



260 HILLSBORO ROAD
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HIGH SHOALS, GA 30645

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MAYOR: VIOLET DAWE
POST1: ERIC CARLSON
POST 2: JASON PRESLEY
POST 3: ERIC WRIGHT
POST 4: HILDA KURTZ
POST 5: MEAGAN CUNDIFF

February 28, 2022

Called Council Meeting 7:30pm

APPROVED Minutes

Call to Order: Mayor Dawe called the meeting to order at 7:40 PM

Members Present: Mayor Dawe, Council members Carlson, Wright, Kurtz, Presley, and Cundiff in person.

Greetings and Declaration of Quorum: Mayor Dawe stated the purpose of the Called meeting, and declared a quorum

Visitors: Morgan Wheeler, Town Inspector; Joe Reitman, Town Attorney; Adam and Brittany Bracewell; Tricia Pike; Wanda Moody; Steven Tucker; Jean Enns; Sheriff's Dept representatives Josh and Jessica Dudley.

Mayor Dawe began the meeting by reading definitions for "Land Disturbance". Mayor Dawe then turned the meeting over to Mr. Reitman who spoke to the Shadyfield Lane land disturbance question and other related issues regarding properties on Shadyfield Lane. He recommended that the Town Inspector, Morgan Wheeler, accompanied by the Town Marshall/sheriff's deputy and the owner of the property with his or her representative inspect the property as it relates to the river and soil erosion using a "roller" or "laser measure" to determine the distance to the river. His recommendation was the "laser measure" as the wheel could artificially expand the distance, due to terrain.

Council member Kurtz asked Mr. Reitman "In your understanding, where is the threshold for soil erosion?"

Mr. Reitman stated that he had not researched that specific issue but based on his practice of law for over 30 years said it would have to be "observable," documented photographically, and if it is going down to the river, that would be the greatest concern. The reason is to protect the water supply for multiple jurisdictions.

Council member Presley asked why this was at issue now since Mr. Wheeler hadn't been on the property since September when he accompanied Mr. Presley and Adam Bracewell and there were no issues at that time.

Mr. Reitman responded that he could not speak to that question.

Mayor Dawe asked Mr. Wheeler if could address that question.

Mr. Wheeler described things he noted that had changed over time. (Much was inaudible on the recording.)

Some exchange took place between Mr. Wheeler and Mr. Presley.

There was discussion regarding access to the properties, complaints about "property owners not being notified..."

Some questions by Council member Kurtz.

Discussion and exchange that was inaudible.

Wanda Moody addressed the Council stating she was "worried about what happens after they've done everything"

Mr. Reitman stated that there was little more that could be determined at this meeting. All issues that needed to be addressed had been as much as possible. The underlying issue of soil erosion is to be determined.

The next step would be for the Mayor, Mr. Wheeler and Mr. Reitman contact the County officials by conference call to find a solution.

Council member Wright suggested that the signs be removed but stated that the concern was probably that mulching would continue.

Mr. Reitman asked that Ms. Bracewell wait for a decision from the County.

Ms. Bracewell stated that she had done enough waiting.

Dialogue took place between Mr. Reitman and Ms. Bracewell.

Mr. Bracewell asked what the "Stop Work" orders were for this time.

Mr. Wheeler stated that the 32 acres were being cleared and the "skid" was digging and tearing up the ground where it would turn around.

Conversation between Mr. Wheeler and Mr. Bracewell.

Mr. Reitman addressed Mr. Wheeler about Jan 28th notes. Suggested that this entry had the crux of the reason for the "stop work order". Mr. Reitman stated that Mr. Bracewell has raised a fair question, that was why he read the note into the record.

Discussion followed.

Mr. Reitman asked that a representative of the Town, representative of the property, someone from the County walk and view the property.

Some further discussion about several issues followed.

Council member Wright suggested Council could "ask Ms. Bracewell to "wait for an answer from the County but could not compel her".

Mr. Reitman agreed.

Question from Clerk Sue Bishop addressed to Mr. Reitman as to what constitutes "notice".

Mr. Reitman's response was that "in this day and age 'electronic'"

Clerk requested that all those attending who would need to be notified provide all of their pertinent information before leaving the meeting.

Council member Kurtz asked if there was a motion.

Mr. Reitman said that he would state a motion and if it was agreed upon, someone could say "So moved."

The motion was stated as follows:

"That the Mayor and Town Attorney, and Town Code Enforcement Officer will have a conference call with the Oconee County Soil and Water Conservation District and ask them to make a determination as to whether the activities on any of these three lots constitute a 'Land Disturbance'"

Council member Kurtz said "So moved"

Seconded by Council member Wright.

Mayor Dawe asked if there was any discussion. With none, she called for a vote.

Council member Presley voted against the motion. All others voted in favor.

That being done Mayor Dawe asked for a motion to adjourn.

Council member Kurtz made the motion to adjourn, seconded by Council member Carlson.

Unanimously approved.

The Council held a meeting on May 9, 2022, for the purpose of "correcting" the minutes prior to approval.

Below is the content of the minutes as agreed upon by the Council members.

“Several definitions of land disturbance were presented by Mayor Dawe, including existing ordinance. Mayor also presented a quote from an EPD employee “I have not personally seen the results of a project using the equipment you describe so I can only refer to the definition within O.C.G.A. 12-7-3.**

(Editor’s Note: The EPD employee was contacted by Mr. Reitman)**

Mr. Reitman noted that the common thread between the definitions is erosion. Mr. Reitman then comments that after walking and talking to four individuals, that his opinion is that it doesn’t appear there is erosion on the lots in question. Mr. Reitman reads from page 27, item 8 on existing ordinance regarding one acre and under.

Much discussion regarding:

- **Who is the governing body to make the decision on if erosion is occurring?**
- **Why is the 32 acres in discussion when the 2 lots were to be discussed?**
 - **Mr. Reitman referenced the 200-foot buffer zone to the river in town ordinance for land disturbance, which brought 32 acres into discussion**
- **Owners of individual properties not contacted**
- **Mr. Wheeler’s notes**
- **Whether proper procedure was followed and permits allocated**
- **Which ordinance is appropriate to apply?**
- **Ms. Moody’s concern on how her land will be affected.**
 - **Mr. Bracewell stated he had not been on lot 18 since Ms. Moody offered to purchase that property, and Ms. Moody agreed.**
- **Ms. Bracewell’s reluctance to pause further mulching while waiting for decision from local authorities.**

Council Member Kurtz moved that the mayor and town attorney and town code enforcement will have a conference call with the Oconee County Soil and Water conservation district and ask them to make a determination as to whether the activity on any of these three lots constitute a land disturbance. Seconded by Council Member Carlson, Four votes yes, One vote no by Council Member Presley.

Motion to adjourn by Council member Kurtz, seconded by Council Member Carslon, motion carried.”

The meeting of February 28, 2022,was adjourned at 9:45PM.

Respectfully submitted,

Sue Bishop, Clerk