



260 HILLSBORO ROAD  
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MAYOR TOBY P. BRADBERRY

POST 1: ERIC CARLSON

POST 2: JASON PRESLEY

POST 3: ANN EVANS

POST 4: HILDA KURTZ

POST 5: VIOLET DAWE

## APPROVED MINUTES

### TOWN OF NORTH HIGH SHOALS, GEORGIA

#### REGULAR COUNCIL MEETING\*

October 19, 2020

Council Present: Toby Bradberry, Ann Evans, Eric Carlson, Hilda Kurtz, Jason Presley, Violet Dawe

Visitors: Pamela Lohr Hendrix, Mark Reign Streiter, Tony Capomachia, Nic Capomachia, Vince Capomachia, Fred Johnson, Frank Pittman, Joe Reitman

Call to Order

Greetings and Declaration of Quorum

- Mayor Bradberry called the meeting to order at approximately 7:33 P.M.

Agenda Setting

- Council Member Evans made a motion to move the rezone presentation to the first item of business. Council Member Carlson seconded the motion. The motion passed unanimously.
- Council Member Carlson made a motion to accept the agenda with the update and Council Member Dawe seconded the motion. The motion passed unanimously.

Presentation of Draft of the September Meeting

- Council Member Carlson made a motion to accept the minutes from the Regular Council Meeting on September 21, 2020 as presented. Council Member Evans seconded the motion and it passed, with Council Member Dawe abstaining.

Presentation of Financial Statement

- In the absence of Clerk Wilson, Mayor Bradberry presented the financial statement to Council. He informed Council that some of the usual numbers on the financial statement were absent due to dates of the month and those particular bills not coming due yet.
- SPLOST money: Mayor Bradberry explained there was an error calculating the 2015 SPLOST so the Town received more money than usual (nearly \$22,000 instead of \$12,000) to correct the mistake.
- Council Member Carlson asked for confirmation that used funds from the CARESACT/COVID-19 funding was returned to the state. Mayor Bradberry confirmed.
- Council Member Kurtz asked about the balances in the revenue column being predominately in the red. With the town clerk being absent from the discussion, Council Member Kurtz moved to delay approval of the financial statement to next month. Council Member Dawe seconded the motion. The motion was passed unanimously.

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## Citizen Comments on Non-agenda Items

- A citizen noted the theft of political signs in the neighborhoods and inquired about the Town's current sign regulations. The citizen asked about putting up a large sign as related to the upcoming election. Mayor Bradberry stated due to the close timing to the election, the council would not have time to take any action on signs should they be constructed.

### **Note: The Town's attorney Joe Reitman joined the meeting at approximately 7:46pm.**

- At this time, he provided Council and all those present a summary of the meeting requirements as laid out in the zoning procedures laws found in the Georgia code. Essentially, each side will get no less than 10 minutes with each side getting equal time.
  - The applicant has the right to use up their entire allotted time because it is their application
  - If there is an opposition, Reitman recommends limiting each person to 3-4 minutes
  - All comments need to be relevant to the matter at hand, no unprofessional comments will be permitted
  - An immediate neighbor who is opposed to the application, is given consideration and allowed more time to present their position. If the application was approved, an immediate neighbor is considered to have standing if the decision was appealed.
- Mayor Bradberry decided each side would be allowed 15 minutes

## **NEW BUSINESS**

### **Item 1—Re-zoning of Land on New High Shoals Road**

Attorney Reitman outlined the order of public hearing as follows: applicant first, those in favor of the application, and then anyone opposed. If the applicant has any time left from their allotted time, it can be used for rebuttal. Attorney Reitman called the public hearing "Open", at approximately 7:54pm. As an immediate neighbor, Council Member Dawe recused herself as a Council Member and joined the audience as a citizen at approximately 7:57pm.

Frank Pittman, from Pittman Engineering, spoke first on behalf of the property owner, Reign Streiter. Pittman highlighted the following information in his presentation:

- The property in question is 23 acres located on New High shoals Road with an existing A-2 zoning designation
- The original request as presented to Oconee County asked for an R-2 designation. However the recommendation from the Oconee County planning staff was for an R-1 designation with a minimum of 2 acre lots—the property owner has no issue with an R-1 designation
- Without the rezone, the land could be divided into four 5-acre parcels which would require a road; adding a road for only four parcels is cost prohibitive therefore the property owner is asking for a rezone of 2 acre lots
- The development would include a public road, public watermain, the lots would be on septic, stormwater infrastructure to meet all county and state requirements
- Most of the towns current subdivisions contain lots less than 2 acres
- The character area for this property is Country Estates (as defined in the Future Land Use study by Oconee County) which is in keeping with this proposal

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- Proposed houses will sell between \$500,000-\$600,000
- With only 11 residential lots any effects on traffic or schools would be minimal
- If the proposal was approved, it would be binding—no duplexes
- The land would be cleared as the individual lots were purchased and would be cleared by the new property owner.
- This property at one point was approved as part of a subdivision with .75 acre lots
- There is an existing access easement that runs along the northside of the property that is 25ft wide which provides access to a property to the west.
  - The concept map shows the easement being relocated between lots four and five.
  - After speaking with the property owner who needs the easement, Pittman now proposes adding a second access easement between lots three and four which grants access to the property in its current location.
  - If the rezone is approved, Pittman recommends making the access easement a condition of the approval so it will be platted
- Construction plans on the road would start right away if the application were approved
- The Oconee County planning staff recommended approval as well as the Oconee County Planning Commission

Property Owner Mark Reign Streiter spoke next:

- He began by briefly introducing himself and his connection to Oconee County—current resident, three children who attended North Oconee Schools, was previously a schoolteacher himself, owns a real estate company in the area
- Has refused offers to sell the land to people outside the Oconee County community
- His goal is to be a good neighbor and listen to everyone's concerns and ask questions

Questions Followed (Answered by Frank Pittman)

1. Possible to move the stormwater pond?
  - a. The current plan has the stormwater pond at the low point of the property which is where it needs to go to capture all the water from the property. Streiter is open to having a buffer between the neighboring property and the pond. The stormwater pond would discharge into the creek located at the rear of the property (not a neighboring property).
2. Will there be any treatment for mosquitoes?
  - a. Typically no treatment is done for mosquitoes; some landscape will be done inside the pond. As a stormwater management system pond, it is designed for water to go in and filter out. It will not hold water all the time. Ponds that hold water all the time are built for a different purpose and maybe spring fed.
3. Sidewalks?
  - a. If required by Town, sidewalks will be put in; The plan shown here is a zoning concept plan, not a construction plan that would show all those details.
4. Will lot owners have permission to smooth over existing terraces on the property?
  - a. Yes, once a person purchases a lot, they can do what they like with it; Water coming off lots will be caught by the road and piped to the pond—essentially the road replaces the terraces. The terraces are not protected by government regulations. Legally the development cannot cause an increase in runoff

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- b. to adjacent properties. If the proposal is approved, I (Pittman) would submit a hydrology study explaining runoff details.

Next presenter—Nic Capomacchia (opposed)

- Attended meeting with brother Vince (2x UGA grad) and father Tony (former UGA professor)
- Began with providing an overview of their property (listed as tract 4 on the survey) and how it connects to Mark Streiter's property. Their current easement is between tracts 1 and 3
- Where tracts 1, 2, and 4 meet the easement widens to 50 feet as it crosses over a creek. At the creek there is a 24-inch pipe that was put there by a logging company in the past. That location is the best place to access their property beyond the creek for logging purposes; need to maintain this access or be granted different access that would meet the same needs
- The easement was recorded in Oconee County Superior Court in June 2014; At the Planning Commission meeting Pittman stated the easement was not recorded.
- The proposed easement along lot 5 would diminish our land value by one-third (based on Oconee County laws limiting the number of parcels allowed to use an easement)
- Concerned about the pollution of Frazer Creek, number of septic systems, Streiter is a developer not a builder so will the quality of house match what is being presented?
- If Council votes to approve, would like the following conditions—10' buffer along easement, 75' buffer along Capomacchia southern property line, lot sizes between 3-4 acres

Next Presenter—Pam Hendricks/Violet Dawe (opposed)

- Dawe provided background on her property: purchased 40 acres on one side of Hwy 186 and 11.1 acres on the other side of Hwy 186 currently used to raise and train horses
- Water from Streiter's property flows through her property to Frazer Creek; currently she supplies compost to organic gardeners and is concerned about homeowners using fertilizers, pesticides, and other chemicals—provided documentation dated 9/20/2020 stating the tributary tested as "clean"
- Expressed concerns about the following issues:
  - Closeness of stormwater pond to her property attracting mosquitos
  - Increased water runoff onto her that will contain sediment, pesticides, and other chemicals, increased water runoff onto Hwy 186 making the road more dangerous
  - Septic systems contaminating wells and underground streams
  - Construction noise detrimental to training green horses
  - Costs to the school system for increased attendance and the Town for road maintenance
- Hendricks now speaking
  - Presented an argument about the concept of zoning, noting that most of the surrounding property was 5 acres or larger
  - She pointed out Streiter knew the zoning when he purchased the property and did not make the sale of the property contingent on a change in the zoning classification
  - If you allow an exception how will you tell anyone else no in the future?
  - Streiter is asking for 3x times the number of houses allowed by the current zoning
  - Restated concerns about the septic system

Next Speaker—Fred Johnson (opposed)

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- Surrounding neighbors purchased land and built homes with the expectations of 5 acre lots; if they knew the city was going to change the zoning code may have placed houses differently to sell off land
- Expenses of taking care of the road (will be wholly in the city)

Pittman spoke again, giving a rebuttal and addressing the questions and concerns of the nearby landowners mentioned above.

- Capomacchia's Concerns:
  - He clarified that at the planning commission meeting he did not say the Capomacchia easement was unrecorded
  - Because the Capomacchia family may have the ability to subdivide the property later, Pittman recommends Council making the second access easement a condition of approval
  - Four parties spoke against the proposal at the planning commission meeting, not 6; 2 are present tonight and the other 2 own the 5 and 6.6 acre lots nearby
  - Met with the mayor about the project, emailed all members of council, gave his card to Dr. Dawe and got no feedback from Council or Dr. Dawe
  - This family originally wanted to subdivide the land into many more lots than 11, so he (Pittman) does not understand why now they insist on 5 acre lots
  - As a condition of the planning commission approval all architecture must meet or exceed what is presented in the concept plan
  - Would not be willing to do an additional 10' buffer on the easement, but would meet all requirements for a buffer along the creek
- Dawe's Concerns:
  - Grade issues—some steep areas near the creek, if you take them out it is a gentle sloping property only 3-5% which is no different than any other subdivision around
    - The road will catch much of the water
  - Pond must be on the low side of the property, and we are offering a buffer near the barn
  - Septic issues—septic tanks and permits are issued by the state and require the land be tested before issuing
    - Cannot be within 100' of a well
  - Subdivisions all over the country have stormwater ponds—mosquitos are not as big of a problem as you fear them to be
  - Schools are funded by county taxes and as the County Planning Commission approved the plan, they do not share your concerns
  - Based on the value of the houses, the tax increase will pay for the road in addition to other things in town
- Hendrick's Concerns:
  - Oconee County focuses on character areas in their land use plan and the proposed plan is well within the guidelines for Country Estates as recommended by the land use plan
  - At one point this land was approved for 38 lots so this plan is a decrease in density which some of the speakers here tonight were the developers on
- General remarks:
  - Only a couple of the lots in Steeplechase are 5 acres, most are less than 2 acres
  - Any concerns about a potential three way stop for New High Shoals Road and Hwy 186 must be worked out between Oconee County and DOT because it is a DOT road

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- Agricultural land is where you see the most use of pesticides and loud noises; agricultural land does not have to follow stormwater management whereas subdivisions must follow state laws regarding the capture, treatment, and release of stormwater

Additional Questions:

1. Has the issue with the easement been resolved? Mayor Bradberry
  - a. No
2. Can there be a condition of zoning for the stormwater pond? Hendricks
3. Who is responsible for pond maintenance and inspection? Dawe
  - a. Oconee County requires a homeowners association for any major subdivision (anything over four lots) who will be responsible for stormwater maintenance. The HOA signs a legal document regarding stormwater maintenance.
  - b. Oconee County Code Enforcement is diligent about inspecting ponds and erosion control during construction.
4. Multiple questions about reorganizing the lots to avoid having to put in a stormwater pond
  - a. Due to the shape of the property and the available existing road frontage, there is no way to feasibly split the property into four lot using the existing road frontage; a road would have to be built which would trigger building the stormwater pond. The building of any infrastructure requires a stormwater pond no matter how many lots.
5. Why are the septic systems failing in Boulder Springs?
  - a. The subdivision was built before the current regulations were enacted that dictate the size of the septic system based on number of bedrooms. Most of the septic systems in Boulder springs are too small for how large the houses are.

The question session ended, and the meeting was turned back over to Mayor Bradberry. The mayor conferred with Attorney Reitman regarding next steps. He laid four options for Council: approval without conditions, denial, approval with conditions, and tabling the issue. If the request is going to be approved, he recommended using a development agreement in combination with mitigating measures which are the provisions the developer agrees to be bound by to ensure it is a good quality development. If Council would like to go that route, the application would have to be tabled while the documents were created.

At 9:43pm Reitman declared the public hearing portion closed so that Council could discuss the matter

Council Member Evans made a motion to deny the request to re-zone. The motion was seconded by Council Member Kurtz. Discussion of the motion followed:

- Council Member Evans stated the land was purchased with the existing zoning; it matches the character area as laid out by Oconee County as well as the character of the neighbors
- Council Member Carlson stated it was the job of Council to uphold citizen's views on responsible development and this project is not responsible development
- Council Member Kurtz supported Council Member Carlson's points; additionally she stated:
  - The project would change the traffic flow and add unknown costs to surrounding property owners; in the Joint Comprehensive Plan on page 35 country estates is defined as 3 acres not 2 as stated by Pittman

The motion was denied unanimously.

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At approximately 9:50 Attorney Reitman and Council Member Presley left the meeting and Council Member Dawe rejoined the meeting.

**Item 2—Building Permit 2551 Rays Church Road—rear deck**

This is an after-the-fact permit for a rear deck added to a home at 2551 Rays Church Road. The deck has been inspected and approved by Inspector Morgan Wheeler. A motion to approve the permit for the deck was made by Council Member Kurtz and seconded by Eric Carlson. The motion passed unanimously with Council Member Dawe abstaining.

**Item 3 – Demolition Permit at 231 Shadyfield Lane**

Mayor Bradberry reviewed the application for Council. He explained the permit was to demolish and rebuild on the existing foundation. There was some confusion about the permit application as the information on the permit request did not match the plan. The property owner was called to confirm all the measurements for the rebuild. The new structure will be 1600 sq ft heated (800 sq ft per floor) with a 600 sq ft unheated basement. It will be a three-bedroom, two bath house. Council Member Dawe made a motion to approve the demolition permit. Council Member Evans seconded the motion. The motion passed without dissent.

Council Member Evans then made a motion to approve the corrected building permit. The motion was seconded by Council Member Carlson. The motion passed unanimously.

**Item 4—Building Permit 3601 New High Shoals Road—carport**

Discussion postponed until the next month

**Item 5—Disc Golf Course**

A motion to table the discussion of the Disc Golf Course was delayed to next month's Council Meeting was made by Council Member Carlson. The motion was seconded by Council Member Dawe. The motion passed unanimously.

**MAYOR'S UPDATE**

- LMIG Grant Project Ideas:
  - Rays Church Road and Hillsboro Road chicane
  - Jefferson Road and Dickens Road speed bump
  - Bike lane on Hillsboro Road
  - Sidewalks on Hillsboro Road

Council Member Carlson made a motion to adjourn the meeting. Council Member Dawe seconded the motion and it passed without objection. The meeting ended at approximately 10:28 pm.

Submitted, Laura Wilson  
Clerk, North High Shoals

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