

**MINUTES
CITY COUNCIL REGULAR MEETING
MARCH 5, 2012
5:00 P.M.**

CALL THE MEETING TO ORDER: Mayor Pro-tem W. James Grogan called the regular meeting to order at 5:02 p.m.

ROLL CALL: Those present included Mayor Pro-Tem Grogan, Councilmembers Calvin Byrd, Jason Power and Chris Gaines, City Attorney Dana Miles, City Clerk Bonnie Warne and Public Works Director Gary Barr.

INVOCATION AND PLEDGE: Invocation was led by Calvin Byrd, followed by the pledge.

AMEND AGENDA: Councilmember Calvin Byrd requested to amend the agenda to add two items: compensation for Mayor Pro-tem and work session meetings. Motion to amend agenda to include two items by Calvin Byrd; seconded by Jason Power. Motion was carried unanimously to amend agenda.

APPROVAL OF THE AGENDA: Motion to approve the agenda with the amendments by Chris Gaines; seconded by Jason Power. Vote carried unanimously in favor.

APPROVAL OF MINUTES OF REGULAR MEETING: Motion to approve the minutes of the regular meeting held February 6, 2012 by Calvin Byrd; seconded by Chris Gaines. Vote unanimous in favor.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Proclamation – Exceptional Children’s Week March 7-11, 2011: Mayor Pro-tem Grogan invited Pam Gross and the children with special needs forward and read the proclamation into the minutes. A copy of the proclamation was subsequently presented to Pam Gross on behalf of Dr. Susan Rutherford, Director of Special Ed for Dawson County Schools. Proclamation is attached as Exhibit “A”.

2012 Catering Alcohol License for Peach Brandy Cottage (Distilled Spirits) – Caroline Christie: Dana Miles conveyed to the Council the request by Ms. Christie to be refunded the \$500 paid for a distilled spirits license she was unable to be approved for by the State Dept. Calvin Byrd motioned to refund the \$500.00 paid for a catering distilled spirits license; seconded by Jason Power. Vote carried unanimously in favor.

City Initiated Rezone: 3 Shepherds Lane - 1 acre at TMP D02-027 and 4.7 acres at TMP D02-027-001, also known as Peach Brandy Cottage. The parcels are currently zoned PCS on the zoning map. A city wide rezone was done in 2004 which changed the zoning then from RA, and GMRC made the new zoning maps. Different zoning is listed on a letter dated Nov 2004 showing HB on the 5.7 acres. Motion by Calvin Byrd for City to initiate the rezone of 4.7 acre parcel; seconded by Jason Power. Vote carried unanimously in favor.

TBG Residential/Farmington Woods: Kevin Buckner, owner and developer/contractor, and Byron Arceneaux, Primus Engineering, brought the Council up to date on the 72 unit multifamily project off Perimeter Rd. which they asked the City for a support letter on for the application filed with DCA. TBG Residential was awarded the project in Dec. 2011. Now that they are in the planning phase, there are a couple of issues they plan to submit variance applications on of the parking spaces, tree count and water/sewer tap concerns.

Gatherings at Maple Street/City Park: Chris Gaines stated that he met with the Sheriff on potential areas that may need increased patrols in the City. Billy Carlisle mentioned that the City had vandalism in the City Park and car break-ins in some subdivisions, so they went in with heavy patrols to catch the juveniles and make some arrests. Sheriff Carlisle offered the inmate labor work crew to go in and do any painting and repairs, if the City supplies the materials. The bushes there are grown up high and are used as hiding places as patrols go by, which may need to be trimmed. The officers asked that all incidences/problems be reported.

Matching Grant from Appalachian Regional Commission for Sewer System Improvement: James Grogan mentioned that this is on the potential commitment of \$300,000 by the City as a matching fund for the

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\$300,000 grant. Calvin Byrd motioned to commit \$300,000 to match the grant for the sewer improvements; seconded by Jason Power. Vote carried unanimously to approve to commit to match the \$300K.

Loan Applications to GEFA: James Grogan stated that these are 2 different applications: a Clean Water pre-application for \$750K on sewer improvements, and a Drinking Water pre-application for \$1 million for on the water tower and wells, submitted by B. Turnipseed Engineers for the City. Pre-applications are submitted to be in the system and on the list, so when money becomes available you can pull from that loan area. Jason Power motioned to approve applying for these loans; seconded by Calvin Byrd. Motion passed unanimously.

Consider Water and Sewer Rate Study: Dana Miles informed the Council that as in the audit report, the expenses exceed the income in the water and sewer area. For any ARC matching grant or GEFA Loans for improvements or expansion to the system, the City would need the funds to pay for it. Dana recommended authorizing staff to complete a water and sewer rate study and involve the auditor to assist with the goal of getting the study done in the next 30-60 days and if it results in any recommendation to increase that it would be input as of July 1st, the start of the fiscal year. Rates have not increased for about 5 years. Calvin Byrd motioned that staff with the help of our auditors start a water/sewer study. Motion seconded by Chris Gaines. Vote carried unanimously in favor.

Training: GMA Annual Convention Training for Mayor, Council and Clerk June 23-26, 2012. Motion to approve attending training by Chris Gaines; seconded by Calvin Byrd. Vote approved unanimously.

Compensation to Mayor Pro-tem in absence of Mayor: Calvin Byrd motioned to compensate the Mayor Pro-tem 4 days/week for any extended absences in 2012 at the meeting pay amount; seconded by Jason Power. Motion carried unanimously.

Work Session: After discussion of setting up a meeting once a month, Calvin Byrd motioned to add a work session to the 2012 calendar for every 3rd Thursday at 6:00 p.m. at Dawsonville City Hall as needed. Jason Power seconded the motion. Motion approved unanimously.

PUBLIC HEARINGS:

To hear Certificate of Appropriateness CA-01-2012-06: Curtis Anderson, as agent for Etowah Masonic Lodge, has applied for a Certificate of Appropriateness for a building permit in the historic district for 16 East First Street, TMP D03-047. The applicant submitted plans for an addition to the existing building.

Dana Miles presented the Certificate of Appropriateness. Bonnie Warne stated that the Planning Commission recommended approval. Dana opened the public hearing for those in favor of the application; there were approximately 17 people in attendance. Curtis Anderson was present to speak in favor and answer questions on the application and of the plans of expanding the back of this building for more room. To keep up with the historic district the brick will be same. No one spoke against the application. The public hearing was closed and the meeting turned back over to the Mayor Pro-tem.

Jason Power motioned to approve the Certificate of Appropriateness CA-01-2012-06; seconded by Calvin Byrd. Motion carried unanimously.

To hear ZA-2-20-2012: Zoning Map Amendment of 3.15 acres at 233 Hwy 9 South, TMP D04-003, also known as Amicalola Gardens: Current zoning CBD (Central Business District): Rezone to CIR (Restricted Industrial Commercial District).

Dana Miles presented the Zoning Amendment. Bonnie Warne stated that the Planning Commission recommended approval so the business will fall into compliance of this zoning. Dana opened the public hearing; there were approximately 16 people in attendance. No one spoke against the application. The hearing was closed and the meeting turned back over to the Mayor Pro-tem.

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Calvin Byrd motioned to approve the Zoning Amendment ZA-2-20-2012: seconded by Chris Gaines. Motion carried unanimously.

To hear Deannexation Petition ANX-12-001: Jack B. Forester and Cynthia Forester have made a request to deannex approximately 30.02 acres of land, more or less, out of the corporate limits of the City of Dawsonville. The subject property is located at 2807 Highway 9N Dawsonville, Georgia 30534. The property is also identified by its tax map parcel no., being 091-002.

Dana Miles presented the petition and opened the public hearing; there were approximately 16 people in attendance. The owners Jack Forester and Cynthia Forester, Kristie Myers of the Norton Agency, and Dawson County Attorney Joey Homans spoke in favor of the petition. No one spoke against the application. The hearing was closed and the meeting turned back over to the Mayor Pro-tem.

Chris Gaines motioned to approve the deannexation petition; seconded by Jason Power. Vote: 2-1 with C. Byrd not approving. Motion carried.

To hear Alcoholic Beverage License Application: Free Spirits Distillery LLC d/b/a Dawsonville Moonshine Distillery, by and through Cheryl Wood, President, has made application to for an Alcohol Manufacturer/Distiller License for the business located at 415 HWY 53 E., Suite 120, Dawsonville, Georgia

Dana Miles presented the Alcoholic Beverage License Application. Bonnie Warne reported that we have received the application and fee along with the fingerprinting and background check as required for the license. Dana opened the public hearing; there were approximately 12 people in attendance. There being no public comment in favor or opposition, the hearing was closed and the meeting turned back over to the Mayor Pro-tem.

Calvin Byrd made a motion to approve the alcoholic beverage license application; Jason Power seconded. The motion carried unanimously in favor.

STAFF REPORT:

Financial Report: Bonnie Warne, City Clerk, reported that all of the bank accounts balance through January 2012. The January Local Option Sales Tax we received was an increase of about \$10K from last year. The revenues and expenses fall within budget except for the water and sewer that we are working on.

Public Works: Gary Barr reported that all is good. The department is working on keeping expenses down; the supplies are bought ahead to have the stock.

MAYOR REPORT: Mayor Pro-tem Grogan reported that Mayor Cox is in the hospital and is not doing well.

James Grogan talked of the outstanding performance the Dawson County Varsity Boys Basketball Team has done that hasn't happened in over 41 years and that there will be a luncheon for them which the City will give a proclamation for this achievement on Tuesday, March 13th at 5:30 p.m. and have the public come in at 6 p.m. and let them know what a good job they did.

COUNCIL REPORTS:

Calvin Byrd mentioned that Clint Eastwood and other stars will be in the City of Dawsonville for a movie they are filming and we would like to give them a "Key to the City".

Chris Gaines said that the DDA had a meeting last month and elected new officers and positions. It is a really good board for 2012 and will be meeting again to discuss some ideas.

James Grogan mentioned that the GRHOF is working on promoting the museum and soliciting monies.

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EXECUTIVE SESSION:

At 6:56 p.m. the council motioned to go out of regular session and to go into executive session for the purpose of pending litigation; the motion carried unanimously; C.Byrd/J.Power.

At 7:35 p.m. the council motioned to close executive session and reconvene the regular meeting. The motion carried unanimously; C.Byrd/J.Power.

ADJOURNMENT: There being no further business to attend to the meeting adjourned at 7:35 p.m. The motion carried unanimously; C.Byrd/J.Power.

Joe Lane Cox, Mayor



Councilmember Calvin Byrd



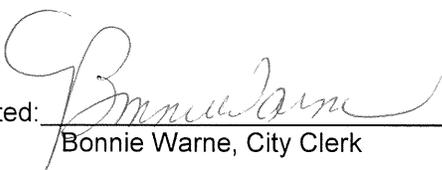
Councilmember /Mayor Pro-tem W. James Grogan



Councilmember Chris Gaines



Councilmember Jason Power

Attested: 

Bonnie Warne, City Clerk



Proclamation

Exceptional Children's Week
March 7-11, 2011



Whereas, Exceptional children 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 Dawson County School System and the Dawson Support Group, on behalf of the Georgia Exceptional Children Council, have worked to secure this proclamation; and

Whereas, it is the goal of the City of Dawsonville to instill positive perceptions of people with exceptional/special needs;

Now, therefore, I, Joe Lane Cox, do hereby designate March 7-11, 2011 as Exceptional Children's Week and encourage all our citizens to promote positive awareness and greater opportunities for persons with exceptional/special needs, 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 set my hand and seal this 7th day of March, 2011.



Joe Lane Cox, Mayor

Attest:



Bonnie Warne, City Clerk



STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Joe Lane Cox, Mayor, Calvin Byrd, Council Member; Chris Gaines, Council Member; James Grogan; Council Member and Jason Power, 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 5 day of March, 2012.

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

3.
The executive session was called to order at 6:56 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 5 day of March, 2012.

City of Dawsonville, Mayor and council

Joe Lane Cox, Mayor

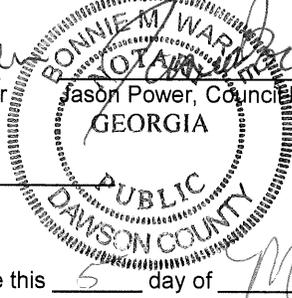
Calvin Byrd, Council Member

Chris Gaines, Council Member

W. James Grogan, Council Member

Jason Power, Council Member

Bonnie Warne, City Clerk
Notary Public



Sworn to and subscribed before me this 5 day of March, 2012.

My Commission expires: June 14, 2013