

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, March 18, 2019
5:30 P.M.

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 5:30 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Dana Miles, Assistant City Attorney Alex Myers, City Manager Bob Bolz, City Clerk Beverly Banister, Deputy City Clerk Tracy Smith, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard, Planning Director Robbie Irvin, Finance Administrator Hayden Wiggins and Human Resource Manager Donna Blanton.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Power.
4. **ANNOUNCEMENTS:** Mayor Eason reported on the Home and Business Expo to be held on March 28, 2019 from 4:00 – 7:00 pm at the Georgia Racing Hall of Fame and the DDA and HPC will be meeting together at City Hall on March 25, 2019 at 5:30 pm during the DDA regular meeting. He also announced we are starting the process of moving the City Hall sign located above the Georgia Racing Hall of Fame entrance to the front of City Hall. Lastly, he noted that Item #11 on the agenda will be postponed as requested by the applicant but will still be holding the public hearing this evening.
5. **APPROVAL OF THE AGENDA:** Request by Councilmember French to remove item #7a (1) Approve the Minutes for the City Council Regular Meeting held March 4, 2019 out of the consent agenda; Mayor Eason stated it would become item #22.

Motion to approve the agenda as amended made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** No comments from the public.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a (2), b) made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
 - a (2). Approve Minutes from the March 4, 2019 Executive Session - **passed 4-0**
 - b. Approve Get Your Glow on 5k Run with Road Closure on April 19, 2019 – **passed 4-0**
8. **EMPLOYEE OF THE MONTH AND SERVICE AWARDS:** Mayor and Council presented the March Employee of the Month Award to Westin Lee and service awards to Cody Mason for one year of service and to Gary Barr for twenty-eight years of service.
9. **PROCLAMATION – TIGER DAY MARCH 18, 2019:** Mayor Eason read and presented the proclamation to the coaches and students of the Dawson County High School Girls and Boys Basketball teams.
10. **ANX C9-00247 and ZA C9-00247:** Dan S. and Vanita L. Anderson have petitioned to annex into the city limits of Dawsonville a portion of the 12.19 acre tract known as TMP 092B 001, located at 378 Shoal Creek Road, with a request to rezone from County Zoning of RA (Residential Exurban/Agriculture) to City Zoning of R1 (Single Family Residential). Public Hearing Dates: Planning Commission on March 11, 2019 and City Council on March 18, 2019. City Council for a decision on April 8, 2019.

Motion to open the public hearing made by M. French; second by S. Tolson. Vote carried unanimously in favor. Planning Director Robbie Irvin reported on the request for annexation stating an approval of the annexation would create an unincorporated island; he also reported the Planning Commission denied the request due to the legal issue. He recommends postponement until June 3, 2019 to contact surrounding property owners for resolution of the issue. Mayor Eason conducted the public hearing; no one spoke in favor or opposition to the request. Motion to close the public hearing made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

Motion to postpone item until the June 3, 2019 meeting with a public hearing made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

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11. **ZA-C9-00004**: Ensite Civil Consulting LLC has requested a zoning amendment for TMP 082 021 consisting of 38.58 acres located at 592 Hwy 53 West, from R-3 (Single Family) to RPC (Residential Planned Community) Hearing Dates: Planning Commission - February 11, 2019 - Tabled until March 11, 2019 and City Council February 18, 2019 – Tabled until March 18, 2019

Councilmember Phillips disclosed that his property is adjacent to the property requesting a zoning amendment and is concerned from a Councilmember perspective and as a citizen of the City. Motion to open the public hearing made by J. Power; second by M. French. Vote carried unanimously in favor. Planning Director Robbie Irvin reported on the request for a zoning amendment stating the Planning Commission has denied recommendation due to density issues, no age restrictions and traffic concerns. He read the Planning and Zoning staff report recommending approval citing better quality controls with RPC zoning versus R-6 zoning, current zoning would allow a 114-lot subdivision with no stipulations, marketing of the project to 55+ would result in lower impacts to schools and roads while increasing the tax base and the residential development is consistent with the projections in the City's Comprehensive Plan. Mayor Eason conducted the public hearing; no one spoke in favor. The following citizens spoke in opposition to the zoning amendment request:

- Dava Hudgins, 292 April Trace, Dawsonville – Spoke of concerns for overall traffic and a dangerous intersection, housing styles would not fit with the Historic Downtown and costs for additional emergency services to serve the increased population.
- Linda Lockert, 233 River Mill Lane, Dawsonville – Spoke of concerns for the increase of traffic and the loss of a small-town feel.

Councilmember Power stated the taxes collected from City residents are the same as the taxes collected from County residents for emergency services; City residents do not carry a higher burden for those services. He also stated the conceptual plan shown for the existing zoning has traffic coming out entirely onto Howser Mill Road, not Hwy 53, since there are no stipulations attached with the current zoning.

- Jeff Chastain, 713 Howser Mill Road, Dawsonville – Spoke of concerns regarding an underground stream which could be compromised on the property which eventually feeds into Shoal Creek and for the increase of population to the area.

Motion to increase the public hearing time allotment by ten minutes made by C. Phillips; second by M. French. Vote carried unanimously in favor.

- Kay St. John, 616 Hwy 53 W, Dawsonville – Spoke of concerns regarding of safety and traffic on Hwy 53; concerns of noise and headlights shining into her home and she questioned the buildable acres on the property because of the stream.
- Tom Reins, 87 Lightning Ridge, Dawsonville – Spoke of concerns about the builder's plan showing approximately ten acres for the common areas and amenities area which once satisfied the acreage remaining would amount to 6.3 units per acre. He is also concerned about the stream on the property.
- Gary Dutton, 30 Mill Stone Drive, Dawsonville – Spoke of concerns about the cluster of homes requesting to be built in a very small area versus larger, more expensive homes that are typical of this builder.
- Randy Davis, 104 River Mill Lane, Dawsonville – Spoke of the density in the Howser Mill Subdivision also citing their square footage and the cost of their homes versus the requested zoning of RPC allowing for a higher density not consistent with the Howser Mill subdivision and therefore decreasing the value of his home. He also expressed concerns with the increased traffic.

Councilmember French asked for a report from a representative of the Planning Commission if they were present. Anna Tobolski spoke on behalf of the Planning Commission and stated their reasons for denial of the variance (item #12) due to not meeting all seven requirements as outlined

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in the zoning ordinance. She further stated the Planning Commission recommended denial for the zoning amendment request for traffic concerns, the 55+ targeted but not required market would mean it could change anytime and the density is higher and not compatible with the neighboring properties.

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

Councilmember French expressed favor in upholding the Planning Commission's recommendation of denial. He further stated a potential loss of tax revenue in approximately ten years due to the increased age of the 55+ community who could now be eligible for the homestead senior exemption. Additionally, without a City tax, he expressed concerns of being able to provide the City's services to an increased population with no increase to the City's sales tax revenue. Mayor Eason stated the applicant has made a request and paid the fees to postpone the request for the zoning amendment. Councilmember Power appreciated the citizens coming out and sharing their concerns; expressing a desire to work through some of the issues. Attorney Miles reported under Federal Law the Housing for Older Persons Act allows for a requirement to be placed as a stipulation to restrict the housing to 55 and older; at least eighty percent of the residents must be owned and lived in by persons 55 and older. Councilmember Phillips stated his concern how the current property is already zoned and could be built out without any stipulations allowing for all traffic to flow out onto Howser Mill Road or considering a different zoning with stipulations that would have to be complied with or they could not build.

Motion to postpone this item to the April 22, 2019 meeting to include a public hearing made by C. Phillips/S. Tolson. Vote carried unanimously in favor.

12. VAR C9-00004 – REQUEST TO APPEAL PLANNING COMMISSION DECISION: Motion to postpone item to the April 22, 2019 meeting made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

13. An Ordinance To Amend The Ethics Code Of The City Of Dawsonville So As To Clarify The Purpose And Scope Of The Code Of Ethics; To Clarify Definitions, Restrictions, Conflicts Of Interests, And Penalties Applicable To City Officials And City Employees; To Clarify The Restrictions On Outside Employment; To Provide For The Qualification Of Members To The Ethics Board; To Provide For Alternative Means Of Removal Of Officers As Provided For In The City Charter; To Provide The Procedure For Hearing Complaints Regarding City Officials, Including The Filing Of Complaints, The Service Of Complaints, And The Procedure For Hearings; And For Other Purposes. (First Reading and Public Hearing: March 4, 2019; Second Reading March 18, 2019)

Assistant City Attorney Alex Myers read the ordinance and stated the amendment was to make our current ordinance consistent with both the GMA model ordinance and the recent City Charter amendment.

Motion to approve the ordinance as presented made by S. Tolson; second by J. Power. Vote carried unanimously in favor. (Exhibit "A")

14. RESOLUTION – GMA CERTIFIED CITY OF ETHICS: Motion to approve the resolution made by M. French; second by J. Power. Vote carried unanimously in favor (Exhibit "B")

15. DONATIONS FOR MAIN STREET PARK PRESENTATIONS: Georgann Schmalz from the Dawson County Women's Club presented a concept for a pollinator garden they would like to create and maintain for Main Street Park. She also stated they would like to provide benches through donations from their Grow Memories program. Mayor Eason instructed her to work with the City Manager.

Mike McCarthy from We're on Doodie also presented a donation for three pet waste stations for Main Street Park which he would install and maintain. He also stated if three were not enough stations for the park, he would provide additional stations and bags at cost. Mayor Eason instructed him to work with the City Manager.

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- 16. WATER/SEWER RATES AND TAPS INCREASE:** Chris Poje from Turnipseed Engineers presented the recommendation for the increase to the water and sewer rates and the tap fees.
- 17. NEXTSITE PRESENTATION:** Andy Camp from Nextsite presented a retail and commercial development and recruitment program with their partnership with Georgia Power for Downtown Dawsonville. Christie Haynes Moore from Dawson County Chamber of Commerce briefly spoke on the need for this type of information and assistance with spurring downtown business growth. The City's obligation would be \$5000.00 for an annual contract; Georgia Power would pay the balance.
- Motion to approve the annual contract for \$5000 to be paid out of the General Fund reserves made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.
- 18. DEVELOPMENT OF ETHICS BOARD:** Mayor Eason announced the need to develop the Ethics Board in accordance with the newly passed ordinance amendment. He asked the Council to nominate their choice for one of the members and to provide the name to the City Manager for vetting and possible appointment at the next City Council meeting.
- 19. ADMINISTRATIVE VARIANCE INFORMATION:** Planning Director Robbie Irvin explained to Council regarding the administrative variance powers of the Planning Director. He also informed them of an administrative variance he granted at 275 Angela Lane for a 3 linear foot encroachment on the utility easement.
- 20. BOB BOLZ, CITY MANAGER:**
- i. Soil cement application will begin in approximately 4 to 5 weeks at Main Street Park.
 - ii. Approved a portion of a change order for the installation of gabion baskets to be filled with rocks around the headwall at Main Street Park.
 - iii. Recertification training held at City Hall for the Georgia Soil and Water Conservation Blue Card which is a requirement for certification of proper soil and erosion control in which some staff attended. The training class for the initial certification of the blue card will be held at City Hall in April.
 - iv. Maintenance Barn project is scheduled to start this week.
- 21. HAYDEN WIGGINS, FINANCE ADMINISTRATOR:** Financial reports representing fund balance and activity provided through February 28, 2019.
- 22. CITY COUNCIL REGULAR MEETING MINUTES HELD MARCH 4, 2019:** Motion made by Councilmember French to approve the minutes contingent upon including his exchange with the City Attorney regarding impact fees on item #15 DOWNTOWN STREET PARKING OPTIONS; motion dies due to lack of a second.
- Motion to approve the minutes as presented made by J. Power; second by S. Tolson. Vote carried 3 in favor (Power, Tolson, Phillips) with 1 opposed (French).

EXECUTIVE SESSION:

At 7:18 p.m. a motion to close regular session and go into executive session for Real Estate Acquisition was made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

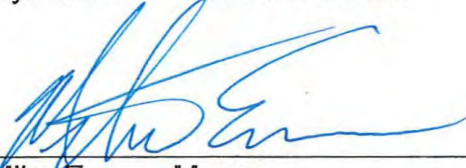
At 7:50 p.m. a motion to close executive session and resume regular session was made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

ADJOURNMENT:

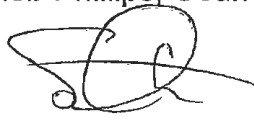
At 7:52 p.m. a motion to adjourn the meeting was made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

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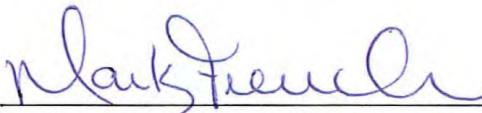
By: CITY OF DAWSONVILLE

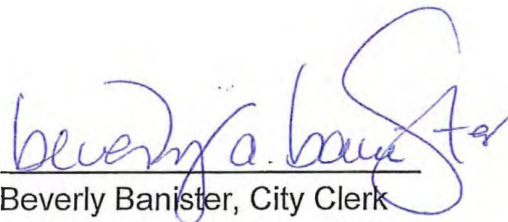

Mike Eason, Mayor

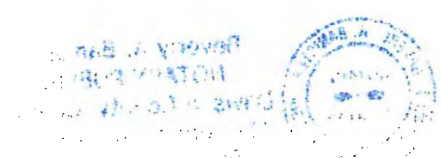

Caleb Phillips, Councilmember Post 1


Stephen Tolson, Councilmember Post 2


Jason Power, Councilmember Post 3


Mark French, Councilmember Post 4

Attested: 
Beverly Banister, City Clerk



STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor Michael Eason, Councilmember Jason Power, Councilmember Caleb Phillips, Councilmember Stephen Tolson, 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 the March 18, 2019.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 7:10 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);

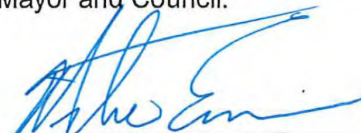
Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;

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 18th day of March 2019; By the City of Dawsonville, Mayor and Council:



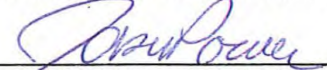
Mike Eason, Mayor



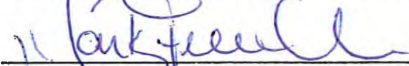
Caleb Phillips, Councilmember Post #1



Stephen Tolson, Councilmember Post #2

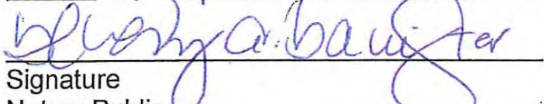


Jason Power, Councilmember Post #3



Mark French, Councilmember Post #4

Sworn to and subscribed before me this
18 day of March, 2019.



Signature
Notary Public

My Commission expires: 02.18.2020



Beverly A. Banister
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
February 18, 2020

AN ORDINANCE TO AMEND THE ETHICS CODE OF THE CITY OF DAWSONVILLE SO AS TO CLARIFY THE PURPOSE AND SCOPE OF THE CODE OF ETHICS; TO CLARIFY DEFINITIONS, RESTRICTIONS, CONFLICTS OF INTERESTS, AND PENALTIES APPLICABLE TO CITY OFFICIALS AND CITY EMPLOYEES; TO CLARIFY THE RESTRICTIONS ON OUTSIDE EMPLOYMENT; TO PROVIDE FOR THE QUALIFICATION OF MEMBERS TO THE ETHICS BOARD; TO PROVIDE FOR ALTERNATIVE MEANS OF REMOVAL OF OFFICERS AS PROVIDED FOR IN THE CITY CHARTER; TO PROVIDE THE PROCEDURE FOR HEARING COMPLAINTS REGARDING CITY OFFICIALS, INCLUDING THE FILING OF COMPLAINTS, THE SERVICE OF COMPLAINTS, AND THE PROCEDURE FOR HEARINGS; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Dawsonville find that the adoption of an amended Ethics Code is proper and appropriate to govern the conduct of its employees and officials in accordance with being a City of Ethics as designated by the Georgia Municipal Association;

WHEREAS, an Ethics Code and Ethics Board to administer it provide for accountability to the citizens of the City of Dawsonville; and

WHEREAS, the City Council desires to update its Code of Ethics to be consistent with the City charter, state law, and other ordinances of the City of Dawsonville.

NOW THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

The reservation of sections 2-84 through 2-109 of Article III, Division 2 is hereby repealed.

SECTION 2.

Sections 2-87 through 2-109 of Article III, Division 2 are hereby reserved.

SECTION 3.

Article III, Division 2 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing the existing Sections 2-75 through 2-81 in their entirety and adopting new Sections 2-75 through 2-86 as follows:

Sec. 2-75. – Declaration of policy; scope.

(a) It is the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its

government. In recognition of these goals, a code of ethics for all city officials is adopted. This code has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials;
 - (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the city;
 - (3) To require disclosure by such officials of private financial or other interest in manners that affect the city; and
 - (4) To serve as a basis for disciplining those who refuse to abide by its terms.
- (b) However, the provisions of this code of ethics shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns which are governed by state law.
- (c) The provisions of this code of ethics shall be applicable to all elected or appointed city officials as well as to city employees as set forth hereunder.
- (d) Notwithstanding any provision herein to the contrary, state law and the City Charter shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the City Charter.

Sec. 2-76. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) City official, unless otherwise expressly defined does not include city employees but does mean all persons elected or appointed to be a city official, including the mayor, members of city council, municipal court judges, city manager, city clerk, and all other persons holding positions designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.
- (2) *Decision* means any ordinance, resolution, contract, franchise, formal action, or other matter voted on by the city council or other city board, commission, or authority, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (3) *Employee* shall be any person who is a fulltime or part-time employee of the City of Dawsonville.
- (4) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son, or daughter of any city official related by blood, adoption, or marriage. The relationship by marriage shall include in-laws.

(5) *Government* or *city* shall be construed to mean the City of Dawsonville, Georgia, government.

(6) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(a) The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(b) The person received funds from the other person or entity during the previous twelve month period, which equals or exceeds \$5,000.00 in salary, bonuses, commission, or professional fees, \$5,000.00 in payment for goods, products, or services, or ten percent of the recipient's gross income during that same period, whichever is less; or

(c) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or

(d) The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2-77. – Restrictions on city officials.

The city code of ethics places the following restrictions on city officials:

(a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

(b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself or herself from such discussion or vote as applicable.

(c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.

(d) No city official shall directly or indirectly receive or agree to receive in any given month, any compensation, gift, reward, or gratuity, in any matter or proceeding connected with, or related to, the duties of his office that is in excess of the monthly compensation provided for in the Charter or Ordinances of the City of Dawsonville, except as may be provided by law, or that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally or to prohibit city officials from engaging in regular conduct of their private life that can be reasonably interpreted as disconnected from their public duties.

(e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.

- (1) This prohibition shall not be applicable to the professional activities for the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
- (2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected, including, by way of example, a city manager, city administrator, or city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from a person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself or herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment, or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage, or favor, beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit other to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amount to a substantial interest.
- (n) A city official shall not order any goods and service for the city without prior authorization for such expenditure. No city official shall attempt to obligate the city or give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw or seek payment of travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Dawsonville nor shall any city official engage in ex parte

communication with a municipal court judge of the City of Dawsonville on any matter pending before the Municipal Court of the City of Dawsonville.

Sec. 2-78. – Conflict of interest for city officials.

- (a) A city official may not participate in a vote or decision on a matter affecting an immediate family or any person, entity, or property in which the official has a substantial interest.
- (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) A city official may not participate in a vote or decision on a matter in a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties.

Sec. 2-79. – Restrictions on employees; conflicts of interest; general ethics.

The city code of ethics places the following restrictions on employees:

- (a) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (b) Public property shall be disposed of in accordance with state law.
- (c) Acceptance of gifts, gratuities, special privileges:
 - (1) Employees shall not accept any gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally or to prohibit employees from accepting loans from regular lending institutions. It is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.
 - (2) Employees shall not use or attempt to use their positions to secure economic benefit or advantages, special privileges or exemptions for themselves or others including the use of knowledge obtained by through their employment or by virtue of their positions.
 - (3) Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
 - (4) Employees shall not accept payment from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.

(d) *Proprietorship of creations.* All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours of through the use of city facilities or equipment or at the request of the city shall be and become the sole property of the city.

(e) *Confidential information.* Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

(f) *Conflict of interest.*

(1) If an employee of the city is an officer, director, agent or member of, or owns interest any entity which is subject to the regulation of, or which has financial commitments with the city, they shall file a sworn statement to this effect with the city clerk.

(2) Employees shall not transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns a controlling interest, excluding civic, charitable or religious organizations.

(3) Employees shall not have a personal investment in any enterprise which will create a conflict or a perceived conflict between their private interest and the public interest.

(g) *Political activity.*

(1) No person employed by the city shall either publicly or otherwise hold himself out as a candidate in any city election while holding employment with the city.

(2) City employees shall not take part in any political management or political campaigns in election of mayor or any member of the city council during any period of time for which he is expected to perform work or receive compensation from the city.

(3) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party or candidate from any employee during his hours of duty, service, or work with the city.

(4) Employees shall not represent the city by wearing any uniform or portion thereof that is issued by the city while he is participating in any campaign at any time.

(5) The city in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.

(6) Employees shall not utilize any city equipment or vehicles in support of any political campaign.

(h) Failure to comply with the provisions of this section will result in disciplinary action in accordance with the city personnel policy.

Sec. 2-80. – Outside employment for employees.

(a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service or the operation of the city. Standards by which some employment is not acceptable include, but is not limited to:

(1) Illegal activity;

(2) Employment that by virtue of association will reflect upon the reputation of the city;

(3) High hazard or fatiguing work which might detract from or reduce city performance.

(b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from the city manager on request forms which indicate the name of the outside employer, the nature of the work, hours of work, address and telephone number where the employee can be reached. Such information will become a part of the employee's official personnel record. Employees are required to obtain approval from the city manager for any change in any previously approved outside employment request.

(c) Any employee accepting or engaging in outside employment under the terms of this section shall make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the department head or the city manager shall determine that the employee's services are necessary.

(d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the city's worker's compensation program.

(e) Failure to comply with the provisions of this section will result in disciplinary action in accordance with the city personnel policy.

Sec. 2-81. – Ethics Board.

(a) The Ethics Board shall consist of three persons. At least two members shall be residents of the City of Dawsonville. One member shall be appointed by the mayor, one member shall be appointed by the city council, and one member shall be appointed by the two above named Board members subject to approval by a majority of the city council. One of the three members of the Ethics Board shall be a member in good standing of the State Bar of Georgia and a resident of Dawson County.

(b) All members shall serve two-year terms.

(c) Members of the Ethics Board with any permit or rezoning application pending before the city, or with any pending or potential litigation against the city or the city official charged in the complaint shall be disqualified from serving on the Ethics Board for that complaint. An alternate member shall be selected by the two remaining members and approved by a majority of the council to replace the disqualified individual.

(d) Members of the Ethics Board may be removed by majority vote of the city council.

Sec. 2-82. – Receipt of ethics complaints.

(a) All ethics complaints against city officials shall be filed in writing with the Ethics Board on forms created and maintained by the City Clerk.

(b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this Article III, Division 2.

(c) Upon receipt of a complaint in proper form, the City Clerk shall serve a copy of the complaint to the Ethics Board and to the city official or officials charged in the complaint within no more than seven (7) calendar days from receipt of the complaint. Service may be by personal service, by certified mail, return receipt requested, or by statutory overnight delivery.

(d) Upon receipt of a complaint in proper form, the Ethics Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The Ethics Board shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant. For complaints not dismissed, the Ethics Board shall be empowered to collect evidence and information concerning any complaint in a hearing and to add the findings and results of its hearing to the file containing such complaint.

(e) Upon completion of the hearing of a complaint, the Ethics Board shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant.

(f) The ethics committee shall be empowered to conduct investigations, to take evidence and hold hearings where provided for in the rules.

(g) The Ethics Board shall be empowered to adopt forms for formal complaints, subpoenas, notices, applications for reinstatement and any other written instruments necessary or desirable within its jurisdiction.

(h) The findings of the Ethics Board shall be submitted to the city council for action.

(i) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently

serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-83. – Ethics hearings.

(a) The Ethics Board shall hold a hearing on a complaint within sixty (60) days of the filing of the complaint with the city clerk. The hearing shall be conducted in accordance with the procedures and regulations that the Ethics Board establishes; provided, however, that at least one hearing shall include the taking of testimony and the cross-examination of available witnesses in accordance with due process.

(b) The city official who is the subject of the complaint and inquiry shall have the right to written notice of the hearing and allegation at least seven (7) days prior to the first hearing date, to be represented by counsel, to hear and examine the evidence and witnesses, and to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have the right to submit, but shall not be required or obligated to submit, evidence and call witnesses.

(c) Any failure to strictly comply with any of the time deadlines in this section shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Ethics Board or the city council to act upon any complaint.

Sec. 2-84. – Ethics Board determination, recommendation, and alternative actions.

(a) Within seven (7) days of the final hearing held on a complaint, the Ethics Board shall render its decision on the proposed action to be taken regarding the city official by majority vote.

(b) Within seven (7) days of rendering of its decision, the Ethics Board shall provide its written recommendation for action to be taken regarding the city official to the Mayor and Council. This recommendation for action may include, but is not limited to, public reprimand of the official, censure of the official, request for resignation of the official, requiring repayment of any misappropriated funds or assets, removal of the official or such other action that the Ethics Board deems is appropriate to serve the ethical goals of this ordinance.

(c) Notwithstanding subsection (b), if removal is the recommended course of action proposed by the Ethics Board, the Ethics Board may alternatively, upon a majority vote, file a complaint and commence an action for removal of the city official in the Superior Court of Dawson County.

(d) The Ethics Board shall retain the right to file a complaint and commence an action for removal of the city official in the Superior Court of Dawson County, even if the original determination of the board is only to recommend removal to the Mayor and Council. In the event that the Mayor and Council either elects to take no action on the recommendation for removal or fails to take action on the recommendation for removal by initiating proper removal proceedings within thirty (30) days, the Ethics Board may convene a special meeting at the call of either the chairman or the two members of the Board for the purpose of determining whether to take further action on its original recommendation for removal by filing a complaint and commencing an action for removal of the city official in the Superior Court of Dawson

County. Such subsequent filing of a complaint and commencement of an action for removal must be supported by a majority vote of the Board.

Sec. 2-85. – Right to appeal.

(a) Any city official or complainant adversely affected by the findings or recommendations of the Ethics Board and the subsequent decision by the city council may obtain judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Dawson County within thirty (30) days after the decision of the city council on the findings or recommendations of the Ethics Board.

Sec. 2-86. – Penalty.

Any person violating any provision of this article shall be subject to a public reprimand or censure by the city council, a request for resignation by the city council, repayment of any funds or assets misappropriated from the city, and/or removal proceedings by the city council or the Superior Court of Dawson County, as provided for in the Charter of the City of Dawsonville.

SECTION 4.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5.


This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 18 day of March, 2019.

MAYOR AND DAWSONVILLE CITY COUNCIL

By:



Mike Eason, Mayor


Caleb Phillips, Councilmember Post 1


Stephen Tolson, Councilmember Post 2



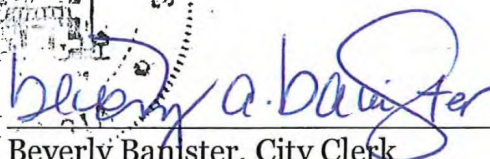
Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4



ATTESTED TO BY:



Beverly Banister, City Clerk

ETHICS RESOLUTION OF THE CITY OF DAWSONVILLE

WHEREAS, the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS, the City of Dawsonville is an existing Certified City of Ethics and wishes to be recertified as a Certified City of Ethics under the GMA Program; and,

WHEREAS, the City of Dawsonville has had an Ethics Ordinance in place since 2000; and,

WHEREAS, the City of Dawsonville most recently amended its Ethics Ordinance on March 18, 2019, and the same being codified at Sections 2-75 through 2-86 of Chapter II, Article III, Division 2 of the Code of the City of Dawsonville, Georgia; and,

WHEREAS part of the recertification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Dawsonville, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

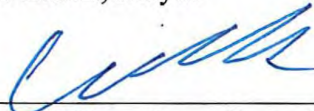
- * Serve Others, Not Ourselves
- * Use Resources With Efficiency and Economy
- * Treat All People Fairly
- * Use The Power of Our Position For The Well Being Of Our Constituents
- * Create An Environment Of Honesty, Openness And Integrity

RESOLVED this 18 day of March 2019.

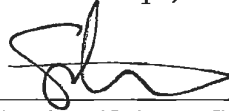
By: MAYOR AND DAWSONVILLE CITY COUNCIL



Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1



Stephen Tolson, Councilmember Post 2



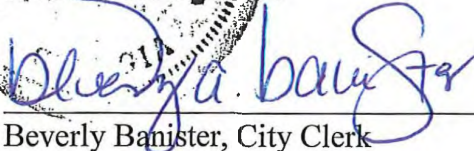
Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4



ATTESTED TO BY:


Beverly Banister, City Clerk