

City of Dawsonville
October 3, 2005
Regular Meeting of the City Council

Mayor Cox called the meeting to order at 7:00 p.m.

Roll Call: Those present were Mayor Joe Lane Cox, Council Members Jonathan Cox, Tim Wimpey, Mike Wilson and Mike Sosebee, Kim Cornelison, Dana Miles, Steve Holder, Gary Barr, concerned citizens of the City of Dawsonville and Dawson County.

Invocation and Pledge: Mayor Cox led the invocation and pledge.

Approval of Minutes: Councilman Mike Sosebee made a motion to approve the regular meeting minutes and the executive session minutes from the September 12, 2005 meeting. Mike Wilson seconded the motion, the motion carried unanimously.

Old Business:

Code of Ordinance Book: Kim Cornelison addressed the council and made them aware that they needed to decide on the format of the code book regarding adoption of fees. Prior staff made decisions to change the code book making fees adopted via resolution instead of by ordinance; this change was never brought before the council. Throughout the code book fees and rates state that they are adopted by resolution. Our ordinances do not reflect this verbiage. Ultimately, this is a decision for council, not staff.

The reason the council needs to make the decision is because resolutions need to be re-adopted every year and do not require public hearings. Our ordinances require two public hearings and would allow public input. The other issue to consider is that every time an ordinance changes, it is submitted to Municode and the book is updated; these supplements are costly.

To date, the code book has not been approved because of this change of wording affection adoption of fees. The Council can make the decision to accept the code book as written and then adopt all fees via resolution each year; or Municode can correct the book to reflect the way the ordinances truly read. One thing Municode can do is create a "Fees" section of the code book so that if only fees are changed in an ordinance only the fee section would need to be supplemented in the new code books.

After a minimal amount of discussion the Council instructed the City Clerk to have the code book reflect the adoption of fees via ordinance and to create a fees section to the code book.

New Business:

Proclamation declaring the month of October as National Downs Syndrome Awareness Month. The Mayor welcomed Ms. Kathy Shelp and her daughter Rachel; and Ms. Pam Gross and her son Jonathan, the Mayor stated he appreciated them coming before the council with this proclamation. The Mayor then instructed the City Attorney to read the

Proclamation. After reading the proclamation, Jonathan Cox made a motion to adopt the proclamation, Tim Wimpey seconded the motion, the motion carried unanimously.

Resolution to provide for the purchase and financing of the building formerly known as Thunder Road. Dana Miles addressed the Council and informed them that this resolution was patterned after the recent ordinance passing the Urban Redevelopment Plan and was in order to allow the Mayor to execute all documents necessary to close the deal on financing the purchase of the Municipal Complex. Jonathan Cox made a motion to adopt the resolution; Mike Wilson seconded the motion; the motion carried unanimously.

Brick walkway, marble benches and winner's circle sponsorship wall located at the Municipal Complex. Mayor Cox addressed both the Council and public regarding the changes coming involving the layout of the City Hall site. Specifically he referenced how the property line would divide the front entrance where the engraved bricks are located. He stated that he understood benches were still being sold and that they would not necessarily fit with the plan for the whole complex. He also expressed his concern regarding the bricks and the fact that they are not set properly, are settling and that we have had two people trip and fall on the bricks. He also stated that the wall out front was going to need to come down as they will be made in to parking. Mayor Cox stated that he was willing to work the Georgia Racing Hall of Fame Commission (GRHOFC) to reset the bricks perhaps in the crosswalks and that the benches may be able to be used down the long hallway inside the building.

Annie Dean Samples wanted to be sure that these items were appropriately placed so that the City and the GRHOFC did not get bad publicity. She also stated that the GRHOFC was willing to work with the City in the placement of these items.

Public Hearings:

Ordinance:

The second reading of an ordinance to provide for regulations for the acceptance of road, water, sewer, and storm water management systems by the City of Dawsonville. Dana Miles opened the public hearing explaining that this ordinance provides for regulations regarding what a developer would be required to do to prior to acceptance of his development's roads, water, sewer and storm water management system. There was no public comment. Tim Wimpey asked Steve Holder if there was a need to set the maintenance bond at a higher rate or a range to be finally set at Planning and Zoning Administrator's discretion. Steve Holder explained that the rate in the ordinance was very acceptable. Mike Sosebee made a motion to approve the second reading and adoption of the ordinance. Tim Wimpey seconded the motion; the motion carried unanimously.

Ordinance:

The second reading of an ordinance to amend the sewer and water ordinance dated May 6, 1997 to provide for updated tap and rate schedules; to provide an effective date; and for other purposes. Dana Miles opened the public hearing explaining that this ordinance provides for new fees regarding sewer rates, tap fees and reconnection fees. There was no public comment. Gary Barr addressed the council and reminded them that this was in

an effort to make our rates compatible with other municipalities as well as the reality of what it costs to treat waste water. Gary Barr and Kim Cornelison further explained effective dates for each item as follows: new water/sewer usage rates would take effect for the November billing; new tap fees would take effect December 1, 2005 and reconnect fees would take effect immediately. Jonathan Cox asked how much this would affect individual users. Gary explained that it would bring the minimum up to the same minimum as water. On a minimum use water bill it would be \$4.00. Jonathan Cox made a motion to approve the second reading and adopt the ordinance; Tim Wimpey seconded the motion; the motion carried unanimously.

Annexation:

Annexation Petition 05-005: Jeffrey M. Tablak has made a request to annex 1.18 acres of TMP 90-124. The subject property is located at 164 Gold Leaf Terrace and is zoned RPCD (Residential Planned Community Development) and will remain likewise classified under the City of Dawsonville's zoning classifications as PUD (Planned Urban Development) upon annexation. Dana Miles opened the public hearing. There was no public comment. Jonathan Cox made a motion to adopt the second reading and adopt the ordinance for annexation; Mike Wilson seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-007: J. Alan Scott has made a request to annex .59 acres of TMP 90-51. The subject property is located at 660 Gold Creek Drive and is zoned RPCD (Residential Planned Community Development) and will remain likewise classified under the City of Dawsonville's zoning classification as PUD (Planned Urban Development) upon annexation. Dana Miles opened the public hearing. There was no public comment. Jonathan Cox made a motion to adopt the first reading of the ordinance for annexation; Tim Wimpey seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-008: Pauline H. Read has made a request to annex 1.00 acres of TMP 90-117. The subject property is located 203 Gold Leaf Terrace and is zoned RPCD (Residential Planned Community Development) and will remain likewise classified under the City of Dawsonville's zoning classification as PUD (Planned Urban Development) upon annexation. Dana Miles opened the public hearing. There was no public comment. Tim Wimpey made a motion to adopt the first reading of the ordinance for annexation; Mike Wilson seconded the motion; the motion carried unanimously.

Alcohol License Transfer

To hear Alcoholic Beverage License Application: Gold Creek SL, LLC by and through Robert Tablak, Managing Member, has made application to transfer the Consumption on the Premises Alcoholic Beverage License for business located at One Gold Creek Drive, Dawsonville, Georgia. The City Clerk explained to the council that she requests a conditional approval based on the need to get the criminal history report back in from the Sheriff's office. Jonathan Cox made a motion to grant an alcohol license under the condition that the criminal history background check comes back to the clerk without any issues. Mike Sosebee seconded the motion; the motion carried unanimously.

Mayor's Report:

Mayor Cox announced that the items he originally intended to report on he will defer to a future meeting. Mayor Cox did tell the council that the Georgia Mountains Regional Development Council will hold their annual Christmas party on December 8th at 6:00 p.m. at the Brass Town Valley Resort – the same as last year.

Public Comment:

Annie Dean Samples addressed the Mayor and Council stating that she was interviewed by Associated Press writer Gary Bluestine. Mrs. Samples stated that she felt the article would be upbeat and positive as Mr. Bluestine was most impressed with what City Hall was doing with the building and the GRHOFC's future plans.

The City Clerk addressed the council asking for a motion to amend the agenda to include a public assembly application for the GRHOFC.

Tim Wimpey made a motion to amend the agenda to include the public assembly application for the GRHOFC; Mike Wilson seconded the motion; the motion carried unanimously.

Public Assembly Application – GRHOFC:

The Clerk told the Council that she would ask for a conditional approval of the GRHOFC's request to hold the annual inductees as the application has not been reviewed by either the Sheriff or the Fire Marshal. Jonathan Cox made a motion to grant conditional approval based on the Sheriff and Fire Marshal's review of the application. Tim Wimpey seconded the motion; the motion carried unanimously.

The City Clerk informed the council that a brief meeting in Executive Session is required to discuss pending litigation.

Tim Wimpey made a motion at 7:50 p.m. to adjourn the regular meeting and to go into Executive Session for the purpose of discussion pending litigation. Mike Sosebee seconded the motion.

Executive Session:

At 8:35 p.m., after discussion of items involving pending litigation, Tim Wimpey made a motion to adjourn. Mike Wilson seconded the motion; the motion carried unanimously.

Minutes approved this 14th day of November, 2005.

Joe Lane Cox, Mayor

Councilman Jonathan Cox

Councilman Tim Wimpey

Councilman Mike Sosebee

Councilman Mike Wilson

Attested: _____
Kim Cornelison, City Clerk

City of Dawsonville
October 3, 2005
Executive Session of the City Council

Mayor Cox called the meeting to order.

Those present: Joe Lane Cox, Dana Miles, Jonathan Cox, Tim Wimpey, Mike Sosebee, Mike Wilson, and Kim Cornelison.

Executive Session was held for the purpose of consultation with the City Attorney to discuss pending or potential litigation as provided for in O.C.G.A. § 50-14-2(1).

The City Attorney and City Clerk brought the Council up-to-date regarding the Butler v. City of Dawsonville case.

The City Attorney also made the Council aware of potential litigation that may ensue with Gold Creek due to their failure to comply with the terms of agreement involving a waste water treatment plant at the Gold Creek site. The Council authorized the City Attorney to proceed with litigation if necessary.

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Joe Lane Cox, Mayor

Councilman Jonathan Cox

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Councilman Mike Sosebee

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Kim Cornelison, City Clerk