

**MINUTES  
CITY COUNCIL REGULAR MEETING  
OCTOBER 6, 2014  
5:00 P.M.**

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CALL TO ORDER: 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 Kevin Tallant, City Clerk Bonnie Warne, and Trampas Hansard.

INVOCATION AND PLEDGE: Invocation and pledge was led by Mike Sosebee.

AGENDA: Mayor Grogan asked to amend the agenda for item #16 Gate for Shop. Motion to approve the amended agenda by: M. Sosebee/J. Power. Vote unanimous in favor.

MINUTES: Motion to approve the minutes of the regular meeting September 8, 2014 and the called meeting & work session September 15, 2014 by: J. Power/A. Smith. Motion carried unanimously.

Contract for Edmunds and Associates, Inc. (MCSJ software): Mayor Grogan stated that Council voted to purchase the software at the last meeting and this is the contract to be signed. Motion to proceed with the contract by: C. Gaines/ A. Smith. Motion carried unanimously. Exhibit "A"

Proclamation Recognizing October as National Down Syndrome Awareness Month: Mayor Grogan asked for Ms. Shelp to bring her group to the front and read the proclamation into the minutes. The Mayor then presented the signed proclamation to Ms. Shelp's group.

Proclamation Recognizing Oct 23-31 as Red Ribbon Week: Mayor Grogan read the proclamation for Red Ribbon Week into the minutes.

Proclamation Recognizing Retired Educators Day: Mayor Grogan read the proclamation to recognize Nov. 2<sup>nd</sup> as Retired Educators Day into the minutes.

Infrastructure Ordinance: An Ordinance Of The City Of Dawsonville To Provide For Street And Infrastructure Improvements In Existing Unfinished Developments; To Provide For Severability; To Repeal Conflicting Ordinances; And For Other Purposes. City Attorney Kevin Tallant read the purpose of the ordinance. Mayor Grogan mentioned that this will have a limit of \$10,000 per lot. This is the first reading, no action taken.

Historic Preservation Ordinance Revisions: An Ordinance To Repeal The Historic Preservation Ordinance Of The City Of Dawsonville Georgia And To Adopt A New Historic Preservation Ordinance For The Same, To Provide For A Historic Preservation Commission; To Provide For The Adoption Of Design Standards; To Provide For Definitions; To Provide For The Designation Of Historic Properties And Historic Districts; To Provide For Amendments To Historic Properties And Historic Districts; To Provide For A Certificate Of Appropriateness; To Provide Review Guidelines; To Provide For Hearings; To Provide For An Application Process; To Provide For Enforcement And Penalties; To Provide For Severability; To Provide For A Designation Of Boundaries Of Historic Districts By Map, To Provide For An Effective Date, And For Other Purposes. City Attorney Kevin Tallant read the purpose of the ordinance. A. Smith stated that this is to update to our process and separates the planning commission and historic preservation commission into two groups. This is the first reading, no action taken.

Resolution in Support of Green Space Designation: Mayor Grogan read the resolution to designate Main Street Park as a Green Space Area. Motion made to adopt the resolution by: J. Power/M. Sosebee. Motion carried unanimously. Exhibit "B"

PUBLIC HEARINGS:

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ANX 14-001: Byron Hutson has requested annexation of the 36.974 acres at TMP 070 003 and TMP 070 056, located at 367 Duck Thurmond Road and 333 Duck Thurmond Road. Second Hearing

ZA-2014-327: Byron Hutson has requested a zoning map amendment, upon annexation, for the 36.974 acres at TMP 070 003 and TMP 070 056, located at 367 and 333 Duck Thurmond Road. Current County zoning is RA (Residential Exurban/Agricultural). Applicant requests to rezone to RA (Restricted Agriculture)

The annexation and rezoning application were heard together for same parcel. The public hearing was opened. Attorney Kevin Tallant presented the applications. Nobody spoke in favor or opposition on either application. The public hearing was closed. Dawson County's objection has not been withdrawn on the annexation, and per GA law we cannot continue until they do or we go into arbitration. Attorney Tallant recommended tabling and contacting the County Attorney again to withdraw their objections. J. Power recused himself. Motions to table, have the attorney contact the County to withdraw, and if that fails to start arbitration by: M. Sosebee/A. Smith. Motion carried in favor 3-1-0 with J. Power recused.

ANX 2014-002: David L. James and Beverly M. James have petitioned for annexation into **the City** limits of Dawsonville for the -1 acre at TMP 090 084, located at 119 Gold Bullion Drive W. First Hearing

ZA-2014-339: David L. James and Beverly M. James have requested a zoning map amendment, upon annexation, for the -1 acre at TMP 090 084, located at 119 Gold Bullion Drive W. Current County zoning is RPC (Residential Planned Community). Applicant requests to rezone to: R2 (Single Family Residential) within PUD (Planned Unit Development).

The annexation and rezoning application were heard together for same parcel. Motion to open the public hearing was unanimous in favor: C. Gaines/ M. Sosebee. Attorney Kevin Tallant presented the applications. Mr. James spoke in favor of his annexing into the City. Nobody spoke in opposition. Motion to close the public hearing was unanimous in favor: J. Power/C. Gaines. No vote since this is a first reading.

ANX 2014-03: Kenneth D. Vermillion and Barbara E. Vermillion have petitioned for annexation into the City limits of Dawsonville for the -1 acre at TMP 090 059, located at 23 Gold Bullion Drive E. First Hearing

ZA-2014-340: Kenneth D. Vermillion and Barbara E. Vermillion have requested a zoning map amendment, upon annexation, for the -1 acre at TMP 090 059, located at 23 Gold Bullion Drive E. Current County zoning is RPC (Residential Planned Community). Applicant requests to rezone to: R2 (Single Family Residential) within PUD (Planned Unit Development).

The annexation and rezoning application were heard together for same parcel. Motion to open the public hearing was unanimous in favor: A. Smith/J. Power. Attorney Kevin Tallant presented the applications. Mr. Vermillion spoke in favor of his annexing into the City. Nobody spoke in opposition. Motion to close the public hearing was unanimous in favor: M. Sosebee/J. Power. No vote since this is a first reading.

ANX 2014-04: Jon O. Steiner and Sarah S. Steiner have petitioned for annexation into the City limits of Dawsonville for the 1.05 acres at TMP 090 076, located at 67 Nugget Lane. First Hearing

ZA-2014-341: Jon O. Steiner and Sarah S. Steiner have requested a zoning map amendment, upon annexation, for the 1.05 acres at TMP 090 076, located at 67 Nugget Lane. Current County

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zoning is RPC (Residential Planned Community). Applicant requests to rezone to: R2 (Single Family Residential) within PUD (Planned Unit Development).

The annexation and rezoning application were heard together for same parcel. Motion to open the public hearing was unanimous in favor: M. Sosebee/C. Gaines. Attorney Kevin Tallant presented the applications. Mr. Steiner spoke in favor of his annexing into the City. Nobody spoke in opposition. Motion to close the public hearing was unanimous in favor: J. Power/A. Smith. No vote since this is a first reading. Attorney Tallant informed the Council that the City did receive an objection letter on the R2 on all 3 annexations and will send a response letter back to the County.

Staff Reports: City Clerk Bonnie Warne provided the financial reports for August 2014 and mentioned that everything is in balance, the revenue and expenditures are within budget and the first look at the audit looks good. Audit report will be presented at Nov. CC Mtg. Public Works Trampas Hansard stated that they will seal coat Shoal Creek Ridge.

Gate for Shop: Mayor Grogan spoke on the security need at the shop which is left open all day unguarded. Bids to install a security gate run from \$8893 to \$9100. Motion to approve up to \$9100 to purchase a security gate by: J. Power/C. Gaines. Motion carried in favor.

Council Reports: Angie Smith mentioned that Family Connection will be having training coming up and would like to see the City staff attend. Chris Gaines attended the Chamber golf fundraiser which was a success and mentioned that with DDA, Seanie has been posting events happening on Facebook. Mayor Grogan stated that the work session on Oct. 20 has changed to a voting called meeting at 5:30. The Assisted Living Facility has started their building on Memory Ln. The Moonshine Festival is set for Oct. 24-26 with the GRHOF Casino night, raffle, and car show. The booths will extend this year down Hwy 53 to Bearden's Funeral Home. The Tree Lighting and Parade are set for Dec. 6<sup>th</sup>. December Lights has donated strands for lights to go on the businesses downtown and Northside Hospital has donated the bulbs to go in them.

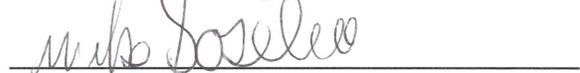
ADJOURNMENT: With there being no further business or executive session to attend to the regular meeting closed and adjourned at 6:00 p.m. The motion carried unanimously; M. Sosebee/ C. Gaines.

  
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Mayor W. James Grogan

  
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Councilmember Chris Gaines

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

  
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Councilmember Angie Smith

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

Attested:   
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Bonnie Warne, City Clerk



**Edmunds & Associates, Inc.**  
**MCSJ Contract – City of Dawsonville, GA**

**Contract Terms & Conditions**

**A. Introduction.**

This contract dated 7<sup>th</sup> day of October, 2014 defines the responsibilities of the City of Dawsonville, GA (client) purchasing MCSJ computer system application software and/or hardware from Edmunds & Associates, Inc. (vendor). The Proposal for MCSJ Application Software dated 17<sup>th</sup> day of June, 2014 is an addendum to this contract.

**B. Vendor Responsibilities and Mutual Promises and Covenants**

Whereas, Edmunds & Associates is responsible for providing all hardware, system software, and MCSJ application software on the attached proposal, and

Unless otherwise noted training of MCSJ application software and installation of system software and hardware is the responsibility of the vendor, and

Whereas, Edmunds & Associates, Inc. is committed to providing the client with the highest level of support that is needed to ensure a successful installation.

Now therefore, in consideration of the mutual promises and covenants, the parties hereto agree that the client shall pay Edmunds & Associates, Inc., an amount as set forth herein, for services set forth in this document and in the vendor's response to the RFP (or attached proposal), all of which are hereby incorporated into and made part of this Contract. In addition the parties hereto agree as follows:

**C. Client Responsibilities.**

The client is expected to maintain the training schedule that is agreed upon and strict adherence to this schedule and performance of the tasks assigned to the client will greatly assist in the implementation of the client's new software application system.

The client's staff must dedicate adequate time and their undivided attention during training and completion of required tasks between sessions.

**D. Hardware.**

All hardware provided by the vendor will either meet or exceed the specifications listed on the latest proposal, and unless noted otherwise, the manufacturer's product listed on the proposal will be that provided by the vendor.



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Now therefore, no responsibility is assumed for hardware not purchased from Edmunds & Associates, and the original manufacturer warrants all hardware proposed for one year.

**E. Third Party Software.**

Whereas, all third party software purchased by the client is covered by the original manufacturer's warranty and is bound by the stated license agreement, and the vendor assumes no responsibilities for these products.

Now therefore, support for these products is solely from the original software manufacturer and not from the vendor and this includes off the shelf software products such as MS Office, Lotus, Google docs and the like.

**F. MCSJ Application Software.**

Whereas, all Edmunds & Associates' MCSJ application software is covered by a one-year warranty that includes any upgrades or modifications made to the application software during this time period, and client is licensed to use each MCSJ application software module purchased from the vendor at one site and may copy the software for backup purposes only.

The client's MCSJ application software license is renewed on an annual basis by payment of a software support fee.

Now therefore, MCSJ software end user documentation is for the client's use only and may not be distributed outside of the client's site.

**G. Support Agreements and Fees.**

Whereas, vendor provides annual support agreements for both MCSJ application software and any hardware or system software provided by us, the first year of support for both is provided at no charge to the client.

Now therefore, regardless of when you purchase your computer system, the client will be invoiced for support and maintenance on a calendar year basis and if the client purchases the system in the middle of a year, the first year's maintenance will be prorated to account for the time remaining from the clients first year of gratuitous support and all maintenance fees are due on January 1<sup>st</sup> of the year that is to be covered by the agreement.

Edmunds & Associates breaks down support into two areas; MCSJ application software and hardware and/or system software. The application software support is mandatory to continue the use of the vendors MCSJ application systems.

The cost of application software support for the first non-gratuitous year will be based upon the MCSJ application software product's current list price.

The hardware and system software maintenance agreement is strongly recommended, but is not mandatory to receive service on these items. If a hardware agreement has not been executed, the client will be billed on a time and materials basis.



**H. Conversion of Existing Data**

Whereas, if Edmunds & Associates, Inc. agrees to convert some or all of the clients existing data, the cost and detail of this project will be on the attached proposal.

It is the client's responsibility to get the data in a format acceptable to the vendor. If a third party is used to assist in the conversion, and for any reason the third party does not perform, is laggard in performing this task, or performs in error, Edmunds & Associates is not liable or susceptible to any damages and reconciliation of converted data is solely the responsibility of the client.

**I. Payment terms**

Payment I	Installation of application software	50%	\$ 18,148.75	
Payment II	60 days after implementation start	40%	\$ 14,519.00	
Payment III	Final acceptance	10%	\$ 3,629.75	
			Total	\$ 36,297.50

Annual support agreements are invoiced separately each calendar year as per section H.

**J. Software License**

Whereas, Edmunds & Associates hereby grants to Client a personal, nonexclusive, and nontransferable license and right, for the duration of this Agreement, to use any software accessed or obtained by Client hereunder solely in accordance with the applicable Request for Proposal and for no other purposes.

Now therefore, client shall not, and shall not permit End Users to (a) distribute, sell, assign, transfer, or sublicense the software, or any part thereof, to any Third Party; adapt, modify, translate, reverse engineer, de-compile, disassemble, or create derivative works based on the software or any part thereof; (c) copy the software, in whole or in part, without including appropriate copyright notices; (d) except for providing electronic banking services to Client's customers, use the software in any manner to provide service bureau, time sharing, or other computer services to Third Parties; (e) export the software outside the United States, either directly or indirectly.



**K. Acceptance**

In Witness Whereof, it is the intent of the parties that Vendor and Client have signed this Contract and further, that the parties have executed this Contract the day and year first written above.

Witness: Edmunds & Associates, Inc.

Karen Johnson By: [Signature]  
Richard Esby/VP  
Printed name/title

Witness: City of Dawsonville, GA

[Signature] By: W. James Grogan  
Bonnie Warner, City Clerk  
W. James Grogan/Mayor  
Printed name/title

301 Tilton Road, Northfield NJ 08225  
RichE@EdmundsAssoc.com | 609.645.7333  
www.EdmundsAssoc.com

**A RESOLUTION IN SUPPORT OF GREEN SPACE DESIGNATION  
OF THE CITY OF DAWSONVILLE, GEORGIA**

**WHEREAS** the City of Dawsonville, Georgia seeks to protect the health of its citizens and enhance the quality of life for its residents, in part by planning for and implementing projects that preserve open space and historic resources, and providing for community parks and recreation; and

**WHEREAS** these projects also provide significant health and economic benefits, increase property values and improve the community's ability to attract growing businesses; and

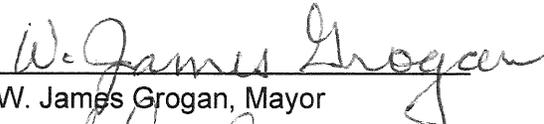
**WHEREAS** the City of Dawsonville wishes to encourage and support renewed funding for the Recreational Trails Program from the Georgia Department of Natural Resources,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Dawsonville, Georgia that:

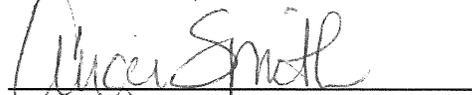
1. The City of Dawsonville supports the designation of Main Street Park as a Green Space Area,
2. The signed resolution shall be forwarded to the Governor and our respective county and state legislators.

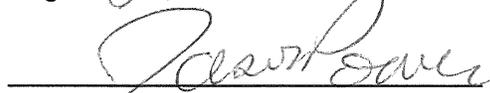
**DULY ADOPTED** at the regular meeting of the Mayor and City Council of the City of Dawsonville this 6<sup>th</sup> day of October, 2014.

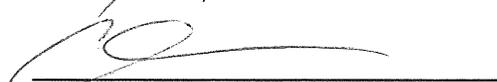
MAYOR AND DAWSONVILLE CITY COUNCIL

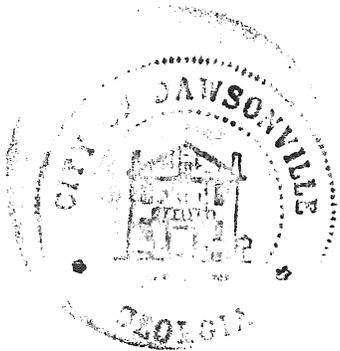
By:   
W. James Grogan, Mayor

  
Mike Sosebee, Council Member

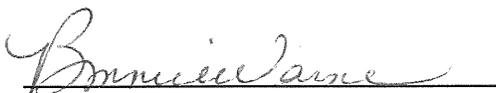
  
Angie Smith, Council Member

  
Jason Power, Council Member

  
Chris Gaines, Council Member



ATTESTED TO BY:

  
Bonnie Warne, City Clerk