MINUTES
CITY COUNCIL REGULAR MEETING
FEBRUARY 4, 2008
7:00 P.M.

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

RECOGNITION OF SPECIAL GUESTS:

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 Ken McGehee; followed by the pledge led by Mayor Cox.

APPROVAL OF MINUTES:

Council unanimously approved the minutes from the regular meeting held January 7, 2008; motion by Wilson, second by Sosebee.

Council unanimously approved the minutes from the called joint meeting of the Downtown Development Authority of the City of Dawsonville and the City Council held January 24, 2008; motion by Cox, second by Wilson.

NEW BUSINESS:

Proclamation - 2008 the Year of Jefferson Davis: Requested by Michael Reuter, Commander, Concord Rangers, Camp #2135 Sons of Confederate Veterans. The City Clerk gave a brief bio of the organization stating the following: The Sons of Confederate Veterans are a historical, patriotic, educational and benevolent organization. As the legal, genealogical, and spiritual successor to the United Confederate Veterans and the United Sons of Confederate Veterans organizations, they are dedicated to the preservation of shared Southern heritage. Their purpose is to honor the memory of our Confederate forefathers, tell their story and remember the sacrifices they made, in attempting to create a new nation true to the principles of the founding fathers of the American Republic. They are dedicated to the presentation of true history and the preservation of the honor of the Confederate soldier, his symbols, songs and memory.

The City Clerk read the proclamation in to the minutes.

Audit Authorization and Contingency Fund Budget Amendments 2007: The City Clerk asked the council for authorization to proceed with the annual audit utilizing Alexander Almand and Associates. A letter of understanding and commencement outlines what services the auditor will provide and is incorporated in the minutes.

Council unanimously authorized Alexander Almand and Associates, LLP to proceed with the 2007 audit. Motion by Grant, second by Sosebee.

The City Clerk next asked the council for authorization to proceed with any budget amendments that may be required during the audit process; 2007 budget amendments would be made from the contingency fund.

Council unanimously authorized the Clerk to make budget amendments during the audit process utilizing the contingency fund to keep the budget balanced as is required by law. Motion by Grant; second by Sosebee.

Authorization to expend funds on a capitol project: Installation of 12x10 storefront glass with two 4x8 doors replacing damaged doors in the back of the Municipal Complex. Work to be completed by city contractor Greg Scott Construction, Inc. $8,607.50.

Mayor Cox explained that this project will be to replace the back doors of the building; the current doors are damaged and are too small to bring larger equipment in and out of the building. During the construction process a lift will be brought in to take down the race truck up on the hoist so that it can be sold in the future.

Council unanimously approved the capitol project expenditure of $8,607.50. Motion by Sosebee, second by Grant.

The Clerk asked the Council for authorization to amend the budget to accommodate the project. Council unanimously approved authorizing the Clerk to make a budget amendment. Motion by Grant, second by Sosebee.

Authorization to renew maintenance agreement: Lawson Air Conditioning and Plumbing, Inc. to provide yearly maintenance and service on the heating and air conditioning units at the Municipal Complex.

The Clerk informed the council that this was an annual renewal of the maintenance contract and all rates are the same as the last two years.

Council unanimously approved renewing the maintenance agreement. Motion by Grant, second by Wilson.

Authorization to expend funds on a capitol project: Replace deteriorated 30 inch pipe on Allen Street with 42 inch concrete pipe. Proposal by T.W. Phillips Grading, Inc. for $7,430.00.

Mayor Cox explained that the school has replaced many of the pipes along Allen Street and included a big cross drain. This project will be down the road a little where a small branch is, the existing pipe is rusted out is turned up. If we proceed with this work while Phillips has his equipment on site for the school's project, the City will save some funds because he will not have to move his equipment in again. He has also given a price break on the 42 inch concrete pipe because he has it in storage and is charging the city the price of a 30 inch pipe.

Council unanimously approved the capitol project expenditure of $7430.00. Motion by Sosebee, second by Grant.

Proposed Ordinance: In response to legislative changes involving Cable or Video Franchises. Dana Miles explained that state law has recently changed which allows cable or video providers to obtain a statewide franchise. Formerly they had to obtain a franchise applying to each individual city or county. Now they will be allowed to apply directly to the state; in order to continue to receive franchise fees the City is required to adopt an ordinance that will set franchise fees for state franchising providers.

Council instructed the Clerk to advertise the ordinance for public hearings to be held at the next two council meetings.

Proposed Ordinance: From Georgia Power amending the existing Franchise Agreement. Provided by Kevin McCraney, Georgia Power Local Manager.

Mayor Cox stated that this is the same franchise agreement amended ordinance as he has the last two years.

Mr. Miles stated that he has not reviewed the ordinance and would like an opportunity to do so.

Council instructed Mr. Miles to review the ordinance and get back to the Council.

Presentation of the new Comprehensive Plan: Steve Holder provided the Council with the first draft copy of the proposed comprehensive plan and asked the council to review and provide comments. He asked the council for authorization to proceed with committee and public hearings to complete the plan.

Mayor Cox informed the Council that the plan will need to be turned in to the Department of Community Affairs by October of this year and encouraged the Council to take the report from their packets and read through it; stating it has a lot of valuable information in it.

Planning Department Report: Steve Holder presented a report on Planning Department building activity. A copy of the report is included in the minutes.

PUBLIC HEARINGS:

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. Second hearing Monday, February 4, 2008.

Steve Holder read Annexation Petition ANX07-008. Dana Miles opened the public hearing. Approximately 15 people were in attendance and no one spoke in favor or in opposition of the annexation. Mr. Miles closed the public hearing; Mayor Cox called for a vote.

Council unanimously approved the second reading and adoption of Annexation Petition ANX007-008. Motion by Grant, Second by Wilson.

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. Second hearing Monday, February 4, 2008.

Steve Holder read Annexation Petition ANX07-009. Dana Miles opened the public hearing. Approximately 15 people were in attendance and no one spoke in favor or in opposition of the annexation. Mr. Miles closed the public hearing; Mayor Cox called for a vote.

Council unanimously approved the second reading and adoption of Annexation Petition ANX007-009. Motion by Grant, Second by Wilson.

To hear an ordinance regarding Enforcement of the Georgia State Minimum Standard Codes for Construction; and for other purposes. First hearing Monday, February 4, 2008; second hearing Monday, March 3, 2008.

Steve Holder informed the Council that the State updates their codes every three years. This ordinance will accommodate the updated state codes and does not modify any local codes that the City has put in place. He gave the example of the extra fire codes in place that the Fire Marshal asked the City to adopt.

Dana Miles opened the public hearing. Approximately 15 people were in attendance and no one spoke in favor or in opposition of the ordinance. Mr. Miles closed the public hearing; Mayor Cox called for a vote.

Council unanimously approved the first reading of the ordinance; motion by Cox, second by Sosebee.

MAYOR'S REPORT:

Letter of Commendation: Mr. Bob Johnson of His Rock Café wrote a letter of commendation regarding Gary Barr and Steve Holder who helped fixed a sewer pipe problem at his café. Mayor Cox thanked them for a job well done.

GMA Annual Convention Information: Included in your packet is the information regarding the GMA Annual Convention. You will need to complete the documentation and get it back to Kim Cornelison by February 25, 2008 if you plan to attend.

Solid Waste: Steve Holder presented a preliminary report on the potential of bringing on board a solid waste department which would include purchasing a truck and hiring staff to become self-sufficient in garage collection instead of using an outside service. A copy of the report is incorporated in the minutes.

Mayor Cox explained that he wants the City to look in to the possibility of providing this service by bringing it completely in-house.

Mayor Cox explained to the Council the need to go in to executive session to discuss threatened and pending litigation.

EXECUTIVE SESSION: At 7:40 p.m. Jonathan Cox made a motion to go in to executive session for the purpose of discussing threatened or pending litigation. Seconded by Mike Sosebee; motion passed unanimously.

Dana Miles made the Council aware of a suit that has recently been filed by Gilmer County Bank against Rudy Bowen; in turn Mr. Bowen has initiated a third party complaint bringing in the Joint Development Authrioty, the Downtown Development Authrotiy, Georgia Racing Hall of Fame, Inc., Chestatee State Bank, and Philip Hester.

Mr. Miles asked the Council for authorization to represent both the JDA and DDA as necessary, council consented to the request.

Mr. Miles brought the Council up-to-date on the Gold Creek case.

Mayor Cox brought the Council up-to-date on the Heritage Park proceedings.

Council adjourned executive session at 8:15 p.m. Motion by Jonathan Cox, second by Mike Sosebee; the motion unanimously carried.

ADJOURNMENT: There being no further business, Mike Sosebee made a motion to adjourn, seconded by Jonathan Cox; the meeting adjourned at 8:15 p.m.

Joe Lane Cox, Mayor

Councilmember Jonathan Cox

Linda Grant

Councilmember Linda Grant

Councilmember Mike Sosebee

Councilmember Mike Wilson

Attested:
Kim Cornelison, City Clerk

Proclamation

2008 The Year of Jefferson Davis

WHEREAS: Jefferson Finis Davis was born to Revolutionary War veteran Samuel Emory Davis, of Georgia and Jane Cook Davis in Christian County, Kentucky, on June 3, 1808. With his appointment from U.S. President, James Monroe, Davis attended the United States Military Academy at West Point where he graduated in 1828; and

WHEREAS: Jefferson Finis Davis' first military assignment was to the 1st Infantry where he served on the frontier, taking part in the Black Hawk War. On June 17, 1835 Davis married Miss Sarah Knox Taylor, daughter of Colonel Zachary Taylor, the future U.S. President. He was happily married until Sarah's death on September 15, 1835. Davis pursued the life of a Mississippi cotton planter and lived in retirement until 1843 when he entered politics. In 1845 he was elected to the United States Congress as a Representative; and

WHEREAS: In June, 1846, Davis resigned his seat to raise a regiment that would become the Mississippi Volunteer Rifles. He served as Colonel under his former father in law, General Zachary Taylor. He was severely wounded at the Battle of Buena Vista, but remained in the saddle until the close of the fight and is remembered for his admonition to his men, "Stand fast Mississippians!". He was complimented for his coolness under fire and gallantry by his commander and was given the title, "Hero of Buena Vista"; and

WHEREAS: Upon returning from Mexico, Davis was appointed by the Governor of Mississippi to fill a vacancy in the U.S. Senate in August, 1847 and in January, 1848 the legislature unanimously elected him Senator and reelected him in 1850 for a full term. He was made Chairman of the Committee for Military Affairs. He then served as Secretary-of-War in Franklin Pierce's administration before returning to the Senate in March, 1857 where he served until his resignation when the sovereign State of Mississippi chose to secede on January 9, 1861; and

WHEREAS: Jefferson Davis was elected to a six year term as President of the Confederate States of America and served from 1861 until 1865. President Jefferson Davis was captured on May 10, 1865, and although incarcerated for 720 days, he was never tried for nor convicted of a crime. His United States Citizenship and all rights granted therein were posthumously reinstated in 1978, by the United States Congress; and

WHEREAS: Georgia Governor Sonny Purdue has recognized the bicentennial birth of Jefferson Davis and the citizens of the City of Dawsonville are justifiably proud of the role played by the Confederate States of America and its leaders in the history of this great country;

NOW, THEREFORE: I, JOE LANE COX, Mayor of the City of Dawsonville, Georgia, do hereby proclaim:

~2008 The Year of Jefferson Davis ~

_____

Joe Lane Cox, Mayor

Attest:

_____

Kim Cornelison, City Clerk

ALEXANDER, ALMAND & ASSOCIATES, LLP
CERTIFIED PUBLIC ACCOUNTANTS
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PEGGY W. SHIRLEY, R.P.A.

MEMBERS OF:
THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
THE GEORGIA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

January 31, 2008

City of Dawsonville
P.O. Box 6
Dawsonville, GA 30534

Dear Mayor Cox:

We are pleased to confirm our understanding of the services we are to provide City of Dawsonville for the year ended December 31, 2007. We will audit the general purpose financial statements of City of Dawsonville as of and for the year ending December 31, 2007. Also, the document we submit to you will include the following additional information that will be subjected to the auditing procedures applied in our audit of the general purpose financial statements:

1. Schedule of expenditures of federal awards.
2. Financial statements of all individual funds and account groups.

The objective of your audit will be the expression of an opinion as to whether the general purpose financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the general purpose financial statements taken as a whole. The objective also includes reporting on City of Dawsonville's internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with Government Auditing Standards. Also, internal control related to major programs and an opinion (or disclaimer of opinion) on whether City of Dawsonville complied with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

The reports on internal control and compliance will each include a statement that the report is intended for the information of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities.

Our audit will be conducted in accordance with generally accepted auditing standards; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of the accounting records of City of Dawsonville, a determination of major program(s) in accordance with Circular A-133, and other procedures we consider necessary to enable us to express an opinion and to render the required reports. If our opinion on the general purpose financial statements or the Single Audit compliance opinion is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

The management of City of Dawsonville is responsible for establishing and maintaining internal control. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of the controls. The objectives of internal control are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorizations and recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles, and that federal awards programs are managed in compliance with applicable laws and regulations.

In planning and performing our audit, we will consider the internal control sufficient to plan the audit in order to determine the nature, timing, and extent of our auditing procedures for the purpose of expressing our opinions on City of Dawsonville's general purpose financial statements and on its compliance with requirements applicable to major programs.

We will obtain an understanding of the design of the relevant controls and whether they have been placed in operation, and we will assess control risk. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the general purpose financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the general purpose financial statements. Tests of controls are required only if control risk is assessed below the maximum level. Our tests, if performed, will be less in scope than would be necessary to render an opinion on the internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

We will perform tests of controls, as required by OMB Circular A-133, to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements, applicable to each of City of Dawsonville's major federal awards programs. However, our tests will be less in scope than would be necessary to render an opinion on those controls, and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify reportable conditions. However, we will inform the governing body or audit committee of any matters involving internal control and its operation that we consider to be reportable conditions under standards established by the American Institute of Certified Public Accounts. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the general purpose financial statements. We will also inform you of any reportable conditions or other matters involving internal control, if any, as required by OMB Circular A-133.

Identifying and ensuring that City of Dawsonville complies with laws, regulations, contracts, and agreements, including grant agreements, is the responsibility of management. As part of obtaining reasonable assurance about whether the general purpose financial statements are free of material misstatement, we will perform tests of City of Dawsonville's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of the applicable procedures described in the OMB Circular A-133 Compliance Supplement. The purpose of those procedures will be to express an opinion on City of Dawsonville's compliance with requirements applicable to major programs in our report on compliance issued pursuant to OMB Circular A-133.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and banks. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and related matters.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. Also, we will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. As required by the Single Audit Act Amendments of 1996 and OMB Circular A-133, our audit will include tests of transactions related to federal award programs for compliance with applicable laws and regulations. Because of the concept of reasonable assurance and because we will not perform a detailed examination of all transactions, there is a risk that material errors, irregularities, or illegal acts, including fraud or defalcations, may exist and not be detected by us. We will advise you, however, of any matters of that nature that come to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

Management is responsible for making all financial records and related information available to us. We understand that you will provide us with such information required for our audit and that you are responsible for the accuracy and completeness of that information. We will advise you about appropriate accounting principles and their applicability and will assist in the preparation of your financial statements, including the schedule of expenditures of federal awards, but the responsibility for the financial statements remains with you. That responsibility includes the establishment and maintenance of adequate records and effective internal control over financial reporting and compliance, the selection and application of accounting principles, and the safeguarding of assets. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

At the conclusion of the engagement, it is management's responsibility to submit the reporting package (including financial statements), schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's report, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditor's reports or 13 months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The workpapers for this engagement are the property of Alexander, Almand & Associates, LLP, and constitute confidential information. However, we may be requested to make certain workpapers available to grantor agencies pursuant to authority given to it by law or regulation. If requested, access to such workpapers will be provided under the supervision of Alexander, Almand & Associates, LLP personnel. Furthermore, upon request, we may provide photocopies of selected workpapers to grantor agencies. The grantor agency may intend, or decide, to distribute the photocopies or information contained therein to others, including other governmental agencies.

We expect to begin our audit on approximately February 15, 2008, and to issue our report no later than May 1, 2008. Our fees for these services will be based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, typing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation.

We appreciate the opportunity to be of service to City of Dawsonville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Alexander, Almand & Associates, LLP

Alexander, Almand & Associates, LLP

RESPONSE:

This letter correctly sets forth the understanding
of the City of Dawsonville, Georgia

By:_____

Title:_____

Date_____

2006	Residential Permits	$ Value
	73	14.4 million

2007	Residential Permits	$ Value
	82	18.3 Million

Comm. Permits		Square feet
2006	14	52,000
2007	11	41,000

Solid waste	
2006	366
2007	435

Water Meters		residential	commercial
2006	684		150
2007	776		156

YEAR	# customers	rate	$ monthly
2008	505	13.25	6691
2009	585	13.5	7897
2010	678	13.5	9153
2011	813	13.75	11178
2012	975	13.75	13406
2013	1170	14	16380

expenses

salaries	equipment	tipping	O & M	$ TOTAL
3600	1012	343	430	5385
3690	1012	398	473	5573
3782	1012	465	520	5779
3786	1012	569	1144	6511
3974	1012	683	1260	6929
4073	1012	819	1384	7288

CUSTOMER GROWTH RATE = 16-20%

RATE INCREASE .25 EVERY 24 MONTHS

SALARIES INCREASE AT 2.5 %

O & M INCREASE AT 10% ANUALLY

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 4th day of February, 2008.

2.

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

3.

The executive session was called to order at 7:40 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 4th day of February, 2008.

City of Dawsonville, Mayor and council

Joe Lane Cox, Mayor

Jonathan Cox, Council Member

Linda Grant, Council Member

Mike Sosebee, Council Member

Mike A. Wilson, Council Member

Kim Cornelison, City Clerk
Notary Public

Sworn to and subscribed before me this 4th day of February

My Commissioner expires: August 18, 2008

KIMBERLEY K. CORNELISON NOTARY PUBLIC GEORGIA DAWSON COUNTY EXPIRES August 18, 2008