County.

Comment in opposition to the application.

Douglas Aiken, 6230 Brady Road, Murrayville, Georgia, stated he was a concerned citizen and had looked at the number of variances on this rezoning and he felt it was too many. Mr. Aiken added that he did not feel the tower could with stand straight line winds because of its height and it could possibly collapse. Mr. Aiken suggested revising Number 4 of the Conditions which was to delete the word "unlighted" because it implied if you had a lighted tower it could be in excess of 190ft tall. He also suggested revising Number 6 of the Conditions to leave all trees in the area intact. Mr. Aiken stated that if the board wanted to see what one of these towers looked like they could see one off McEver Road.

Comment in rebuttal

Jennifer Blackburn stated that when they initially located the site it was located closer to the other properties but now the site would be in the middle of the subject property. There had been no

opposition from residents except at the Planning Commission meeting due to a dilapidated trailer on the property which will be removed by Verizon.

Commissioner Banks stated that he sent out emails to residents to see how many were in opposition and he only received emails back from about 30 people who were in favor of this cell phone tower.

Commissioner Banks made a motion to approve with conditions [listed below] and Commissioner Powell seconded this motion. Vote 4-0 (Commissioner Gailey absent)

1. The proposed tower shall be located as shown on the site plan and described in the narrative submitted with the zoning request.
2. Prior to the issuance of any building or construction permits by the county, the FAA must approve the "Notice of Construction or Alteration."
3. 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 to the neighborhood.
4. The height of the unlighted structure is limited to 195 feet, including all antenna/lighting rod equipment.
5. All plans and plats for this development shall reference the conditions of zoning approval.
6. A bond of \$25,000 will be posted with Hall County before a building permit is issued.
7. Hall County will have the ability to install and E-911 tower at no charge if needed for the County's emergency radio system.

5. Report from County Attorney

6. Report from County Administrator

Mr. Nix described the Town of Braselton's signed Intergovernmental Agreement regarding sewer service strategies and recommended the Commission approve this Agreement and authorize the Chairman to execute.

Chairman Oliver made a motion to approve the Intergovernmental Agreement with the Town of Braselton and to authorize his signature and Commissioner Powell seconded this motion. Vote 4-0 (Commissioner Gailey absent)

7. Consider other business presented by members of the Commission

Commissioner Powell stated that on Monday a discussion was held concerning business licenses with respect to soliciting funds on roadways by non-profit organizations.

Commissioner Powell made a motion to suspend the issuance of any new door to door or highway solicitation permits or licenses for a period of six months to give sufficient time to further study this matter to include the study of the practice of street intersection solicitation as well and Chairman Oliver seconded this motion. Vote 4-0 (Commissioner Gailey absent)

Commissioner Bell welcomed Ms. Berlinda Lipscomb to the Tax Assessor's Board and Ms. Sonia Magaña to the Library Board. Commissioner Bell also recognized Mr. J.P. Banks who at the next commission meeting would present some recommendations regarding the Hall County Drug Court. Commissioner Bell also discussed his attendance at the Legislative Conference with ACCG where he gained knowledge regarding SB 83 regarding Homestead Exemption. He then recommended having someone in the Administration office contact Finance and the Tax Commissioner regarding this bill to determine how much this will financially impact the County if it was passed. Commissioner Bell then stated he had also met with the Chairman of Dawson County Board of Commissioners, Mr. Mike Berg regarding the shared judicial clerks and judges and stated the county needed to be certain as we go forward that we are not paying more than was required. Commissioner Bell would like to meet with Reggie Forrester in Court Administration on this issue.

Commissioner Banks discussed the stimulus projects for Hall County and thanked Charley Nix and Ken Rearden for retrieving this information. The County has requested approximately 190 million from the stimulus package.

8. Adjourn