

**MINUTES  
CITY COUNCIL REGULAR MEETING  
DECEMBER 2, 2013  
5:00 P.M.**

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CALL TO ORDER: Mayor W. James Grogan called the meeting to order at 5:00 p.m.

ROLL CALL: Present were Mayor James Grogan, Councilmember Mike Sosebee, Councilmember Jason Power, Councilmember Angie Smith, Councilmember Chris Gaines, City Attorney Dana Mile, City Clerk Bonnie Warne, Public Works Gary Barr, Russ Chambers, and Trampas Hansard.

INVOCATION AND PLEDGE: Invocation and pledge was led by Angie Smith.

AGENDA: Motion by Chris Gaines to amend the agenda to include 9A: 2013 Meeting Attendance Process Discussion. Second by Angie Smith. Motion unanimous in favor. Motion to approve agenda as amended by: J. Power/C. Gaines. Motion carried unanimously.

MINUTES OF REGULAR MEETING: Motion to approve the minutes of the regular meeting held November 4, 2013: M. Sosebee/J. Power. Motion carried unanimously.

UNFINISHED BUSINESS:

Administrative Order - Retention Pond: Attorney Miles updated Council that the administrative order to the owner, Mr. Harlan Ridley, had not responded. Attorney Miles repeated options: City does repair with HOA and lien the property, City does repair at entire expense and lien property, issue a citation for violation of administrative order and go to city court, or take no action. After discussion, A. Smith motioned to start negotiations with HOA for no more than 50% that the City will cover of total cost up to \$4000; seconded by M. Sosebee. Motion carried unanimously.

Etowah Water and Sewer Authority: Mayor Grogan stated that the proposal and service delivery from Etowah Water is same as 2 years ago with them wanting to buy us. The Mayor's suggestion is to turn down the proposal and continue to work the process with the attorney to get what we want out of it. Attorney Miles stated that the legal status is that right now the City has a contract with Etowah for both water and sewer related to the service delivery strategy agreement signed off by both entities and Dawson County. The agreement does not contain a termination clause. Therefore, it is terminable at will by either party upon reasonable notice. J. Power motioned to table this for further discussion until the first work session in January; seconded by M. Sosebee. Motion carried unanimously.

Appointment to Planning Commission Member: Motion made to approve Caleb Phillips to the appointment of Planning Commission Member by: C.Gaines/J.Power. Motion carried unanimously.

Appointment for member on the Board of Health: Motion made for Jack Connor of Regions Bank to the appointment on the Board of Health by: J. Power/A. Smith. Motion carried unanimously.

BID: Landscape RFP– Presentations made by Howard and Darryl Ray of Hughes-Ray Company and Emily Mason of Premier Landscape. Lengthy discussion occurred that the RFP was not clear and was open for interpretation, no pre-bid meeting held, and not apples to apples comparison. Councilmember C. Gaines recused himself from voting due to personal and business relationships with one of these entities. Consultation suggested from a professional: Peter Hill and City engineer office. Motion for a new RFP and to reject all bids tonight and start process over by: A. Smith/J. Power. Motion carried 3-0-1 (abstention from C. Gaines).

NEW BUSINESS:

**MINUTES  
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BID: Waste Collection Service RFP – Tabulation of RFP done of the 5 bids received. (Exhibit “A”) Motion made for Rakestraw Sanitation for waste collection service starting 01/01/2014, pending certificate of insurance and state/federal license permit by Dec. 6<sup>th</sup>, by J. Power/A. Smith. Motion carried unanimously.

Event: Moonshine Festival - Calvin Byrd, President of Kare for Kids, spoke and handed out recap information on the 46<sup>th</sup> Annual Moonshine Festival. The event was held for 2.5 days in October and had 80,440 attendees. Last year 755 children received clothes, shoes, coats and toys for Christmas at a cost of about \$175/child.

2014 Appointments: Mayor Grogan read the list of appointments and council/mayor board designations. Motion to approve the Appointments and Council/Mayor Board Designations as listed below by: A. Smith/J. Power. Motion carried unanimously.

- City Clerk – Bonnie Warne
- City Attorney – Dana Miles of Miles, Patterson, Hansford, Tallant, LLC
- Auditor- Alexander, Almand and Bangs, LLP
- Engineer – G. Ben Turnipseed Engineers, Inc.
- Municipal Court Judge – David Wallace
- Testing of Wastewater – Environmental Management Services
- Geologist – Bob Atkins
- Repair-Installation Water-Sewer Infrastructure – Townley Construction
- Family Connection Board – Angie Smith
- Chamber of Commerce Board – Mayor James Grogan
- Board of Health – Jason Power
- GRHOF – Mayor James Grogan
- GMRC – Mayor James Grogan
- DDA – Chris Gaines

2013 Meeting Attendance by Mayor and Council Process Discussion: Mayor Grogan stated that we were not following the charter on some council and mayor meetings that had not been pre-approved by Council but approved by the Mayor in 2013. He asked for a ratification of those meetings. Motion to ratify the meetings approved by the Mayor in 2013 by: C. Gaines/A. Smith. Motion carried unanimously.

Chris Gaines moved to allow the Mayor the discretion to attend two additional meetings monthly as pre-approved, if needed, so long as any additional meetings were submitted at the next council meeting for ratification and prior to compensation. Motion was seconded by Angie Smith and carried unanimously.

2014 Calendar of City Council and Planning Commission Meetings: Motion made to approve 2014 calendar of meetings to include a work session on 3<sup>rd</sup> Monday of each month from 4:00-5:00 p.m. as needed by: J. Power/A. Smith. Motion carried unanimously. (Exhibit “B”)

2014 Training Classes for Elected Officials and Staff: Motion made to the 2014 training classes by: J. Power/C. Gaines. Motion carried unanimously. (Exhibit “C”)

Official Zoning Map Update: Motion made to approve the zoning map to include annexations and rezoning through Dec. 2, 2013 by: M. Sosebee/J. Power. Motion carried unanimously. (Exhibit “D”)

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ABT Wireless Presentation: Rich Tarpley spoke on behalf of Appalachian Broadband Technologies a local company in Cleveland, GA. They partner with Trailwave and utilize their fiber optic network to deploy wireless broadband service. There is no cost to the City and the potential to generate fees for use of City facilities. No action taken at this time.

**PUBLIC HEARINGS:**

BROADBAND UTILITY ORDINANCE: AN ORDINANCE TO PROVIDE FOR THE CITY OF DAWSONVILLE, GEORGIA TO ENGAGE IN THE PROVISION OF BROADBAND DATA AND INTERNET SERVICE THROUGHOUT THE CITY OF DAWSONVILLE, TO PROVIDE FOR ENTERING INTO AGREEMENTS FOR BROADBAND DATA SERVICE, TO PROVIDE FOR THE ASSESSMENT OF CHARGES FOR BROADBAND DATA SERVICE, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (2<sup>nd</sup> Reading)

Motion to open the public hearing was unanimous in favor: M. Sosebee/A. Smith. There were approximately 16 people in attendance. Attorney Dana Miles presented second reading of the broadband utility ordinance. Nobody spoke in favor or opposition. Motion to close the public hearing was unanimous in favor: A. Smith/ M. Sosebee. Motion to approve the ordinance by: M. Sosebee/ C. Gaines. The motion carried unanimously in favor. (Exhibit "E")

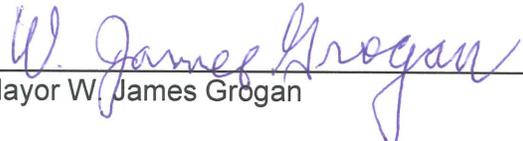
Staff Reports: City Clerk Bonnie Warne informed Council that all of the bank accounts are in good standing through Oct 2013. The revenue and expenditures are within budget. The draft financial policy is in review with the auditor. The website content is being added and should go live within the next month. The election for the 2 council seats had 3 candidates with the incumbents winning: Angie Smith and Mike Sosebee for a four year term. The "by the drink" distilled spirits sales on Sunday referendum passed and the new ordinance on this is now in effect.

Gary Barr stated all is going well; they had a water main break of an old 6 inch pipe on Academy Ave. which they have to replace the sidewalk. Inventory was done on Farmington Woods who purchased 72 water/sewer taps; they owe 2 water/1 sewer tap for the club house and pump station. Trampas Hansard reported that the encroachment contract to GDOT has been submitted and we wait on that for the 2014 LMIG for sidewalks from Tucker Ave. to tie in to the old courthouse.

Council Reports: Angie Smith reported that at the Family Connection meeting, they received grant money for advertising; the senior center meals on wheels is seeking help; and they are continuing the programs on underage drinking and the teenage brain.

**EXECUTIVE SESSION:** At 7:14 p.m. the council motioned to close the regular session and go into executive session for the purpose of personnel; A. Smith/M. Sosebee. The motion carried unanimously. At 7:50 p.m. the council motioned to close the executive session and reconvene the regular meeting by: A. Smith/M. Sosebee. The motion carried unanimously.

**ADJOURNMENT:** With there being no further business to attend to, motion to adjourn the meeting at 7:51 p.m. by A. Smith/M. Sosebee. The motion carried unanimously.

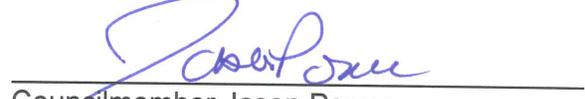
  
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Mayor W. James Grogan

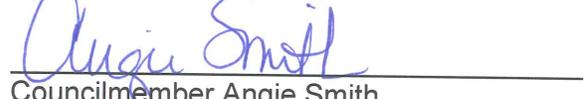
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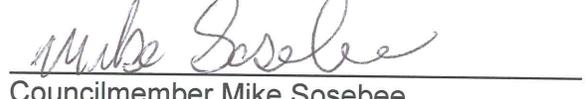
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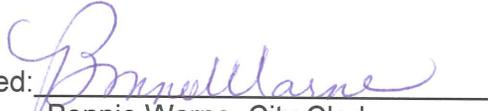


  
\_\_\_\_\_  
Councilmember Chris Gaines

  
\_\_\_\_\_  
Councilmember Jason Power

  
\_\_\_\_\_  
Councilmember Angie Smith

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

Attested:   
\_\_\_\_\_  
Bonnie Warne, City Clerk

STATE OF GEORGIA  
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor W. James Grogan, Council Member Chris Gaines, Council Member Angie Smith, Councilmember Jason Power and Council Member Mike Sosebee; 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 December 2, 2013.

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

3.  
The executive session was called to order at 7:14 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 2 day of December, 2013. By the City of Dawsonville, Mayor and Council:

W. James Grogan  
W. James Grogan, Mayor

[Signature]  
Chris Gaines, Council Member

[Signature]  
Jason Power, Council Member

[Signature]  
Angie Smith, Council Member

[Signature]  
Mike Sosebee, Council Member

Sworn to and subscribed before me this 2 day of December, 2013.

[Signature]

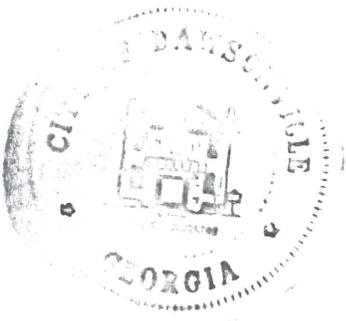
Notary Public

My Commission expires:

JULY 24, 2017

MY COMMISSION EXPIRES:

BONNIE M WARNE  
NOTARY PUBLIC  
DAWSON COUNTY, GEORGIA



P.O. Box 6  
 415 Highway 53 E. Suite 100  
 Dawsonville, Georgia 30534



(706) 265-3256  
 Fax (706) 265-4214  
 www.dawsonville-ga.gov

W. James Grogan  
 Mayor

**Garbage BID #14-01 Tabulation  
 Waste Collection Services**

Thursday, November 21, 2013 at 11:00 a.m.

Name of Bidder	Monthly Pricing Schedule for Services	Timeframe / Routes / Schedule of work	Proof of 3 Years Experience	References	Certificate of Insurance	Local Business License	State/Federal License/Permit	Landfill Used	Past/Current Gov Clients?	Any Lawsuits?	Any Bankruptcy?
Red Oak Sanitation PO Box 1777 Gainesville GA 30503	9.73 / customer-month	TBD 1/1/14	✓	✓	-	-	-	-	✓	-	-
Advanced Disposal 8880 Old Federal Rd Ball Ground, GA 30107	10.25 / month	Monday (no transition from current)	✓	✓	✓	✓	✓	Eagle Point Landfill	✓	✓	✓
Rakestraw Sanitation 1465 Brown Bridge Rd Cumming GA 30041	9.95 / month	Monday 1/1/14	✓	✓	-	✓	pending	400 Waste + Scrap	✓	✓	✓
GA Waste System dba Waste Management of Atlanta 6962 Main St Woodstock GA 30188	12.76 / month	Thursday <del>TBD</del> Begin 1/9/14	✓	✓	-	-	✓	Pine Bluff Landfill, Inc	✓	pending	-
Republic Services Inc 18500 North Allard Way Phoenix, AZ 85054 +	16.00 / month	TBD	✓	✓	✓	✓	✓	Richland Creek Rd. Landfill	✓	pending	✓
Local: 323 Marble Mill Rd Marietta, GA 30060											

EXHIBIT "A"

Those Present were:

**HOLIDAY OBSERVED**

**2014 Calendar**



**January 2014**

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**May 2014**

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**September 2014**

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**February 2014**

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**June 2014**

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**October 2014**

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**March 2014**

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**July 2014**

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**November 2014**

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**April 2014**

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**August 2014**

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**December 2014**

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CITY COUNCIL MTGS 5 PM

COUNCIL WORK SESSIONS 4-5 PM

PLANNING COMMISSION MTGS 5 PM

## 2014 Training Conferences Schedule for Elected Officials and Staff

GMA Mayor's Day Jan 24-25 (Mayor/Council)

GAZA Zoning Winter Conference Training in Feb (Nalita –P&Z)

GMA Clerk Conference Training in Feb (Clerk)

GMA Spring Training Apr 22 (Mayor/Council)

Robert E Knox Jr Municipal Leadership Institute Apr 22-25

GMA Annual Convention & Training Jun 20-24 (Mayor/Council/Clerk)

GAZA Zoning Summer Conference Training (Nalita-P&Z)

GMA Summer Training (Mayor/Council)

GMA Clerk Conference Training in Sep (Clerk)

GA Rural Water Annual Conference in Oct (Gary/Russ/Mayor)

GMA Fall Training (Mayor/Council/Clerk)

GARC Regional Commission Training Conference in Nov (Mayor)

GACE Code Enforcement Training (Trampas/Nalita)

Carl Vinson Institute Financial Officer Certification Training (Clerk/AP)

GA Academy for Economic Development (Council)

GABTO Business License Training (Clerk/Nalita)

LRGMS Health, Safety and Liability Training (Russ/Sara)

**ZONING MAP AMENDMENTS APPROVED THROUGH DECEMBER 2, 2013**

1) ANX 11-034	TMP 090 044	PUD	79 Gold Creek Dr	1.00 Acres
2) ZA 01-13-43029	TMP 070 023.001	HB	137 Duck Thurmond Rd	1.18 Acres
3) ANX 13-001	TMP 094 047	R1	1495 Hwy 9 South	1.35 Acres
4) ZA 01-13-43816	TMP 082 004	R1	359 Burt Creek Rd	3.89 Acres
5) ANX 13-002 & ZA 03-13-46162	TMP D05 024	HB	742 Hwy 9 North	1.53 Acres
6) ANX 13-004 & ZA 07-13-227	TMP 093 047	R1	796 Hwy 53 East	24.33 Acres
7) ANX 13-005 & ZA 07-13-226	TMP 093 044	R1	2120 Perimeter Rd	2.64 Acres

FIRST READING 11/4/2013  
SECOND READING 12/2/2013  
PUBLICATION DATES 10/23 & 11/20

**MUNICIPAL BROADBAND SERVICE ORDINANCE  
CITY OF DAWSONVILLE, GEORGIA**

**AN ORDINANCE TO PROVIDE FOR THE CITY OF DAWSONVILLE, GEORGIA TO ENGAGE IN THE PROVISION OF BROADBAND DATA AND INTERNET SERVICE THROUGHOUT THE CITY OF DAWSONVILLE, TO PROVIDE FOR ENTERING INTO AGREEMENTS FOR BROADBAND DATA SERVICE, TO PROVIDE FOR THE ASSESSMENT OF CHARGES FOR BROADBAND DATA SERVICE, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES**

**WHEREAS**, the provision of broadband data service is critical to the success of businesses in and around the City of Dawsonville (the "City") which rely upon such service for communication, general commerce, processing payments, research, and other activities;

**WHEREAS**, the provision of broadband data service is likewise essential to communication, commerce and research, among other things, by the general public residing in the City;

**WHEREAS**, the fostering of fast, reliable broadband data service is in the best interests of the public and promotes the general health, safety and welfare by making ready communication and access to information possible;

**WHEREAS**, fast, reliable broadband data service also encourages civic engagement and participation in local government by providing a platform from which persons may engage in political speech;

**WHEREAS**, the City has determined that it is necessary and desirable for it to provide for broadband data service to the incorporated area of the City of Dawsonville;

**WHEREAS**, § 1.12 of the Charter of the City of Dawsonville authorizes the City to acquire, lease, construct, operate, maintain, sell, and dispose of public utilities;

**AND WHEREAS** § 1.12 of the Charter of the City of Dawsonville provides the City with the power to contract with third parties for services and to fix the compensation therefore.

**NOW THEREFORE, BE IT AND IT IS HEREBY ENACTED A NEW ARTICLE V OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF DAWSONVILLE, GEORGIA WHICH SHALL HEREINAFTER PROVIDE AS FOLLOWS:**

## **Section 1. Creation of the Broadband Utility**

There is hereby established in the City of Dawsonville the City of Dawsonville Broadband Utility, ("Broadband Utility") through which the City of Dawsonville may itself or through contracts with third parties establish broadband data service throughout the corporate limits of the City of Dawsonville.

## **Section 2. Provision of Broadband Utility Services:**

- A. **No Duty to Provide:** Through the Broadband Utility, the City of Dawsonville shall have the power, but not the obligation, to provide data service to property owners, business owners, residents of the City of Dawsonville and other such persons who desire to have data service through the City of Dawsonville Broadband Utility while they are in the corporate limits of the City. Nothing contained herein shall require the City of Dawsonville to maintain the provision of a Broadband Utility should the provision of such utility be determined by the governing authority of the City to not be in the City's best interests. Additionally, the provision of broadband service in the City shall not create a duty to provide the broadband service to all incorporated parts of the City of Dawsonville
- B. **Method of Providing Service:** The City may use any method allowed by law to provide service through the Broadband Utility, to include but not be limited to contracting with third party service providers who may provide the service wirelessly ("Wi-Fi") or through physical connections to a fiber-optic or other form of broadband network. Additionally the City is authorized to utilize or grant access to the rights of way of the City of Dawsonville and/or access to city owned buildings and structures for the purpose of providing the Broadband Utility service.
- C. **Rules and Regulations:** The Department of Public Works shall be charged with the oversight of the Broadband Utility, to include the adoption of such rules and regulations as are necessary to insure the legal, orderly, and efficient provision of Broadband Utility service in the City. The governing authority shall have the power to amend and/or modify rules and regulations of the Broadband Utility. Violation of the rules and regulations of the Broadband Utility shall be sufficient ground to suspend or otherwise terminate Broadband Utility service.
- D. **Suspension or Termination of Service:**
  - a. The Department of Public Works may determine at any time that after having provided Broadband Utility service it is no longer in the best interests of the Utility to provide that service to a particular Broadband Utility user or users. Such suspension or termination of service may be based upon non-payment for service, violation of the Rules and Regulations of the Broadband Utility, changes in the availability of the service, negative impacts on other users of the Broadband Utility, use of the Broadband Utility for illegal purposes, any combination of the above or other factors affecting the Broadband Utility. Notice of the power of the Department of Public Works under this paragraph shall be contained in the application for Broadband Utility service.

- b. The City of Dawsonville may determine at any time by a decision of its governing authority that, after having provided Broadband Utility service, it is no longer in the best interests of the City of Dawsonville to provide Broadband Utility service as a whole. Notice of the power of the City to suspend or terminate service as described herein shall be contained in the application for Broadband Utility service.

**Section 3. Application for Service and Payment:**

A. **Applying for Service:** Persons or entities desiring to obtain Broadband Data Utility Service through the City of Dawsonville shall complete an application on forms to be provided by the City of Dawsonville. The application for service shall require the applicant to provide such information as the City determines is necessary in order to make a decision on whether connection to the Broadband Utility may be approved.

B. **Rates and Paying for Service:** Once approved, the person or entity receiving the broadband data utility service will be invoiced on a monthly basis by the City for the service rendered at such rates as are established by the governing authority of the City. Rates shall be established by Resolution which, upon adoption, shall become part of the rate structure of the City of Dawsonville as codified at Article IV of Chapter 2 of the Code of Dawsonville, Georgia.

1. The Governing authority shall have the power to provide for differing rates depending upon the volume of use and type of use for which the applicant seeks Broadband Utility Service.
2. The rates charged by the City shall be paid without regard to whether there are fluctuations in the speed of the service or even temporary outages of the Broadband Utility.
3. The City may combine charges for the Broadband Utility with other invoices it sends for other services provided.
4. In addition to the rates charged monthly for Broadband Utility Service, the City shall have the authority to, by Resolution, require security deposits prior to providing connection to the Broadband Utility.

C. **Consideration of Application for Service:**

1. The Application for Service shall be received and considered by the City Public Works Department. The foregoing notwithstanding, in the event that the City provides its Broadband Utility service through an agreement with a third party data service provider, the Public Works Department shall coordinate decisions on applications for service with the third party provider to determine, among other things, the speed of the service at the applied-for location, the strength of any signal at the applied for location, and the effect, if any, that approval of the application may have on other subscribers to the Broadband Utility.
2. The City reserves the right to deny service for any reason permissible under the law, including but not limited to situations where data speed is not sufficient, strength of signal is not sufficient, or where the approval of an application for service may have a negative impact on the provision of Broadband Utility service to other utility subscribers.

**Section 4. Violations and Penalties**

It shall be a violation of this ordinance to access the Broadband Utility without being a subscriber to the Broadband Utility or without otherwise having the express permission of the City to access the Broadband Utility service. Violations of this ordinance shall be punishable by a fine of up to \$250 for the first offense, and for subsequent offenses a fine of up to \$500 and six months in jail.

**Section 5. Repeal of Conflicting Ordinances.**

All ordinances and resolutions and parts thereof in conflict herewith are repealed.

**Section 6. Severability.**

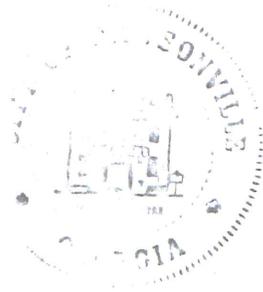
If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be 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 7. Effective Date.**

This Ordinance shall take effect upon its passage by the governing authority of the City of Dawsonville, Georgia.

**SO ADOPTED**, this 2<sup>nd</sup> day of December 2013 by the Mayor and Council of the City of Dawsonville, Georgia.

**CITY OF DAWSONVILLE**



W. James Grogan  
W. James Grogan, Mayor

Chris Gaines  
Chris Gaines, Council Member

Jason Power  
Jason Power, Council Member

Angie Smith  
Angie Smith, Council Member

Mike Sosebee  
Mike Sosebee, Council Member

ATTESTED TO BY:

Bonnie Warne  
Bonnie Warne, City Clerk