

City of Dawsonville
July 10, 2006
7:00 p.m.
Regular Meeting of the City Council

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

Invocation and Pledge: Steve Holder led the invocation and pledge.

Approval of Minutes: The minutes from the June 5, 2006 City Council meeting were unanimously approved. Cox/Wilson.

Roll Call: Those present were Mayor Joe Lane Cox, Council Members Jonathan Cox, Linda Grant, Mike Wilson, Mike Sosebee, Kim Cornelison, Steve Holder and Dana Miles.

Oath of Office: Mayor Cox announced a small change to the agenda; David Turk will be sworn in as judge of the City's Municipal Court. Kevin Tallant will be sworn in as City Solicitor. Dana Miles administered the oath to both Judge Turk and Solicitor Kevin Tallant. Mr. Miles explained that the City Court will have the authority over enforcing city ordinances. Judge Turk will have authority to prosecute such offenses and Mr. Tallant will act as prosecutor of that court.

Old Business:

Annexation Mediations – Citizen Review Panel: Kevin Tallant reported that the City has completed the long annexation process which dates back to May 3, 2005. Mr. Tallant recapped the annexation process explaining on the application process. The application has a zoning requirement that must be completed by the applicant. Under state law if that changes the zoning and results in a different use of the land or a substantial greater intensity of current use of the land, then Dawson County has the right to object to the rezoning of the land upon annexation. The City and County complied with the notice, objection, mitigation, mediation and finally the review panel process. The review panel is comprised of one resident of the city; one resident of the county and a land use planner that does not live in the county or city. Mark Byrd represented the City, Lake Gibson represented the County and Bobby Sills from Athens was the Land Planner. After review of the annexations the review panel has provided a report with recommendations. They recommend annexation with the following suggestions: 1) The City compensate the County for additional road maintenance services or the City take over provided those services directly; 2) that there be an adjustment to police and fire services compensation; 3) that the City and County work together to determine what those costs are.

Steve Holder presented a report regarding the Review Panels recommendations and the City's responses. Regarding an increase in fire protection and police protection – it automatically happens and is revenue based according to the terms of the Service Delivery Strategy Agreements and LOST Agreement. Regarding road maintenance, the City will take possession of the right-of-way as it is annexed in, that will pull the burden off of the County and put it on the City. In regards to cooperation Mr. Holder reported that staff works well together, communication is good and we stay in touch regularly. The City

is working on its comprehensive plan and the County is involved in that process which helps will communication, cooperation and coordination.

Mr. Tallant made a point to council that most of the annexations are listed as agricultural in the County; the City does not have an agricultural classification so they are annexed as R-1 which is one house per acre. The ending result is that there is potential for higher density but so far no one has wanted to put the extra housing in there; the mere possibility of that potential is what the County has often objected to in the past.

The review panel has asked the City to compensate the County for increased services. The problem is that none of these properties are developed and some will never be developed. Essentially it causes a speculative process regarding what the costs of increased services will be. The LOST Agreement provides an increase based on increased revenues generated which is a more accurate reflection of growth. Once these parcels are developed out, the improvements will result in increased ad valorem, increased SPLOST tax monies, increased LOST taxes. The point being there may never be an increased cost to the county and if there is, then these revenues should more than offset the costs. Staff and council recommended that council acknowledge receipt of the review panel's recommendations and that the following annexations move forward: ANX 05-004; ANX 05-012; ANX 05-015; ANX 05-016; ANX 05-017; ANX 05-018; ANX 05-019; ANX 05-021; ANX 05-025; ANX 05-027; ANX 06-001; ANX 06-002; AND ANX 06-003.

The annexations applications listed above were accepted by unanimous vote of the City Council. Cox/Grant.

Parade & Public Assembly Application: Kare for Kids Mountain Mooshine Festival – October 28 & 29, 2006. Rhonda Pugh spoke indicating she thought everything has been submitted to the City as required. Kim Cornelison advised the Council that staff has been working with the Sheriff, the Fire Marshall and representatives from Kare for Kids. The application has not been through the full approval process. It has not been submitted to Department of Transportation because of parade routes and timing issues that needed to be addressed. The City just received the insurance certificate; there are some things that staff, the Sheriff, and Fire Marshall have requested from Kare for Kids. 1) The permit needs to reflect a more accurate timing of when the roads will be officially closed and reopened – we've requested the permit be changed to 6 a.m. – 7 p.m. 2) parking limitations being a large issue this year i.e. parking at the middle school lots is non existent, the gravel lot may not be available, the jail construction are and courthouse parking lot are unavailable and the need to shuttle people from the high school to a designated drop location; 3) implementing temporary cross walks; 4) extra metal barricades to line along Hwy. 53 from City Hall in to town to provide a designated walking area for pedestrians. 4) the square will have a one way traffic flow pattern again during the road closing hours; and 5) the Sheriff and staff recommended shortening the parade and making it be a non-pedestrian parade due to the traffic issues associated with the parade. Rhonda Pugh stated that Kare for Kids has been very proactive in initiating new procedures. A new company has been hired to create an accurate map; regarding parking Kare for Kids has discussed parking people at both the High School and Park and shuttling people back and forth.

Staff recommends conditional approval based upon approval by DOT and the conditions presented being met. The council voted unanimously to issue conditional approval based on the stipulations listed and DOT approval. Sosebee/Grant.

Franchise Agreement – Georgia Power: Dana Miles explained that Georgia Power rejected the changes in the agreement. The changes included sidewalks initiated through the Better Home project and the term of the agreement continuing only until 2010 instead of until 2030. Mr. Miles explained that the council can renew a new agreement under the terms Georgia Power originally presented or the City can continue with the current agreement which expires in 2010. Council unanimously agreed to continue under the terms of the existing agreement. Grant/Sosebee.

New Business:

Downtown Development Authority request to fill vacancy of George Hanes with Brenda Lee: Jonathan Cox reported that Mr. George Hanes is no longer able to serve on the Downtown Development Authority; at the last meeting of the DDA appointed Ms. Brenda Lee to serve in that vacancy subject to approval by the Council. Council unanimously approved the appointment of Brenda Lee to serve on the DDA. Grant/Sosebee.

Downtown Development Authority request to fund Better Hometown position: Mayor Cox explained that this position would be a minimum of a part-time position and could be a full-time position. Mayor Cox stated he did feel the City could fund a part-time position and would request the DDA seek outside funding sources to supplement the position. Jonathan Cox stated that the Better Hometown designation requires a part-time position. This position could work towards getting new businesses downtown and may develop into paying for itself with the new growth. Councilman Cox explained that he felt the position could be used at the City Hall complex for an events coordinator and could be a shared position between the DDA and City. Councilman Cox asked for funding for the position while it is building itself up and could give us some time to explore extra funding sources for the position. Mayor Cox reminded the council that this is not in the budget and would require budget amendments. Mayor Cox suggested that the request be tabled until more information can be compiled about the position and funding sources. Mayor Cox appointed Councilman Cox and Councilman Sosebee to meet with representatives of the DDA to come back with some recommendation. Council unanimously approved tabling this request until the August meeting. Cox/Sosebee.

Elevator quotes for DMC Building: Steve Holder presented the bid information for the elevator to be installed at City Hall. The bid tabulation is attached to the minutes. The bid was pre prepared by Duane Roof and staff and Mr. Roof suggested going with the low bidder – Thyssenkrupp Elevator Company at \$37,653.00. Council unanimously approved. Cox/Grant.

Traffic Signal Warrant Analysis by Department of Transportation: Mayor Cox reported that this project involves the downtown area at 1) the old courthouse and 2) at the intersection of Hwy. 53 and Hwy. 9 North; this is something the Council has asked GDOT to look at back in 2004. The concept is similar to what Cleveland square has. There would be a light at the old courthouse so that you could make a left or right hand turn instead of

coming all the way around the courthouse. It will change the intersection where the 3-way stop is to make it a no stop. Some property would have to be acquired from the church. This project would be 100% DOT and Federal funding; there would be no City funds included with it. The Council unanimously approved the acceptance of Figures 4 and 5; drawings are included in these minutes. Sosebee/Cox.

Mayor Cox spoke to the Council regarding "Gilleland Curve" down on Hwy. 9 South, by the old Gilleland place, now called Peach Brandy Cottage. Recently there were two wrecks down there on the same day. Mayor Cox stated that he has had GDOT look at the speed signs that were down there. He drove the route and the speed limit is 45 miles per hour. The Mayor stated there is no reason to miss that curve driving the speed limit. However, if the council would prefer he contact DOT again, he will do so. Council stated that the only thing that will slow people down around there will be some heavy speeding tickets.

Perimeter Road Project by Department of Transportation: Mayor Cox reported this project is to widen Perimeter Road from Shoal Creek Road to Hwy. 9 North two feet on either side and then resurface the road. Then it will extend the turn lane on Perimeter Road going in to Robinson Elementary School. When school is in session the traffic is backed up and you cannot get through there. This project has been presented to the County but is not a priority project for them. The County has offered to certify the right-of-way; this will allow the City to go forward with the project. It is a limited participation project which means the project will get bid and the city will have to pay the difference between what GDOT will fund. Council unanimously approved this project and authorized Mayor Cox to execute the Agreements presented from GDOT. Grant/Cox.

Water Service Area and Purchase Agreement with EWSA and Sewer Service Area Agreement with EWSA: Dana Miles explained to the Council that the Water Service agreement is to allow the City to bring online the spring and wells and provides limitations on the amount of water we would purchase from EWSA. The second is a Sewer Service Area Agreement. Staff has raised some concerns to Mr. Miles and Mr. Turnipseed, the City Engineer has not had an opportunity to review these documents. Mr. Miles recommended deferring this item until the July 24, 2006 meeting so that some of these issues can be resolved. Council unanimously approved tabling both agreements until the July 24, 2006 Called Council Meeting. Sosebee/Cox.

Historic District Sign Permit Application: The Logo Store for McDaniel Allen Homes: Steve Holder presented the application stating the business did put up their sign without prior approval and all fines have been paid. Staff recommended approval. Council unanimously approved the historic district sign permit application. Sosebee/Wilson.

Parade/Public Assembly Application: GRHOF – August 5, 2006 Smokin' Thunder Car Show, Burnout Show and Community Yard Sale: Kim Cornelison presented the parade and public assembly application. The application has not been reviewed by the Sheriff or Fire Marshall and staff recommends conditional approval subject to Sheriff and Fire Marshall approval. Council unanimously agreed to approve the parade and public assembly application with stipulations as stated. Grant/Wilson.

Annexation Moratorium: Mayor Cox requested the Council support in by implementing a 30-day moratorium on any further annexations until some annexation criteria is formally established. Dana Miles explained that any annexation that is in process will be completed; any new applications will not be accepted until the moratorium is over. Council unanimously approved the Annexation Moratorium. Cox/Sosebee.

Public Hearings:

Ordinances:

To hear an ordinance to amend the Sewer and Water Ordinance of the City of Dawsonville; to provide for updated sewer rate schedules; to provide for future rate adjustments by resolution, to provide an effective date; and for other purposes.

Dana Miles reminded the Council that this Sewer and Water Rate ordinance is required as a part of the terms of the USDA grant and bond for the wastewater treatment plant expansion. Mr. Miles opened the public hearing. There being no public input the public hearing on the first reading of this ordinance has been closed. Council unanimously approved the first reading of the ordinance. Grant/Sosebee.

To hear an ordinance to provide for adding to, extending, improving and equipping the water and sewerage system of the City of Dawsonville, Georgia and acquiring the necessary property therefore; to provide for the issuance of a revenue bond, series 2006, for the purpose of financing, in whole or in part, the costs of the overall undertaking now contemplated; to ratify and affirm an ordinance adopted on August 11, 1997, which provided for the issuance of \$134,540 City of Dawsonville, Georgia water and sewerage revenue bond, series 1997-a, \$213,300 City of Dawsonville, Georgia water and sewerage revenue bond, series 1997-b, and \$240,120 City of Dawsonville, Georgia water and sewerage revenue bond, series 1997-c; to ratify and affirm an ordinance adopted on November 13, 2003, which provided for the issuance of \$3,091,100 City of Dawsonville, Georgia water and sewerage revenue bond, series 2003; to provide remedies for the holder of said series 2006 bond; and for other purposes.

Mr. Miles explained to the council that this is related ordinance allowing the City to acquire the bonds necessary to fund the loan on the waste water treatment plant upgrades. Mr. Miles opened the public hearing. There being no public input the public hearing on the first reading of this ordinance has been closed. Council unanimously approved the first reading of the ordinance. Cox/Grant.

Annexations and rezones:

To hear Annexation Petition 06-002: Dida Spicer has made a request to annex 0.684 acres of TMP 093-073. The subject property is located at 868 Hwy. 9 South. The property is currently zoned R-1 and is requested to be OD. (Second hearing). This second hearing for this annexation was tabled at the June 5, 2006 meeting due to septic issues and citations issued by the County.

Steve Holder presented the annexation petition stating that all prior issues with this property have been cleared up and staff recommends approval.

Mr. Miles opened the public hearing for the annexation and rezoning request. There being no public comment the public hearing was closed. Council unanimously approved the second hearing and reading for annexation and rezoning of Annexation Petition 06-002. Cox/Wilson.

To hear Annexation Petition ANX06-017: Pam & George Power have made a request to annex 3.532 acres of TMP 091-010-004. The subject property is located at the corner of Hwy. 136 and Hwy. 9 N. The property is currently zoned R-A and will be R-1 upon annexation. (Second hearing.)

Steve Holder presented the annexation petition stating staff recommends approval.

Mr. Miles opened the public hearing for the annexation and rezoning request. There being no public comment the public hearing was closed. Council unanimously approved the second hearing and reading for annexation and rezoning of Annexation Petition ANX06-017. Cox/Sosebee.

To hear Annexation Petition ANX 06-019: Alice W. Gordon has made a request to annex 3.09 acres of TMP 090-006.006. The subject property is located at 2150 Burt Creek Road. The property is currently zoned R-A and will R-1 upon annexation.

Steve Holder presented the annexation petition stating staff recommends approval.

Mr. Miles opened the public hearing for the annexation and rezoning request. There being no public comment the public hearing was closed. Council unanimously approved the first hearing and reading for annexation and rezoning of Annexation Petition ANX 06-019. Cox/Sosebee.

To hear Re-zone Application ZA-5-06-1330: R. Neil Koelbl has made a request to re-zone 1.44 acres of TMP 092-111. The subject property is located at 139 Elliott Ct., Dawsonville, GA. The property is currently zoned R-1 and is requested to be R-3. This re-zone request is subject to acceptance and approval of Annexation Petition ANX06-018.

Steve Holder presented the annexation petition stating staff recommends approval.

Mr. Miles opened the public hearing for the annexation and rezoning request. Rebecca Johnson from the Knight Group spoke in favor of the request. There being no further public comment the public hearing was closed. Council unanimously approved the first hearing and reading for Rezoning Application ZA-5-06-1330. Cox/Sosebee.

To hear Annexation Petition ANX06-018: R. Neil Koelbl has made a request to annex 1.44 acres of TMP 092-111. The subject property is located at 139 Elliott Ct., Dawsonville, GA. The property is currently zoned R-1 and will be R-3 upon annexation. (First hearing.)

Steve Holder presented the annexation petition stating staff recommends approval.

Mr. Miles opened the public hearing for the annexation and rezoning request. There being no public comment the public hearing was closed. Council unanimously approved the first hearing and reading for annexation and rezoning of Annexation Petition ANX06-018. Cox/Sosebee.

Mayors Report:

Mayor Cox brought up a concern that Councilman Cox presented to him involving speeding on Maple Street. Councilman Cox requested speed bumps be installed on Maple Street. Mayor Cox discussed his experience with speed bumps being more of a problem than a help because of the liability they create. He also voiced his concern that other streets that perhaps do not warrant a speed bump will want them.

The City has been helping the County Court system by housing jurors and court here at City Hall. Due to construction of the new jail project parking has become an issue at the Courthouse complex and the City has agreed to assist by utilizing City Hall as a jury pooling location. Because advance voting was taking place this week in the old courthouse, they needed to run court out here as well.

Thunder in the Sky went over real well; Mayor Cox thanked the Georgia Racing Hall of Fame volunteers for their efforts.

Mayor Cox asked Dana Miles to bring everyone up-to-date regarding the property that was collateralized that was auctioned on the Courthouse steps. Mr. Miles stated that the sale was to dispose of the personal property in the building. Mr. Miles bid on three of the four parcels on behalf of the City. No one else bid however the bank withdrew all four parcels from the sale and did not accept the bids presented. The bank will now enter into negotiations for private sale which is another step in the process to finally closing this issue.

Public Comment:

Scott Smith addressed the Council expressing his appreciation and thanks for the new City Park located by the cemetery. His family, especially his small son, has really enjoyed the park.

The Mayor and various council members requested the GRHOF group see about having all of the cars housed here at City Hall have the tires aired up or repaired.

Executive Session:

At 8:50 p.m. the council unanimously voted in favor of going in to executive session for the purpose of discussing pending litigation and personnel. Sosebee/Wilson.

Dana Miles brought the Council up-to-date on the Gold Creek lawsuit.

Mayor Cox discussed salaries for future council members and mayors. The council concurred that a study was in order and instructed Dana Miles to look in to this item.

The Council unanimously voted to adjourn executive session at 9:37 p.m. Sosebee/Wilson.

The Council unanimously voted to reconvene the regular meeting at 9:37 p.m. Cox/Grant.

Adjournment:

There being no further business to attend to, motion carried unanimously to adjourn the meeting at 9:38 p.m. Cox/Wilson.

Minutes approved this 7th day of August, 2006.

Joe Lane Cox, Mayor

Councilmember Jonathan Cox

Councilmember Linda Grant

Councilmember Mike Sosebee

Councilmember Mike Wilson

Attested: _____
Kim Cornelison, City Clerk