

**MINUTES  
CITY COUNCIL REGULAR MEETING  
AUGUST 2, 2010  
5:00 P.M.**

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**CALL THE MEETING TO ORDER:** Mayor Cox called the meeting to order at 5:00 p.m.

**ROLL CALL:** Those present included Council Members Calvin Byrd, Mike Wilson, W. James Grogan, and Mike Sosebee. Staff included Dana Miles, Kim Cornelison, Trampas Hansard and Russ Chambers.

**INVOCATION AND PLEDGE:** Invocation was led by Wendell Gilreath, Calvary Baptist Church, followed by the pledge.

**APPROVAL OF MINUTES:**

Council approved the minutes from the regular meeting held July 12, 2010. Motion by Sosebee, second by Wilson.

**OLD BUSINESS:**

Rainhill Subdivision Escrow Agreement: Dana Miles explained that Rainhill Development, LLC is ready to dedicate the roads to the city. There is an agreement between the City and Rainhill Development LLC that provided funds be set aside in an escrow account for a prescribed amount of time. After which, the city would notify Rainhill Development LLC of any deficiencies with the roads. Mayor Cox interjected and informed the council that he and Gary Barr did inspect the roads, sent a letter to the Developer outlining deficiencies, and subsequently the roads have been satisfactorily repaired. The only thing to do now is accept the roads and release them from the escrow.

W. James Grogan made a motion to release the escrow account and accept the roads; second by Calvin Byrd. The motion carried unanimously. A copy of the Limited Warranty Deed is attached as Exhibit "A".

City Inspections: Mayor Cox made the council aware that he has been in the process of finding an inspector. In the interim he has made arrangements for the county manager to complete inspections. Subsequently the Mayor made the council aware that he had a very successful meeting with EPD representatives in Cartersville regarding all current projects in the city, everything is in good standing.

**NEW BUSINESS:**

Utility Bill Payment Options: The Clerk presented an outline of the process it would take to implement online bill paying option to city customers. She presented other options as well including in-house credit acceptance and the possibility of putting in an ATM machine. The ATM machine would not have any fees associated with it unlike the credit cards merchant account fees. After some discussion the council expressed interest in taking credit cards in-house and to set up auto-pay which would automatically charge customers' monthly bill to their credit card once they signed up for the service. The Clerk asked the council's thoughts regarding accepting credit cards over the telephone. The Council was favorably inclined to accept credit cards over the phone.

Calvin Byrd made a motion to accept credit cards in-house for utility payments, to set up auto-pay, and take credit cards over the telephone without passing any convenience fees on to the customers. James Grogan seconded the motion; the motion carried unanimously.

Delinquent Collections: The Clerk sought the council's input and advice regarding potentially enlisting the services of a collections agency for delinquent and unpaid accounts. Council instructed the Clerk to meet with the debt collection agencies and determine what costs are associated with their services.

Budget Amendments – 09/10 Fiscal Year: The Clerk requested authorization to make budget amendments as required by Georgia law to balance the recently closed fiscal year. Essentially it would be a matter of moving monies around from expenses accounts with unexpended balances, to those accounts that need extra funds or have overages.

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Calvin Byrd made a motion to amend the budget as needed. Mike Wilson seconded, the motion carried unanimously.

**PUBLIC HEARINGS:**

Utility Ordinance Amendment: To hear an ordinance to amend the utilities code on water and sewer bill payments by repealing existing Section 14-25; to provide for a new Section 14-25; to provide for an effective date and for other purposes. Public Hearings: July 12 and August 2, 2010.

Dana Miles opened the public hearing; there were approximately 11 people in attendance. There being no public comment the hearing was closed and the meeting turned over to the Mayor.

Mike Sosebee made a motion to approve the second reading and adoption of the Utility Ordinance Amendment. Mike Wilson seconded, the motion carried unanimously. Attached as Exhibit "B".

Sign Ordinance Amendment: To hear an ordinance to amend the general sign ordinance and the historical district sign ordinance of the City of Dawsonville, Georgia, by repealing the existing general and historical district sign ordinances; to provide for the regulation of signs throughout the city, including the historical district; to provide for severability; to repeal conflicting ordinances; and for other purposes. Public Hearings: August 2 and September 13, 2010.

Dana Miles opened the public hearing; there were approximately 11 people in attendance. There being no public comment the hearing was closed and the meeting turned back over to the Mayor.

After some discussion amongst the council the first reading passed. Motion by Sosebee, second by Wilson. Council then voted to have a work session on Monday, August 16, 2010 at 5 p.m. in the city hall conference room located downstairs specifically to go through the details of the proposed ordinance. Motion by Byrd, second by Grogan. The motion carried unanimously.

Millage Rate Certification: Mayor Cox announced the need to formally set the 2009 millage rate for the City of Dawsonville's taxes. The proposed roll back of 9.058 mils would set the anticipated net millage to zero.

Calvin Byrd made a motion to approve setting the millage rate to 9.058 mils and to roll it back to zero. James Grogan seconded the motion. The motion carried unanimously.

Mayor Cox brought up the topic of extra meeting pay for council members who attend official meeting on behalf of the city. Currently GMRC and Community Forum are paid but no others are.

Council unanimously approved paying mileage for out of town meetings, extra meeting pay for Community Forum, GMRC, READ, Inc., Chamber of Commerce, DDA, and Health Board meetings. Motion by Byrd, second by Sosebee.

The Clerk advised the council that they will need to notify her of meetings attended so that pay may be accurately processed.

**COUNCIL REPORTS:**

Calvin Byrd reported on the GMRC meeting held in Clarke County. He stated Charlie Auvermann is replacing Brooke Anderson on the board. The August meeting will be held at Dawson County Middle School and is co-hosted by the City, County, and Board of Education. It will be Thursday, August 26 at 7 p.m. and DOT will be the presenter at the meeting. Mayor Cox interjected and stated that all council members and staff were invited to attend along with their spouse – please RSVP to the clerk.

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Calvin Byrd reported on READ, Inc. stating that they graduated 93 GED students this year and that Lanier Tech is working on their SAC's accreditation.

James Grogan reported on the quarterly Community Forum stating that the meetings will be held at city hall for the balance of this year. Rick Brown was the presenter and informed the Forum attendees that due to budget constraints in the education system, parents can expect class sizes to increase and that continuing education teacher training will be suspended. A Junior ROTC program is being implemented at the school system, Robinson Elementary renovations are nearly complete, and Crossroads Alternative School will be renamed to High Tower; this project is expected to start soon.

He also reported that county rezoning issues will be heard in August by the Commission and that EWSA has a myriad number of projects pending.

Mike Wilson reported on the Health Board meeting stating there will be a called meeting on August 5<sup>th</sup> that he will be attending. He also reported that the Health Board funding was cut by 4% from the state which will affect services.

Mayor Cox announced that Cathie Waddell has been inquiring about the DDA receiving some of the hotel motel tax in the future. The Clerk is working on this now. Mayor thought it would be good if perhaps a DDA project would be to secure a billboard on the 400 corridor directing people to downtown.

**STAFF REPORTS:**

Kim Cornelison presented the financial report and an updated report on Local Option Sales Tax Revenues. The Clerk also shared a Certificate of Destruction for records the council previously approved for destruction. Attached as exhibit "C".

**MAYOR'S REPORT:**

Mayor Cox announced that the staff meeting scheduled for the following day will be cancelled due to three staff members being out on vacation.

The Mayor invited council members to attend a reception hosted by Braselton in honor of Rudy Bowen being appointed DOT Board Chairman and Todd McDuffie as DOT District Engineer. Wednesday, August 11<sup>th</sup>.

**EXECUTIVE SESSION:**

At 6:17 p.m. council voted to go in to executive session for the purpose of discussing pending litigation. Motion by Grogan, second by Wilson.

Dana Miles brought the council up-to-date on several pending and potential litigation matters.

Mike Sosebee made a motion to come out of Executive Session at 6:38 p.m.; James Grogan seconded. The motion carried.

**RETURN TO REGULAR MEETING:**

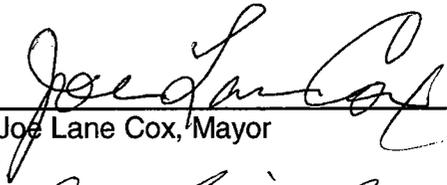
Council unanimously approved authorizing the Mayor to execute a proclamation for National Payroll Week. Motion by Sosebee, second by Grogan; the motion carried.

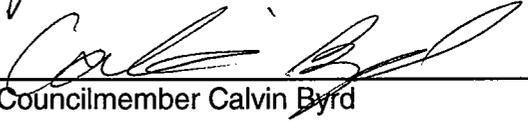
**ADJOURNMENT:**

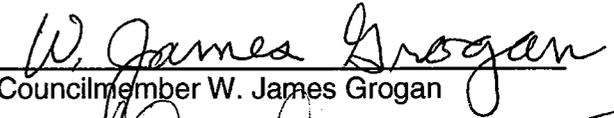
There being no further business to attend to the meeting adjourned at 6:39 p.m. The motion carried unanimously; Sosebee/Wilson.

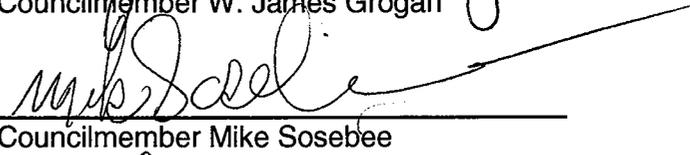
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5:00 P.M.

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

  
\_\_\_\_\_  
Councilmember Calvin Byrd

  
\_\_\_\_\_  
Councilmember W. James Grogan

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

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

Attested:   
\_\_\_\_\_  
~~Kim Cornelison, City Clerk~~  
Bonnie Warne

After Recording, Return To:  
Zack A. Rice  
Boling Rice LLC  
P.O. Box 244  
Cumming, GA 30028  
(770) 887-3162

STATE OF GEORGIA  
COUNTY OF FORSYTH

**LIMITED WARRANTY DEED**

THIS INDENTURE is made as of OCTOBER 8, 2008, between RAINHILL DEVELOPMENT, LLC, a Georgia limited liability company (hereinafter referred to as "Grantor") and THE CITY OF DAWSONVILLE, a Georgia municipal corporation (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10. 00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following:

All that tract or parcel of land lying and being in Land Lots 373 and 376 of the 4<sup>th</sup> District, 1<sup>st</sup> Section of Dawson County, Georgia, and being all of the roads and rights-of-ways in Rainhill Subdivision, Phases 1 and 2, as shown on plats of said subdivision recorded in Plat Book 70, pages 129-135 and Plat Book 70, page 137-147, Dawson County Deed Records, which plats are incorporated herein by reference for a more complete description thereof. Said roads being known as Rainhill Station Drive, McGregor Lane, Thornhill Lane, Hartley Avenue, Orange Circle and Marmalade Trail.

Exhibit "A"

TO HAVE AND TO HOLD, the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title of the above described property unto Grantee against the claims of all persons claiming by, through or under Grantor.

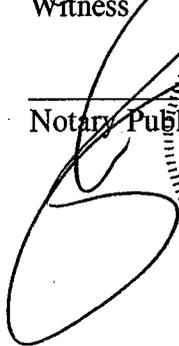
EXECUTED under seal as of the date above.

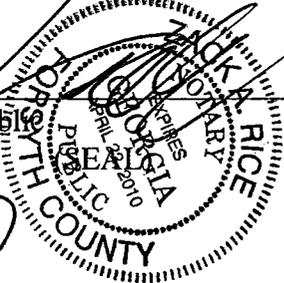
Signed, sealed and delivered  
in the presence of:

Rainhill Development, LLC

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
By: T.R. Reece, Member (Seal)

  
\_\_\_\_\_  
Notary Public



  
\_\_\_\_\_  
By: Howard R. Noles, Member (Seal)

FIRST READING 7-12-2010  
6-30, 7-7-2010  
PUBLISHED 7-21+28, 2010  
SECOND READING &  
PASSED 8-2-2010

**AN ORDINANCE TO AMEND THE UTILITIES CODE ON WATER AND SEWER BILL PAYMENT BY REPEALING EXISTING SECTION 14-25; TO PROVIDE FOR A NEW SECTION 14-25; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council previously enacted the City of Dawsonville Water and Sewer Service Ordinance, the same being codified at Chapter 14, Article 2 of the Code of Dawsonville, Georgia; and

**WHEREAS**, the Council has determined that it is in the best interest of the City of Dawsonville to revise its code to provide for a billing date and due date for water, sewer, and garbage bills; to revise the penalties for nonpayment of water, sewer, and garbage bills; to provide for payment plans for water, sewer, and garbage bills; and to make related changes to the Ordinance needed to achieve these purposes.

**NOW THEREFORE**, pursuant to the authority granted to the City of Dawsonville by its Charter, the Council of the City of Dawsonville hereby ordains as follows:

**SECTION 1. REPEAL OF EXISTING §14-25**

§ 14-25 of Chapter 14, Article 2 of the Code of Dawsonville Georgia is repealed in its entirety.

**SECTION 2. ENACTMENT OF A NEW §14-25.**

In place of the repealed § 14-25 of Chapter 14, Article 2 of the Code of Dawsonville Georgia, the following shall be inserted:

Sec. 14-25. Meter reading billings and collection.

(a) *Mailing, payment, penalties and interest.* Bills to customers for water, sewer and/or garbage services shall be mailed out no later than the 25<sup>th</sup> day of each month and are due the 10<sup>th</sup> day of the following month. Bills shall be deemed paid upon receipt of payment at City Hall. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from payment of the same. The failure of water, sewer and/or garbage customers to timely pay charges duly imposed shall result in the automatic imposition of the following penalties and interest:

- 1) Nonpayment by the 15<sup>th</sup> of the month in which the bill is due will result in a penalty of ten percent being applied to the delinquent account.
- 2) Nonpayment by the last day of the month in which the bill is due will result in water being disconnected, provided the payment due is greater than \$75.00. Disconnection of water for any customer on a payment plan is governed by Sec. 14-25 (b) (2). Reactivation of a disconnected account is governed by Sec. 14-25 (c).
- 3) Nonpayment for 50 days after the due date will allow the City, in addition to all other rights and remedies, to terminate the account and apply the security deposit towards the outstanding balance.

4) All accounts more than 30 days past due shall bear interest until paid at the rate of 1% per month (12% APR) or such other rate as may be set in the future by Resolution of the Council.

5) In the event that a customer makes application for water, sewer, or garbage service and it is determined that they have an outstanding balance due to the City, the City is not obligated to supply any such services until such debt is satisfied.

(b) *Payment plan.* A payment plan may be initiated to allow customers making application for new water, sewer, or garbage service to satisfy a balance due provided the amount due is greater than \$75.00 or to allow existing customers to avoid disconnection and pay down a balance due greater than \$75.00.

1) *New applicants.* A payment plan may be initiated to allow customers making application for new water, sewer, or garbage service to satisfy a past due balance greater than \$75.00.

- i. Any balance due less than \$75.00 will require full payment with the application.
- ii. Ten percent of the balance due is required with the application to activate new service and a monthly or weekly payment plan will be established for the remainder due.
- iii. If any payment due under the payment plan is more than five days late, the water will be disconnected and all services terminated.
- iv. Nothing herein exempts applicant from paying the requisite security deposit or tolls the accruing of interest on the unpaid balance.

2) *Existing customers.* A payment plan may be initiated to allow an existing customer with a past due balance greater than \$75.00 to satisfy the balance due and avoid disconnection.

- i. Ten percent of the balance due is required for the customer to initiate the payment plan and a monthly or weekly payment plan will be established for the remainder due.
- ii. If a payment due under the payment plan is more than five days late, the water will be disconnected and all services terminated.
- iii. Nothing herein tolls the accruing of interest on the unpaid balance or exempts the customer from paying their regular monthly bill on time as the payment plan set forth in this sub-section is only for a prior outstanding balance.

(c) *Conditions for reconnection.* Service disconnected for nonpayment of bills will be restored only after bills are paid in full and a service charge is paid for each meter reconnected. See Sec. 14-23(c).

(d) *Return check fee.* A service charge in the amount established by resolution of the Council will be charged on all checks returned to the City for insufficient funds, account closed, etc.

**SECTION 3. EFFECTIVE DATE.**

This Ordinance shall become effective upon its approval by the City Council of the City of Dawsonville, Georgia.

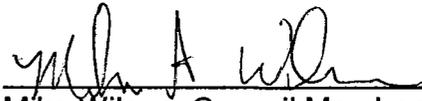
APPROVED this 2nd day of August, 2010 by the Mayor

and Council of the City of Dawsonville, Georgia.

**MAYOR AND DAWSONVILLE CITY COUNCIL**

By:   
Joe Lane Cox, Mayor

  
Mike Sosebee, Council Member

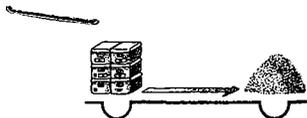
  
Mike Wilson, Council Member

ATTESTED TO BY:

  
Kim Cornelison, City Clerk

  
W. James Grogan, Council Member

  
Calvin Byrd, Council Member



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| DATE      | INVOICE # |
| 7/23/2010 | 38384     |
| ACCOUNT # | REP       |
| 3533      | DDS       |

BILL TO:

DAWSONVILLE CITY HALL  
 415 HWY 53 EAST  
 DAWSONVILLE, GA 30534

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| TERMS          |
| Due on receipt |

*Please include the invoice number on your check.*

| DATE             | DESCRIPTION   | AMOUNT                         |
|------------------|---|--------------------------------|
| 7/7/2010         | CLEANOUT AND DESTROY SENSITIVE DOCUMENTS AND FILES. | 94.36                          |
|                  |   | \$94.36                        |
| <b>Thank You</b> |   | Pay Last Amount In This Column |

## CERTIFICATE OF DESTRUCTION

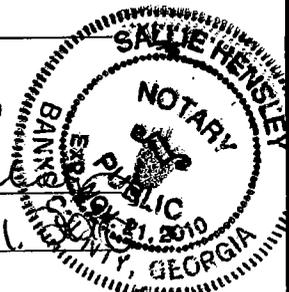
I hereby certify that the following material

Sensitive documents and files.

was destroyed on 7-7-10

**DDS**  
**Document Destruction Services, Inc.**  
 P. O. Box 247 • Gainesville, Georgia 30503  
 "Your Security Is Our Business"

*Sally Hensley*  
 Notary Public  
 My commission expires Nov 21, 2010



STATE OF GEORGIA  
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Joe Lane Cox, Mayor, Calvin Byrd, Council Member; James Grogan, 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 16 day of August, 2010.

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

3.  
The executive session was called to order at 7:00 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:

\_\_\_\_\_ 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 13 day of September, 2010.

City of Dawsonville, Mayor and council

Joe Lane Cox  
Joe Lane Cox, Mayor

Calvin Byrd  
Calvin Byrd, Council Member

W. James Grogan  
James Grogan, Council Member

Mike Sosebee  
Mike Sosebee, Council Member

Mike A. Wilson  
Mike A. Wilson, Council Member

Bonnie Mulame  
Notary Public

Sworn to and subscribed before me this 13 day of September, 2010.

My Commissioner expires: June 14, 2013