

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 16, 2024
5:00 P.M.

1. **CALL TO ORDER:** Mayor Walden called the meeting to order at 5:00 pm.
2. **ROLL CALL:** Present were Councilmember William Ilg, Councilmember Sandy Sawyer, Councilmember Mark French, Councilmember Caleb Phillips, City Attorney Kevin Tallant, City Manager Bob Bolz, City Clerk Beverly Banister, Public Works Director Trampas Hansard, Utility Director Jacob Barr, Finance Director Robin Gazaway, Downtown Development Director Amanda Edmondson and Planning Director Ron Haynie.
3. **INVOCATION AND PLEDGE:** Invocation and pledge were led by Councilmember Sawyer.
4. **ANNOUNCEMENTS:** The Mayor reminded the public of a Special Called meeting to be held on September 30, 2024 at 5:00 pm and the October 7, 2024 Regular Meeting has been cancelled.
5. **APPROVAL OF THE AGENDA:** Motion to amend the agenda to add item #18 Certificates of Deposit for the Cemetery Funds made by S. Sawyer; second by W. Ilg. Vote carried unanimously in favor.

Motion to approve the agenda as amended made by M. French; second by C. Phillips. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** None
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a and b) made by C. Phillips; second by S. Sawyer. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting and Work Session held August 19, 2024
 - b. Approve 2025 Solid Waste Collection Service Agreement with Red Oak Sanitation
8. **EMPLOYEE RECOGNITION:** City Manager Bolz introduced the Work Based Learning Intern from the High School, Mahayala DeLong-Jones. The Mayor and Council recognized Trampas Hansard as the August 2024 Employee of the Month and Jacob Barr received a thirteen-year service award.

PUBLIC HEARING

9. **ZSP C2400135:** Christopher Sipos has petitioned to amend the existing site plan; located at 39 Creekstone Lane (TMP 083 020). Public Hearing Dates: Planning Commission on Monday, July 8, 2024, and City Council Monday, July 15, 2024 – **Tabled to September 16, 2024**. City Council for a decision on Monday, September 30, 2024.

Planning Director Haynie read the request and reported the Planning Commission approved the request with conditions as recommended by the Planning Department.

Motion to open the public hearing made by M. French; second by W. Ilg. Vote carried unanimously in favor. Mayor Walden conducted the public hearing.

The following person(s) spoke in favor of the request:

- Terrence Sicilia, 215 Red Hawk Drive, Dawsonville – He stated the commercial parcel was zoned for Commercial Highway Business as per the minutes of the June 7, 2004 City Council meeting which includes the uses contained within the Neighborhood Business designation and explained the parcel has already been approved for a 60,000 square foot commercial building and Mr. Cipos is requesting a reduction to 20,000 square feet. He has suggested a deed restriction or land covenants for the parcel to ensure that any restricted use cannot be developed in the future. He explained they only requested a site specific plan amendment, not a zoning change; they've operated in good faith and within the zoning guidelines previously approved for the property.

The following person(s) spoke in opposition to the request:

- Lorhetta Healy, 324 Flowing Trail, Dawsonville – Ms. Healy read a letter which included other documents outlining her opposition to the request. They included a public passive park contained within the original stipulations which has not been developed, access to the commercial parcel, the permitted uses contained within the zoning and

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 16, 2024
5:00 P.M.

the request to restrict certain uses. She also read the City Council minutes from June 7, 2004 citing the original approval of the annexation and rezone.

The ten minute allowance for the opposing side of the public hearing expired. Motion by M. French to extend the public hearing for both sides by ten minutes; second by C. Phillips. Vote carried unanimously in favor.

- Ms. Healy continued in her opposition and referenced Moon Drive as an option to be explored for access and expressed a concern about no cutouts around the commercial property in any maps or plats.
- Megan Morris, 75 Flowing Trail, Dawsonville – She expressed that the Council should enforce the original conditions of 2004 because “the property is no longer under unified ownership”. She further questioned whether the PUD zoning should still apply or if new conditions are necessary and stated the “development has strayed from it’s original purpose” and called for a thorough and transparent review of the project. She quoted the City’s current PUD guidelines and communicated how it differed from the current development. Lastly, she insisted on doing what is right for the best interest of the community and safety and well-being of the children and stated the absurdity of the proposal.
- Stephen Schultz, 46 Creekstone Lane, Dawsonville – He stated his concerns about repeated inconsistencies heard from the builder and realtor questioning transparency and alleged misrepresentations. He questioned how the plans could move forward with the inconsistencies and careless planning of the developers and a disregard for the community.
- Shelby Argento, 213 Timber Ridge, Dawsonville – She stated her concerns regarding traffic and safety for the residents and quoted a current PUD guideline which she said states that commercial traffic should not flow through residential areas.

The additional ten minute allowance for the opposing side of the public hearing expired. Motion by W. Ilig to extend the public hearing for both sides by five minutes; second by M. French. Vote carried unanimously in favor.

- Ms. Argento continued explaining the type of commercial properties that should and should not be allowed. Lastly, she disagreed with the suggestion of moving the bus stop citing it is still a disregard for child safety when mixing commercial traffic with a residential area and requested a traffic study be performed to evaluate these issues.
- John May, 371 Flowing Trail, Dawsonville – He stated the community within Creekstone contributes more than \$800,000 in City and County taxes and they total three to four hundred voters in the County. He stated Planning & Zoning made a mistake in 2004 by not anticipating the type of neighborhood Creekstone would become. He further stated commercial business’ at the entry of a residential subdivision is unheard of and said he could not find examples of such in Dawson, Forsyth and Fulton County and feels it would bring down property values. Mr. May implored the Council to deny the request.

Mayor Walden invited the applicant in favor of the request to speak publicly.

- Terrence Sicilia responded by showing a copy of the survey from 2019 which has been reviewed and approved by the City and recorded at the Courthouse which shows the curb cuts; he showed a plan obtained from the County which included the approved commercial outparcel for a 60,000 square foot building and stated Mr. Cipos is requesting only 20,000 square feet; he stated they’ve already agreed to “knock things out” from the permitted uses within the zoning that would not be appropriate for the subdivision; he mentioned the market crash which impacted the community and him not being the original developer and having no control over the stipulation regarding the park; he said GDOT turned down a deceleration lane and another exit only feet

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 16, 2024
5:00 P.M.

from the existing entrance/exit of Creekstone; he said he also cannot control the inconsistencies from the builders, he can only show what Mr. Cipos' intention is for the property; he reported on a conversation with transportation referencing the change of the school bus stop and he stated there will be no outside storage allowed or any unregistered or inoperable vehicles outside either.

Motion to close the public hearing made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.

Councilmember Phillips asked for confirmation from Attorney Tallant that when the motion was made in 2004 concerning the park, that no acreage was specified in the stipulation; Attorney Tallant stated that was correct. The motion was made for a passive park which did not include a number of acres that can be enforced. It was further stated it is yet to be determined who would be responsible for the park. Councilmember Phillips asked if the zoning can be changed; Attorney Tallant stated the zoning is not up for a decision because an application for rezoning does not exist. He further stated if the current request is denied, the property is still zoned as commercial. However, according to the City's ordinance, the Council could limit the types of permitted uses when a site plan approval is under consideration. Councilmember Phillips confirmed with Attorney Tallant that the Council could limit the permitted uses within the zoning but if the request is denied, a 60,000 square foot commercial building for any of the permitted uses in Highway Business could be developed; Attorney Tallant stated that is correct.

Councilmember Illg asked Mr. Silicia if he was aware of any instances where commercial access goes through a residential neighborhood; Mr. Silicia responded no traffic is going through the residential area but only entering at the same point and he cited Riley Place on Dawson Forest Road as having two commercial properties at the front of the residential neighborhood. Councilmember Illg asked about vehicle parking for the business such as trailers and work vehicles, whether they will be allowed; Mr. Silicia responded at present only a concept plan exists showing two parking spaces in front of the office and stated the actual plan would still need to be worked out with Planning but there is plenty of paved area for parking despite not being represented on the concept plan. He stated the intention is to be a neat and clean office space meant for startups. Councilmember Illg stated he understands this parcel will be commercial; however, he is concerned with the issues regarding access. Mr. Silicia stated he is aware of another access available that goes to Maple Street which could be opened.

Councilmember Sawyer asked if there is a requirement for two entrances and exits; Planning Director Haynie stated it would be determined once the actual design is presented and expects it to be much different than the concept plan. She further inquired if there was consideration of reducing the square footage from 20,000 square feet; Mr. Silicia stated it doesn't appear they could do it at this time.

- 10. RESOLUTION NO. R2024-03:** Resolution Enacting A Moratorium For A Period Of Six Months On All Commercial And Residential Zoning And Re-Zoning Applications While The City Considers Changes To Its Zoning Ordinance. Public Hearing and First Reading: September 16, 2024; Second Reading and Consideration to Adopt: September 30, 2024.

City Attorney Tallant read the first reading of the resolution and stated the draft has been updated to not include commercial.

Motion to open the public hearing made by C. Phillips; second by M. French. Vote carried unanimously in favor. Mayor Walden conducted the public hearing. No one spoke in favor of or opposition to the resolution. Motion to close the public hearing made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.

BUSINESS

- 11. SPECIAL EVENT ALCOHOL PERMIT FOR GEORGIA RACING HALL OF FAME, OCTOBER 25 – 27, 2024:** Cindy Elliott requested the permit and stated they would like to add an additional bar in the Gordon Pirkle Room to utilize the new pergola area outside the room and stated the access points at the back of the building are all fire zones and would not take anything away from Kare for Kids. She

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 16, 2024
5:00 P.M.

further stated they'd likely need to have the entrance at the pergola and the exit off the double doors near the kitchen. Ms. Elliott confirmed the third bar will be located inside and will have all the necessary security that is required. Motion to approve the alcohol permit made by M. French; second by C. Phillips. Vote carried unanimously in favor.

- 12. CONSIDERATION OF LAND AND WATER CONSERVATION FUND GRANT APPLICATION:** Motion to approve applying for the Georgia Department of Natural Resources Land & Water Conservation Fund Grant and to approve a partnership with Georgia Mountain Regional Commission to apply for the grant on behalf of the City in the amount of \$1,500.00 to be paid out of the FY 2025 General Fund budget made by W. Illg; second by S. Sawyer. Councilmember French asked about the grant match; Downtown Director Edmondson stated it is a 50% match for the project but the amount is undetermined at this time because it's not a shovel ready project but reassured Councilmember French the Council would ultimately approve the award. Vote carried unanimously in favor.

- 13. CONSIDERATION OF FINAL PLAT FOR THE VILLAGE AT MAPLE STREET:** Councilmember Phillips stated he is recusing himself.

Motion to deny the request made by M. French; second by W. Illg. Councilmember Illg asked what happens on their end if the plat is denied; Planning Director Haynie stated the tender is not accepted. They are making a tender according to the ordinance that all the systems would be dedicated to the City within twelve to eighteen months, during that time it allows for the City to evaluate the performance of the systems and any failures could be corrected with the performance and maintenance bonds. He clarified it is the acceptance of the tender at this time, not of the systems. Attorney Tallant stated if the Council is denying the request, they will need to provide details on what the developer will need to fix. Councilmember French stated he is concerned about one point of egress to the property regarding proper fire suppression, on street parking and the density; Councilmember Illg concurred. Attorney Tallant asked if it complies with the development regulations; Planning Director Haynie stated it does with one point of concern being the storm water/storm drain conveyance system and its performance. Councilmember Illg asked if a fire truck could turn around in the cul de sac and Haynie replied they have approval from the Fire Marshal. Vote carried three in favor to deny (French, Illg, Sawyer) with one recused (Phillips).

WORK SESSION

- 14. CITY PARKING ORDINANCE OPTIONS:** Various parking issues were discussed along with possible resolutions including enforcement if it is creating a safety or hazardous issue. Council requested staff to verify whether or not the Sheriff's Office would be enforcing the City's ordinance for parking violations.

Motion to table the item to the October 21, 2024 City Council meeting made by W. Illg; second by M. French. Vote carried unanimously in favor.

- 15. PROPOSED FINE SCHEDULE FOR ORDINANCE VIOLATIONS:** Motion to direct the City Attorney to develop an ordinance for a fine schedule for ordinance violations made by M. French; second by C. Phillips. Vote carried unanimously in favor.

STAFF REPORTS

- 16. BOB BOLZ, CITY MANAGER:** Bolz reported there are no leak adjustments this month.
- 17. ROBIN GAZAWAY, FINANCE DIRECTOR:** Financial reports representing fund balances and activity through August 31, 2024 were provided in the packet.

ADDITIONAL BUSINESS ITEM

- 18. CERTIFICATES OF DEPOSIT FOR THE CEMETERY FUNDS:** Motion to approve the Finance Director to research and renew the certificates of deposit for better interest rates, terms and/or banks made by M. French; second by W. Illg. Vote carried unanimously in favor.

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 16, 2024
5:00 P.M.

MAYOR AND COUNCIL REPORTS:

Councilmember Sawyer reported that Amanda Edmondson and herself are participating in Leadership Dawson and wanted to express her gratitude to the City for allowing Amanda the opportunity to explore those leadership options.

EXECUTIVE SESSION

At 6:40 p.m. a motion to close regular session and go into executive session for real estate acquisition, pending/potential litigation and/or personnel was made by M. French; second by C. Phillips. Vote carried unanimously in favor.

At 6:52 p.m. a motion to close executive session was made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.


Motion to resume regular session was made by W. Illg; second by M. French. Vote carried unanimously in favor.

ADJOURNMENT

At 6:54 p.m. a motion to adjourn the meeting was made by S. Sawyer; second by C. Phillips. Vote carried unanimously in favor.

Approved this 30th day of September 2024

By: CITY OF DAWSONVILLE



John Walden, Mayor



Caleb Phillips, Councilmember Post 1




William Illg, Councilmember Post 2



Sandra Sawyer, Councilmember Post 3



Mark French, Councilmember Post 4

Attest: 

Beverly A. Banister, City Clerk



STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor John Walden, Councilmember Caleb Phillips, Councilmember William Illg, Councilmember Sandra Sawyer and Councilmember Mark French; 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 September 16, 2024.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 6:40 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: (check all that apply)

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(b)(1);


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(b)(2);

Other _____ as provided in: _____.


This 16th day of September 2024; By the City of Dawsonville, Mayor and Council:



John Walden, Mayor



Caleb Phillips, Councilmember Post #1



William Illg, Councilmember Post #2

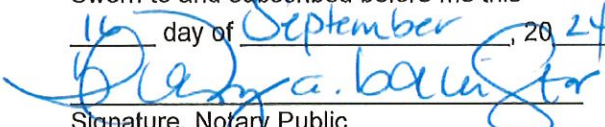


Sandra Sawyer, Councilmember Post #3



Mark French, Councilmember Post #4

Sworn to and subscribed before me this
16 day of September, 2024.



Signature, Notary Public

My Commission expires: Feb 18, 2028

