

**MINUTES  
CITY COUNCIL REGULAR MEETING  
JANUARY 7, 2008  
7:00 P.M.**

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

**RECOGNITION OF SPECIAL GUESTS:** Dan Pichon, Board of Elections; Herb Burnsed, EWSA; Ken Breeden, Planning Commission; Terri Tragesser, DCBOC. Dakota Wood and Colin Baer from Boy Scout Troop 109

**ROLL CALL:** Those present included Mayor Cox, Council Members Linda Grant, Mike Sosebee, Jonathan Cox and Mike Wilson; staff present were Kim Cornelison, Steve Holder, Gary Barr, and Dana Miles, City Attorney.

**INVOCATION AND PLEDGE:** Invocation was led by Pastor Ricky Stepp; followed by the pledge led by Mayor Cox.

**APPROVAL OF MINUTES:**

Council unanimously approved the minutes from the regular meeting held December 3, 2007; motion by Cox, second by Wilson.

**NEW BUSINESS:**

Zoning Map Updates: Steve Holder presented the amended zoning map stating it included all properties that were annexed in 2007 and all approved zoning amendments. The map also reflects the annexation ordinance number. Council unanimously approved the updated zoning map; motion by Sosebee, seconded by Cox.

Annual Appointments: Mayor Cox asked the council to approved the following recommended appointments: Kim Cornelison, City Clerk; Dana Miles, Attorney; G. Ben Turnipseed, Engineer; Duane Roof, Architect; Greg Scott, Professional Building Contractor; Jackie Townley; Infrastructure and Maintenance; Alexander, Almand & Associates, Auditor; Bob Adkins, Geologist, John Evans, Environmental Testing; and Walker Bramblett, Municipal Court Judge. Council unanimously approved all appointments; motion by Grant, second by Wilson.

Report – Water/Sewer Superintendent: Gary Barr presented a power point presentation generated by Bob Adkins, the city's geologist. Mr. Adkins recently presented this report at the fall Georgia Rural Water conference to demonstrate ground water resources and to try to encourage other authorities to keep ahead of growth. The report essentially shows the three new wells, their production capabilities, and the recovery time it takes for each well to return to its original point after being pumped. Each of the city's wells has a fairly immediate recovery time of less than a day.

Well 108 – rated at 100 GPM; Well 109 – rated at 140 GPM; and Well 110 – rated at 200 GPM.

Mr. Barr also presented production information on the cities original water sources which were rehabilitated in 2004. The Flat Creek Well # 106 is rated at 80-GPM and the original spring which is rated at 60-GPM.

A conservative estimate of the city's water production capability is 11.5 million gallons per month.

Lastly Mr. Barr demonstrated the city's new SCADA system which monitors the system continuously. The SCADA system shows the levels of water in each holding tank, the activity of each water source and how much it ran for each day and what is currently running, it also shows the various lift stations and their run time and if they are currently running.

Mr. Barr expressed his appreciation to the Mayor and Council for allowing the Water and Sewer department to do the many upgrades to the city's system and for allowing the procurement of alternative

**MINUTES  
CITY COUNCIL REGULAR MEETING  
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water sources. The upgrades provides the city with a much more efficient and less labor intensive way to manage the water and wastewater services.

Parade/Public Assembly Application – GRHOF: Annie Dean Samples, on behalf of the GRHOF has made application for Yard Sales and Music Fest Events as follows:

4:00 – 9:00 p.m. February 2, Music Fest only  
7:00 a.m. – 9:00 p.m., March 1  
7:00 a.m. – 9:00 p.m., April 5  
7:00 a.m. – 2:00 p.m., May 10, Yard Sale only  
7:00 a.m. – 9:00 p.m., June 7  
7:00 a.m. – 9:00 p.m., July 5  
7:00 a.m. – 9:00 p.m., August 2  
7:00 a.m. – 9:00 p.m., September 6  
7:00 a.m. – 9:00 p.m., October 4  
7:00 a.m. – 2:00 p.m., November 1 Yard Sale only

Council unanimously approved the GRHOF Parade/Public assembly application with the stipulation that each event be approved by the Sheriff and the Fire Marshall; motion by Grant, second by Wilson.

**PUBLIC HEARINGS:**

To hear Annexation Petition: ANX07-007 – Charles Fletcher, on behalf of the Dawson County Church of Christ, has made application to annex 0.865 acres, located at 775 Hwy. 9 North, in to the City of Dawsonville. The subject property is currently zoned C-OI in the county and would be CBD in the City. Second hearing.

The Planning Director read Annexation Petition ANX07-007. The City Attorney opened the public hearing. There were approximately 42 people in attendance. No one spoke in favor or in opposition of this request therefore the public hearing was closed.

Council unanimously approved the second reading and adoption of annexation ordinance ANX07-007 with the requested change in zoning. Motion by Grant; second by Wilson.

To hear Annexation Petition: ANX07-008 – William Leroy Bearden has made application to annex 16.83 acres, located at 29 Buds Drive, TMP 091-004, in to the City of Dawsonville. The subject property is currently zoned RA in the county and would be AP in the City. First hearing; second hearing Monday, February 4, 2008.

The Planning Director read Annexation Petition ANX07-008. The City Attorney opened the public hearing. There were approximately 42 people in attendance. No one spoke in favor or in opposition of this request therefore the public hearing was closed.

Council unanimously approved the first reading of annexation ordinance ANX07-008. Motion by Sosebee; second by Grant.

To hear Annexation Petition: ANX07-009 – William Leroy Bearden has made application to annex 1.16 acres, located at 170 Buds Drive, TMP 091-060, in to the City of Dawsonville. The subject property is currently zoned RA in the county and would be AP in the City. First hearing; second hearing Monday, February 4, 2008.

The Planning Director read Annexation Petition ANX07-009. The City Attorney opened the public hearing. There were approximately 42 people in attendance. No one spoke in favor or in opposition of this request therefore the public hearing was closed.

**MINUTES  
CITY COUNCIL REGULAR MEETING  
JANUARY 7, 2008  
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Council unanimously approved the first reading of annexation ordinance ANX07-009. Motion by Sosebee; second by Grant.

Proposed zoning ordinance amendment: Dana Miles clarified that there would be no public hearing on the proposed amendment, rather he wanted council's input on the draft. Once the draft is in final form then it would go to the Planning Commission to approve and then to the City Council to ratify. The purpose of the amendment is to clear up a rather cloud issue of how many domesticated pets are allowed per household, to define domesticated pets and to define livestock. Mr. Miles also stated that any property currently zoned R-1 would automatically allow for one livestock.

Council instructed Mr. Miles to include a clause in the proposed amendment to allow current small farms to be able to maintain their current use. However if the property changes ownership then the agricultural use will no longer be allowed.

To hear an ordinance to amend the zoning ordinance of the City of Dawsonville, Georgia, to provide for regulations related to animals in certain zoning categories, to provide for an effective date, and for other purposes. First hearing; second hearing Monday, February 4, 2008.

**MAYOR'S REPORT:**

Mayor Cox recognized the people who are from Gold Creek. He expressed his concern that perhaps they all came expecting an item to be on the agenda that was not and asked if one person from the Gold Creek delegation wished to address the council to express their concerns.

Marty Horn, President of the Golf Creek HOA expressed the residents concerns regarding the potential changes to the Gold Creek master plan by a group known as Foot Hills of Georgia, Inc. The homeowners have met with representatives of Foot Hills of Georgia and the HOA has voted 42 to 7 to not support the recommended changes to the master plan. Mr. Horn stated that is why the group came to the meeting because they understood there was to be discussion on this issue in January and well as discussion regarding settling the lawsuit involving the spray fields at Gold Creek. Mr. Horn further expressed that in regards to the law suit they were concerned that any settlement of the suit would provide terms for changes to the master plan.

Mayor Cox addressed the issue of changes in the master plan stating that issue is scheduled to go before the Planning Commission January 28<sup>th</sup>. After the Planning Commission finishes with it, then it will come before the council with any recommendations from the Planning Commission they may have.

**EXECUTIVE SESSION:** At 7:50 p.m. Jonathan Cox made a motion to go in to executive session for the purpose of discussing pending litigation. Seconded by Mike Sosebee and passed unanimously.

Executive Session convened at 8:00 p.m. following a brief recess. Dana Miles brought the council up-to-date on the Phillips v. Dawsonville case stating that the case is now over and cannot be filed in a different venue. Phillips attorneys evidently decided not to file a Petition for Certiorari before the required deadline. Since they chose not to file, the case is now completed and the city prevails.

In the Butler v. Dawsonville case the judge has still not ruled on the motion for summary judgment and has been reviewing the motion since June of 2007.

In the City v. Gold Creek case, Mr. Miles stated he has had received communication from opposing counsel regarding potential settlement and engineering documentation had been sent to City Engineer for approval. After discussion, the Council authorized Mr. Miles to convey a 4 point settlement offer to the other side in writing: 1. the City would receive the necessary easements and deeds as approved by City Engineer and City Attorney; 2. the City would be paid all of its attorneys fees and expenses incurred in

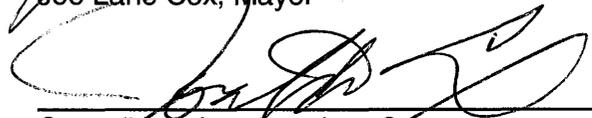
MINUTES  
CITY COUNCIL REGULAR MEETING  
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both cases; 3. the cases would be dismissed with prejudice upon settlement; 4. the settlement would not in any way alter the Master Plan for Gold Creek.

Council adjourned executive session at 8:20 p.m. Motion by Cox, second by Sosebee and was unanimously carried.

**ADJOURNMENT:** There being no further business, Jonathan Cox made a motion to adjourn, seconded by Mike Wilson. Meeting adjourned at 8:20 p.m.

  
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Joe Lane Cox, Mayor

  
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Councilmember Jonathan Cox

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

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

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

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

STATE OF GEORGIA  
COUNTY OF DAWSON.

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Joe Lane Cox, Mayor, Jonathan Cox, Council Member; Linda Grant, Council Member, Mike Sosebee; Council Member and Mike A. Wilson, Council Member; being duly sworn, state under oath that the following is true and accurate to the best of their knowledge and belief:

1. The City of Dawsonville Council met in a duly advertised meeting on the 7 day of January, 2008.

2. During such meeting, the Board voted to go into closed session.

3. The executive session was called to order at 8:00 a.m. (p.m.)

4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

X Consultation with the City Attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and \_\_\_\_\_;

Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(6);

Other \_\_\_\_\_ as provided in: \_\_\_\_\_.

This 7<sup>th</sup> day of January, 2008.

City of Dawsonville, Mayor and council

Joe Lane Cox  
Joe Lane Cox, Mayor

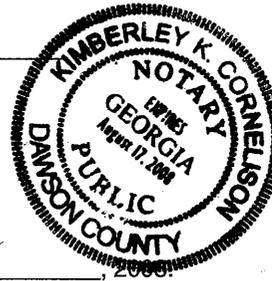
Jonathan Cox  
Jonathan Cox, Council Member

Linda Grant  
Linda Grant, Council Member

Mike Sosebee  
Mike Sosebee, Council Member

Mike A. Wilson  
Mike A. Wilson, Council Member

Kim Cornelison  
Kim Cornelison, City Clerk  
Notary Public



Sworn to and subscribed before me this 7<sup>th</sup> day of January, 2008.

My Commission expires: August 18, 2008