

MINUTES  
CITY COUNCIL REGULAR MEETING  
OCTOBER 6, 2008  
7:00 P.M.

**CALL THE MEETING TO ORDER:** Mayor Cox called the meeting to order at 7:00 p.m.

**ROLL CALL:** Those present included Council Members Jonathan Cox, Linda Grant, Mike Wilson, and Mike Sosebee; staff present were Kevin Talant, City Attorney, Kim Cornelison, City Administrator/Clerk, and Steve Holder, Planning Director.

**INVOCATION AND PLEDGE:** Invocation was led by Linda Grant followed by the pledge of allegiance.

**APPROVAL OF MINUTES:**

Council approved the minutes from the called meeting held September 8, 2008; motion by Linda Grant; seconded by Mike Wilson, the motion carried unanimously.

**NEW BUSINESS:**

Proclamation: Recognizing October as National Down Syndrome Awareness Month – Kathy Shelp, Pam Gross, and families. The City Clerk read the proclamation in to the minutes and presented the proclamation to the Collett, Cooper, Shelp and McClure families. Attached as Exhibit "A".

Proclamation: Recognizing October 23-31 as Red Ribbon Week – Nancy Stites and members of the Meth Task Force. The City Clerk read the proclamation in to the minutes and presented the proclamation to Doris Cook, Chair of the Meth Task Force and Pam Hamalainen and Nancy Stites, fellow Task Force board members. Pam Hamalainen asked the Mayor and Council for their support as she presented them with a petition to stop the selling of drug paraphernalia. Mayor Cox explained that the City did have one store that was selling the drug paraphernalia and was encouraged by staff to remove it, which they did. Attached as Exhibit "B"

Proclamation: Recognizing November as Family Month – George Wangeman, City Councilman, Gainesville, Georgia. The City Clerk read the proclamation in to the minutes and presented the proclamation to George Wangeman, an advocate for families. Mr. Wangeman also serves on the City Council for Gainesville, Georgia. Mr. Wangeman addressed the council stating he is representing his church which advocates for family solidarity and family unity. He presented the Council with family activity booklets. Attached as Exhibit "C"

Parade/Public Assembly Application: Veteran's Day Parade & Ceremony (co-sponsored event by the City of Dawsonville and the Dawson County Chamber of Commerce) – Tuesday, November 11, 2008.  
Parade: 3:00 p.m. and Ceremony at 4:00 p.m. Steve Holder presented the parade and public assembly application stating the application was in order. Mike Sosebee made a motion to approve, Jonathan Cox seconded the motion. The motion carried unanimously.

Historic District Sign Permit Application: JIMSS (Japanese & International Motorcycle Sales & Service) 118 West 2<sup>nd</sup> Street. Steve Holder presented the application stating that the application was in order. Linda Grant made a motion to approve; Mike Sosebee seconded the motion. The motion carried unanimously.

Resolution: Downtown Development Authority: Kevin Tallant presented the resolution stating that the purpose of the resolution is to expand the area that the Downtown Development Authority could provide services within the City of Dawsonville. The focus was on the downtown area as well as another commercial are located within the city limits. Mike Sosebee made a motion to approve; Mike Wilson seconded. The motion carried unanimously. Attached as Exhibit "D"

Agreement: Maintenance ThyssenKrupp Elevator: Mayor Cox stated that the agreement will be for \$140.00 per month and Steve Holder added that it includes parts and labor. Mike Sosebee made a motion to approve; Linda Grant seconded the motion. The Motion carried unanimously.

MINUTES  
CITY COUNCIL REGULAR MEETING  
OCTOBER 6, 2008  
7:00 P.M.

Service Delivery Strategy Agreements: Kim Cornelison presented the Service Delivery Strategy Agreements stating that with the Mayor's recommendations she met with County Manager Kevin Tanner to start to process. The agreements are relatively the same as the past agreements with the following changes:

First, under agreement #8, Street/Road Repair & Maintenance – we have negotiated that the county will pave one-half of a mile for the city each year with the city providing the materials, the county providing the labor and equipment. The City must provide a list of roads to be paved by April 1<sup>st</sup> of each year.

In agreement #4 – Building Permitting and Inspections, we have negotiated a reciprocal agreement with the County that will allow inspections by each agency for the other agency should help be needed. For instance on the rare occasions that Steve Holder is unavailable to do an inspection for the City, we could call in a qualified county inspector to assist the City with this service. Likewise, the County could call on Steve to reciprocate and do inspections for them.

Also included in this agreement is a statement formalizing a policy that is currently in place. Essentially, the city collects fees for Fire Marshall plan reviews and inspections. That money is reserved and spent on needs that the Fire Department feels would be beneficial to the services they provide all of our citizens. The agreement provides that this process remains in place and that the Fire Department utilize county purchasing policies and seek approval from the County Manager for any expenditures made.

In agreements #1 and #2 which are water and sewer – the agreement states that the City provides service in the City and Etowah Water and Sewer authority provides service in the county with a caveat statement that basically says we serve these respective areas unless otherwise mutually agreed upon via an agreement between the City and EWSA.

Jonathan Cox asked for the #4 Building Permitting and Inspections agreement reflect one change. He requested that each entity recognize that when they provide inspections for the other entity that they use the ordinances and code in affect for that agency.

In the #3 Development Permitting and Inspections, #5 Soil Erosion Permitting and Enforcement, #9 – Storm Water Management, #10 Solid Waste Management, and #11 Planning and Zoning agreements clearly states that the County provides services for the unincorporated areas and the City provides for the incorporated areas. The City will need to attach its Solid Waste Management Plan to the Solid Waste Management agreement as will the county.

In regards to #6 Police Protection, #7 Fire Protection; and #12 EMS agreements states that the services will be provided by Dawson County and are tied to the L.O.S.T. Agreement, Fire Protection Agreement, and Police Protection Agreements in effect 01/01/2003- 12/31/2012.

Mike Wilson made a motion to authorize the Mayor to execute the agreements; Linda Grant seconded. The motion carried unanimously.

TE Grant Resolution: Motion was made to amend the agenda to include the TE Grant Resolution. Motion by Mike Sosebee, second by Mike Wilson. The motion carried unanimously.

Mayor Cox explained to the council that this is a project the City has worked on for about two years and have finally received the contract. The contract and right-of-ways have been certified by the City Attorney. The purpose of the resolution is to provide authorization to enter into the agreement and assurances that the City will fund the balance of the project. The funds for this project are the remaining SPLOST IV funds due to the City by the County. Mike Sosebee made a motion to approve the resolution for the TE Grant; Mike Wilson seconded the motion. The motion carried unanimously.

**PUBLIC HEARINGS:**

MINUTES  
CITY COUNCIL REGULAR MEETING  
OCTOBER 6, 2008  
7:00 P.M.

To hear an ordinance of the City of Dawsonville prohibiting the retail sale and distribution of novelty lighters; to provide for severability; to repeal conflicting ordinances; and for other purposes. Second hearing October 6, 2008.

Kevin Tallant presented the ordinance and opened the public hearing for the second reading. There were approximately 17 people in attendance and no one spoke in favor or in opposition of the ordinance.

The public hearing was closed and the Mayor called for a motion. Linda Grant made a motion to approve; Mike Wilson seconded. The motion carried unanimously. Attached Exhibit "E".

To hear an ordinance to amend the Zoning Ordinance of the City of Dawsonville, Georgia, to delete the provision for special flood hazard areas; to adopt a new section providing for the establishment of special flood hazard areas, to provide for an effective date, and for other purposes. Second hearing October 6, 2008.

Kevin Tallant presented the ordinance stated that the purpose of the ordinance will accommodate recent changes to FEMA Flood Plain maps and states that the most current version is what is in force for use; he then opened the public hearing for the second reading. There were approximately 17 people in attendance and no one spoke in favor or in opposition of the ordinance.

The public hearing was closed and the Mayor called for a motion. Linda Grant made a motion to approve; Mike Wilson seconded. The motion carried unanimously. Attached Exhibit "F".

To hear an ordinance to amend the zoning ordinance of the City of Dawsonville, Georgia to provide for regulations related to permitted uses in certain zoning categories, to provide for an effective date, and for other purposes. First hearing October 6, 2008, second hearing November 3, 2008.

Kevin Tallant presented the ordinance stating that the purpose of the ordinance is to clear up an the Restricted Commercial Zoning District that only allowed for industrial uses instead of both industrial and commercial uses; he then opened the public hearing for the first reading. There were approximately 17 people in attendance and no one spoke in favor or in opposition of the ordinance.

The public hearing was closed and the Mayor called for a motion. Mike Sosebee made a motion to approve; Linda Grant seconded. The motion carried unanimously.

To hear Alcoholic Beverage License Application: Food Lion #2132 by and through J.V. Nicodemus, Customer Service Manager, has made an application for a Retail Package

Kevin Tallant opened the public hearing in regards to the retail license to sell beer and wine for Food Lion #2132. There were approximately 17 people in attendance and no one spoke in favor or in opposition of the retail sales alcohol applications.

The public hearing was closed and the Mayor called for a motion. Linda Grant made a motion to approve; Mike Wilson seconded. The motion carried unanimously.

**MAYORS REPORT:**

GMRDC Annual Awards/Christmas Dinner: Mayor Cox announced the dates for the GMRDC Christmas meeting (December 5, 2008 in Brasstown). He suggested the Council contact Kim Cornelison to let her know if they will be attending. He further suggested that the City pay for the dinner tickets and mileages, but no meeting per diem. The Council agreed.

MINUTES  
CITY COUNCIL REGULAR MEETING  
OCTOBER 6, 2008  
7:00 P.M.

GRHOF Annual Inductee Banquet: Mayor Cox announced that the banquet is October 24<sup>th</sup>; he suggested that the Council follow the same suit, the city pay for the table, but no meeting per diem. He asked everyone to let Kim Cornelison know if they will be attending.

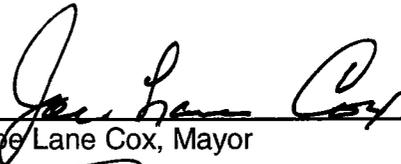
Thank you Letter from Department of Community Affairs: The letter is from Kathy Papa, Regional Representative thanking the City for hosting the DCA Town Hall meeting for Commissioner Beatty and his staff. In the letter she complimented the staff for being so helpful and for all of the improvements made to both historic downtown and at the Municipal Complex.

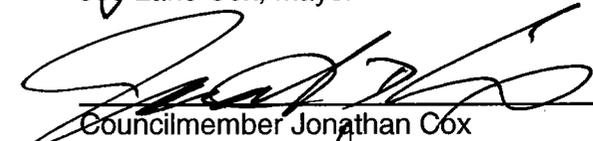
GEFA Certificate of Completion: Mayor Cox read a letter from GEGA congratulating the City on completing the project which improved our current system. The Certificate is awarded to recognize the City's commitment to maintain infrastructure for economic development and sound environmental management.

Mayor Cox asked for any public comment.

Scott Smith asked the Mayor, Council and public to support our small hometown businesses.

**ADJOURNMENT:** There being no further business, Jonathan Cox made a motion to adjourn the meeting at 7:55 p.m. Second by Mike Wilson; the motion carried unanimously.

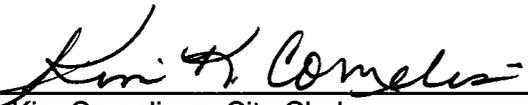
  
\_\_\_\_\_  
Joe Lane Cox, Mayor

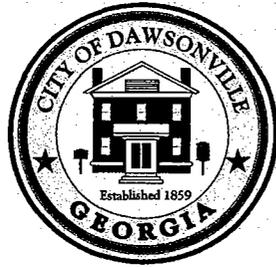
  
\_\_\_\_\_  
Councilmember Jonathan Cox

  
\_\_\_\_\_  
Councilmember Linda Grant

  
\_\_\_\_\_  
Councilmember Mike Sosebee

  
\_\_\_\_\_  
Councilmember Mike Wilson

Attested:   
\_\_\_\_\_  
Kim Cornelison, City Clerk



# Proclamation

## Recognizing October as National Down Syndrome Awareness Month



**Whereas**, individuals with Down syndrome are active citizens who contribute much to the overall quality of life in this community; and

**Whereas**, greater public awareness and acceptance of these persons will increase their access to education, employment, housing and social and recreational opportunities; and

**Whereas**, it is the desire of our community to create a place where all people can explore and develop their varied abilities, can enjoy productive work, and can contribute by meaningful participation in the life of the community; and

**Whereas**, the City of Dawsonville, on behalf of the National Down Syndrome Congress, has worked to secure this proclamation; and

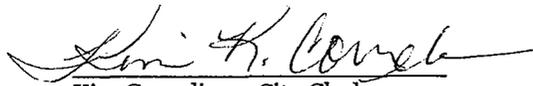
**Whereas**, it is the goal of the City of Dawsonville to instill positive perceptions of people with Down syndrome;

**Now** therefore, I Joe Lane Cox, do hereby designate October 2008 National Down Syndrome Awareness Month and encourage all our citizens to promote positive awareness and greater opportunities for persons with Down syndrome, and challenge the citizens of our community to look beyond a person's particular disability, and focus instead upon each person's diverse abilities and contributions to the community.

**In Witness Whereof**, I have hereunto set my hand and caused the Seal of the City of Dawsonville to be affixed this 6<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Joe Lane Cox, Mayor

Attest:

  
\_\_\_\_\_  
Kim Cornelison, City Clerk



# Proclamation

## Recognizing October 23-31 as Red Ribbon Week



Whereas, cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and

Whereas, there is hope in winning the War on Drugs, and the hope lies in the hard work and determination of our community to create a drug free environment; and

Whereas, local leaders, in government and in the community, know that the support of the people in the neighborhoods is the most effective tool they can have in their efforts to reduce use of alcohol, tobacco, and other drugs; and

Whereas, the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and has come to represent the belief that one person CAN make a difference; and

Whereas the Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention efforts; and

Whereas, October 23-31, 2008 has been designated National Red Ribbon Week calling on all Americans to show their support for a drug-free state by wearing a red ribbon and participating in drug-free activities during that week:

Now, Therefore. Be it resolved that I, Joe Lane Cox, Mayor of Dawsonville, do hereby proclaim October 23-31, 2008 as Red Ribbon Week in this Dawsonville, Georgia and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout that week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America.

**In Witness Whereof**, I have hereunto set my hand and caused the Seal of the City of Dawsonville to be affixed this 6<sup>th</sup> day of October, 2008.



Attest:

  
Kim Cornelison, City Clerk

  
Joe Lane Cox, Mayor



# Proclamation

## Recognizing November as Family Month



WHEREAS, the City of Dawsonville recognizes the family as the fundamental unit of society and an essential part of cultural, social and spiritual fabric that comprises our communities; and

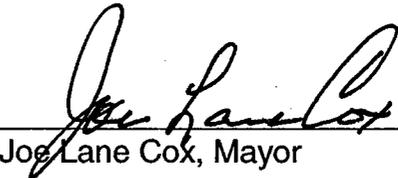
WHEREAS, throughout Georgia's history, families have been the foundation of our society and a source of stability and love for every generation; and

WHEREAS, strong families teach children to live moral lives and display values that define a caring society; and

WHEREAS, upholding the timeless values that have sustained our social order throughout history will result in the enhancement of the health and security of Georgia's families; and

WHEREAS, spending more family time together facilitates the development of positive and open relations between parents and children.

NOW, THEREFORE: I, JOE LANE COX, Mayor of the City of Dawsonville, Georgia, do hereby proclaim the month of November, 2008 as Family Month urging all our citizens to spend quality time with family members to strengthen relationships between parents and children.

  
\_\_\_\_\_  
Joe Lane Cox, Mayor

Attest:

  
\_\_\_\_\_  
Kim Cornelison, City Clerk

**A RESOLUTION REGARDING THE DOWNTOWN DEVELOPMENT  
AUTHORITY OF THE CITY OF DAWSONVILLE, GEORGIA**

**A RESOLUTION OF THE CITY OF DAWSONVILLE, GEORGIA TO AMEND THE RESOLUTION ACTIVATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF DAWSONVILLE; TO REAFFIRM THOSE PORTIONS OF THE ACTIVATING RESOLUTION NOT SO AMENDED; TO AMEND THE DOWNTOWN DEVELOPMENT AREA; TO ADDRESS THE ABILITY OF THE DOWNTOWN DEVELOPMENT AUTHORITY TO INCUR DEBT; TO PROVIDE FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE GEORGIA SECRETARY OF STATE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Legislature of the State of Georgia has determined that the revitalization and redevelopment of the central business district of the municipal corporations of the State of Georgia develop and promote the public good, general welfare, trade, commerce, industry, and employment opportunities, and promote the general welfare of the State of Georgia by creating a climate favorable to the location of new industry, trade, and commerce within the municipal corporations of the State of Georgia; and

**WHEREAS**, it is in the public interest and is vital to the public welfare of the people of the State of Georgia to revitalize and redevelop the central business districts of the municipal corporations of the State of Georgia, and consequently, the Legislature of the State of Georgia has passed the Downtown Development Authorities Law (Georgia Laws 1981, pg. 1744; O.C.G.A. §36-42-1 et seq.); and

**WHEREAS**, the Downtown Development Authorities Law creates for each municipal corporation in the State of Georgia a public body corporate and politic to be known as the downtown development authority of such corporation; and

**WHEREAS**, the City of Dawsonville is a duly chartered municipal corporation of

the State of Georgia; and

**WHEREAS**, the City Council of Dawsonville, Georgia, the governing body of the City of Dawsonville, has previously determined it to be in the public interest and welfare to activate the Downtown Development Authority of the City of Dawsonville, Georgia, said determination being memorialized in an activating resolution enacted on February 6, 1996; and

**WHEREAS** the governing body of the City of Dawsonville is expressly authorized to amend the activating resolution of its downtown development authority pursuant to O.C.G.A. § 36-42-6; and

**WHEREAS** the governing body of the City of Dawsonville has determined that it is in the public's best interest, and necessary to the public welfare to amend the activating resolution of February 6, 1996, to address changes in municipal corporate limits and expansion of the central business district of the City of Dawsonville, to provide for the better functioning of the Dawsonville Downtown Development Authority, and to fulfill the objectives of the General Assembly in the Downtown Development Authorities Law.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Dawsonville as follows:

1.

Section 2 of the Resolution of February 6, 1996, which section defined the geographical area comprising the downtown development area, is hereby repealed in its entirety, and in its stead is inserted the following: The City has two (2) unique and different central business districts that shall comprise the downtown development geographic areas to be focused on by the Downtown Development Authority, hereinafter

“Area 1” and “Area 2.” Area 1 shall be that central business district inside of Perimeter Road, delineated in pink and labeled “Central Dawsonville” on the Future Development Map of Dawsonville, Georgia prepared by Georgia Mountains Regional Development Commission dated August, 2008 which is attached hereto as Exhibit A and incorporated herein by specific reference. Area 2 shall be that central business district south of Highway 183 delineated in blue and labeled “Airport Park” on the Future Development Map of Dawsonville, Georgia prepared by Georgia Mountains Regional Development Commission dated August, 2008 which is attached hereto as Exhibit A and incorporated herein by specific reference.

2.

Section 5 of the Resolution of February 6, 1996, is repealed in its entirety, and in its place it is resolved as follows: The Downtown Development Authority of Dawsonville, Georgia, shall proceed to transact any business and exercise any and all powers authorized by the Downtown Development Authorities Law (See O.C.G.A. §36-42-8 et seq.), which are incorporated by reference herein, or as hereafter may be amended, except that no indebtedness in excess of the total annual budget of the Downtown Development Authority for the year in which the indebtedness is incurred shall be undertaken by the Downtown Development Authority without first obtaining the approval of the governing authority of the City of Dawsonville. The foregoing notwithstanding, no approval of Downtown Development Authority indebtedness by the City of Dawsonville shall be construed to create an obligation of the City of Dawsonville in contradiction to O.C.G.A. § 36-42-12. The sole purpose of requiring governing authority approval for certain levels of Downtown Development Authority debt is to provide oversight in an effort to ensure that the Downtown Development Authority

operates within the purpose and scope for which it was created, and to further the public's trust and confidence in said Authority.

3.

A copy of this Resolution shall be filed with the Secretary of State of the State of Georgia, and a copy of this Resolution shall also be filed with the Department of Community Affairs of the State of Georgia, as required by the Downtown Development Authorities Law.

4.

Except as amended herein, the Resolution of February 6, 1996 shall remain in full force and effect as the activating resolution for the Dawsonville Downtown Development Authority.

5.

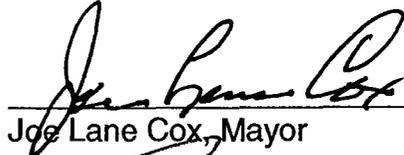
If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid, illegal, or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be invalid, illegal, or unconstitutional, such shall not be construed to affect the provisions of this Resolution not so held to be invalid, or the application of this Resolution to other circumstances not so held to be invalid. IT IS HEREBY DECLARED to be the intent of the City Council of the City of Dawsonville to provide for separate divisible parts, and it does hereby adopt any and all parts or portions of parts hereof as may not be held invalid for any reason.

6.

This Resolution shall be effective on the day it is adopted by the City Council of the City of Dawsonville, Georgia.

SO RESOVLED, this 6 day of October, 2008.

CITY OF DAWSONVILLE, GEORGIA

  
Joe Lane Cox, Mayor

  
Mike Sosebee, Councilman

  
Jonathan Cox, Councilman

  
Mike Wilson, Councilman

  
Linda Grant, Councilman

Attest:

  
Kim Cornelison  
City Clerk

FIRST READING: September 8, 2008  
SECOND READING: October 6, 2008

**AN ORDINANCE OF THE CITY OF DAWSONVILLE PROHIBITING THE  
RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS;  
TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING  
ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, juvenile fire setting has been identified as a fast growing fire threat in the United States; and

WHEREAS, novelty lighters have features that are attractive to children including visual effects, flashing lights, musical sounds and toy like designs, which have been shown to the Mayor and Council of the City of Dawsonville; and

WHEREAS, the Consumer Products Safety Commission has recalled thousands of novelty lighters since 1996 because of the danger posed to public safety; and

WHEREAS, the functions of novelty lighters can be achieved without posing a danger to public health and safety; and

WHEREAS, many public safety agencies support the prohibiting of the sale and distribution of novelty lighters including the following public safety agencies: The Georgia Firefighters Burn Foundation; the National Fire Protection Agency, National Volunteer Fire Council, Western Fire Chiefs Association, The National Association of State Fire Marshals and the Dawson County Fire Department; and

WHEREAS, the Mayor and Council of the City of Dawsonville finds that the dangers posed by novelty lighters is a grave threat to the health, safety and welfare of the citizens of Dawsonville.

NOW, therefore, the Mayor and Council of the City of Dawsonville hereby adopt this ordinance as follows:

**SECTION I. Prohibitions.**

The retail sale, offer of retail sale, gift of, or distribution of any novelty lighter within the City limits of Dawsonville is prohibited. The prohibitions set forth herein are inapplicable to novelty lighters that are only being transported through Dawsonville or novelty lighters located in a warehouse closed to the public for purposes of retail sales.

## SECTION II. DEFINITION.

The phrase "novelty lighters" means a lighter that has entertaining audio or visual effect or that depicts through the use of logos, decals, artwork, or by other means or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten years of age or younger, which includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel including butane or liquid fuel.

## SECTION III. EXCEPTIONS.

The term "novelty lighter" excludes any lighter manufactured before 1980 and any lighter that lacks fuel or any lighter that lacks a device necessary to produce combustion or flame.

## SECTION IV. PENALTY.

Any person or entity violating any provision of this ordinance shall be guilty of infraction and upon conviction thereof shall be subject to a fine or penalty of not less than \$25.00 nor more than \$500.00 per violation. Jurisdiction to hear all cases related to alleged violation of this ordinance shall lie concurrently in City Court for the City of Dawsonville, Dawson County Magistrate Court and Dawson County Superior Court.

## SECTION V. SEVERABILITY.

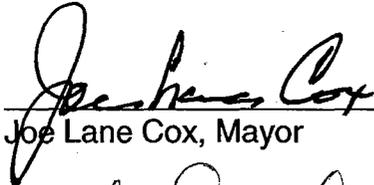
If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the ordinance not held to be invalid or the application of the resolution to other circumstances not held to be invalid. It is hereby declared to be the intent of the Mayor and Council of the City of Dawsonville to provide for separable and divisible parts, and the Mayor and Council of the City of Dawsonville hereby adopts any and all parts not held invalid.

## SECTION VI. REPEALER.

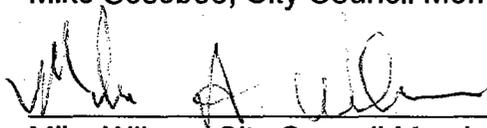
All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof,

which shall be liberally construed in favor of the City of Dawsonville, is hereby adopted as a part hereof.

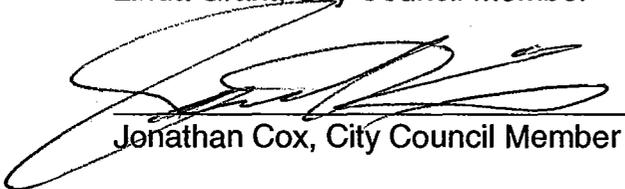
Approved and enacted this 6<sup>th</sup> day of October 2008 by the Mayor and Council of the City of Dawsonville.

  
\_\_\_\_\_  
Joe Lane Cox, Mayor

  
\_\_\_\_\_  
Mike Sosebee, City Council Member

  
\_\_\_\_\_  
Mike Wilson, City Council Member

  
\_\_\_\_\_  
Linda Grant, City Council Member

  
\_\_\_\_\_  
Jonathan Cox, City Council Member

Attested to by:

  
\_\_\_\_\_  
Kim Cornelison, City Clerk

**FIRST READING** September 8, 2008

**SECOND READING** October 6, 2008

**PUBLICATION DATES:** August 27, 2008

September 3 & 24, 2008

October 1, 2008

## **ZONING ORDINANCE AMENDMENT**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, TO DELETE THE PROVISION FOR SPECIAL FLOOD HAZARD AREAS; TO ADOPT A NEW SECTION PROVIDING FOR THE ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES**

WHEREAS the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing body may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989 pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the City is granted the power to by and through its Charter at § 1.12(29) to regulate acts, practices, and conduct which may be detrimental to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the City; and

WHEREAS, The City finds that the regulations contained in this Ordinance are necessary for the purposes of implementing its comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Ordinance has been prepared and considered in accordance with the Zoning Procedures Act, O.C.G.A. § 36-66-1 et. seq., and

WHEREAS, this Ordinance is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the City of Dawsonville; preventing and abating nuisances; lessening overcrowding, including animal overcrowding, in residential areas; providing adequate light and air; avoiding inadequate light and air; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the City of Dawsonville; conserving the value of buildings and land; and encouraging the most appropriate use of land and buildings throughout the City of Dawsonville in accordance with its duly adopted comprehensive plan;

NOW THEREFORE, the governing body of the City of Dawsonville, Georgia, does hereby ordain, enact and thereby incorporate into the City Code of Dawsonville, Georgia, this ordinance and all of its sections as set forth below:

**SECTION ONE: Repeal of Article XXIV § 2403**

Section 2403 of Article XXIV of the City of Dawsonville Zoning Ordinance is hereby deleted in its entirety.

**SECTION TWO: New Article XXIV § 2403**

Section 2403 of Article XXIV of the City of Dawsonville Zoning Ordinance is hereby amended by adding the following definition to that section:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its flood hazard boundary map (FHBM), most recent available edition as the same is updated from time to time, with accompanying maps and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance.

**SECTION THREE: Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION FOUR: Severability**

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances

shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION FIVE: Effective Date**

The effective date of this Ordinance shall be the day this Ordinance is adopted by the Mayor and City Council of the City of Dawsonville, Georgia.

Adopted and Ordained this 6<sup>th</sup> day of October, 2008.

**CITY OF DAWSONVILLE, GEORGIA**

  
\_\_\_\_\_  
Joe Lane Cox  
Mayor, City of Dawsonville

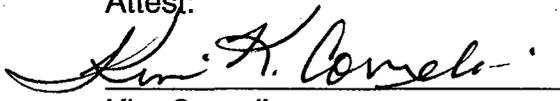
  
\_\_\_\_\_  
Mike Sosebee: Councilman

  
\_\_\_\_\_  
Jonathan Cox: Councilman

  
\_\_\_\_\_  
Mike Wilson: Councilman

  
\_\_\_\_\_  
Linda Grant: Councilman

Attest:

  
\_\_\_\_\_  
Kim Cornelison  
City Clerk