

City of Dawsonville
November 14, 2005
Regular Meeting of the City Council

Mayor Cox called the meeting to order at 7:00 p.m.

Roll Call: Those present were Mayor Joe Lane Cox, Council Members Jonathan Cox, Tim Wimpey, Mike Wilson and Mike Sosebee, Kim Cornelison, Dana Miles, Steve Holder, Gary Barr, concerned citizens of the City of Dawsonville and Dawson County.

Invocation and Pledge: Steve Holder led the invocation and pledge.

Approval of Minutes: Councilman Mike Wilson made a motion to approve the regular meeting minutes of the October 3, 2005 meeting. Jonathan Cox seconded the motion, the motion carried unanimously. Mike Wilson made a motion to approve the minutes from the executive session held October 3, 2005 meeting. Tim Wimpey seconded the motion, the motion carried unanimously.

Old Business:

None

New Business:

Proclamation for Retired Educator's Day. Mayor Cox noted that no one was in attendance for the Retired Educators Association. This item of business was tabled.

Proclamation for Tugaloo Home Healthcare. Mayor Cox read the proclamation declaring November as Home Healthcare month. Jonathan Cox made a motion to approve the proclamation. Mike Sosebee seconded the motion; the motion carried unanimously.

Proclamation for Mentoring Program. The City Clerk introduced Bendy Auverman, Mentoring Program Coordinator and briefly explained the purpose behind Red Ribbon Week. She recognized Mrs. Auverman and her students for planting a garden in honor of Red Ribbon week. Mayor Cox read the proclamation declaring the month of November as Youth Community Service month. Tim Wimpey made a motion to approve the proclamation. Jonathan Cox seconded the motion; the motion carried unanimously. Councilman Cox expressed his appreciation to the young people for making the garden.

Sign Request – United Way Thermometer. David Mancuso, President of the local United Way addressed the Mayor and Council asking for authorization to install the United Way fund raising thermometer. The thermometer would be installed in front of United Community Bank as it has in the past, it would be temporary, only up for the duration of their fund raising drive, and requested a waiver of fees associated with such request. Jonathan Cox made a motion to approve the request. Mike Wilson seconded the motion; the motion carried unanimously.

Administrative Correction to Zoning Map. Steve Holder made the council aware of a zoning map error involving a parcel of property located at 499 Hwy. 53 East - where the car repair shop is. The City Limits goes through the middle of that parcel. The current zoning map identifies the property as residential subdivision. The property should be HB (Highway Business). Tim Wimpey made a motion to correct the zoning map to reflect the HB zoning classification on the property. Mike Wilson seconded the motion; the motion carried unanimously.

Sign Permit Application – Historic District. Salon Zoya - Larry Holbrook has made a request to put signage up to include one wall sign and one street sign at 34 East First Street – the business formerly known as Dawsonville Barber Shop was in this facility. Steve Holder explained that the wall sign does not meet the Historic District’s guidelines however this would replace the existing sign up there. Jonathan Cox made a motion to approve the sign request. Mike Sosebee seconded the motion; the motion carried unanimously.

Amend Agenda. Jonathan Cox asked if the agenda could be amended to move items “H” Downtown Development Appointment of Cathie Waddell before item “G” DDA – Funding and Better Hometown on the agenda. The City Clerk asked for the amendment to include another sign application and a parade/public assembly application. Tim Wimpey made a motion to amend the agenda; Jonathan Cox seconded the motion; the motion carried unanimously.

Downtown Development Authority – Appointment of Cathie Waddell. Jonathan Cox made a motion to appoint Cathie Waddell to serve on the DDA in the place of Dr. Jim Clouser. Tim Wimpey seconded the motion; the motion carried unanimously.

Downtown Development Authority – Funding and Better Hometown. Cathie Waddell expressed the DDA’s desire to have the City Council endorse the Better Hometown designation for our City. This program requires the DDA make their intentions know and seeks the assistance of the City on this project. This is something that the DDA has been talking about for several years. This designation should open doors to grants and funding sources that the City has previously not qualified for. Cathie also asked for the communities support on this project. Mike Sosebee made a motion to support the DDA in procuring this designation. Mike Wilson seconded the motion; the motion carried unanimously.

Parade/ Public Assembly Application – Kare for Kids, Inc. has made an application to use City Hall for their Motorcycle Charity Ride. The applicant has received approval from Phoenix One to utilize the parking lot. The Sheriff and Fire Marshall have reviewed the application and other than asking for the route for the bike ride, have no issues with the event. From the City’s perspective, the event would mainly be the use of the Dawsonville Municipal Complex for the toy drop, a place to feed the bikers lunch, and restrooms facilities. Jonathan Cox made a motion to approve the public assembly application. Mike Wilson seconded the motion, the motion carried unanimously.

Sign Permit Application – Historic District. – A Matter of Taste Catering has made an application to hang a temporary banner offering prepackaged holiday foods. The banner

will only be up during the holidays and the food is not for consumption on the premises. Jonathan Cox made a motion to approve the request. Tim Wimpey seconded the motion; the motion carried unanimously.

Public Hearings:

Ordinance:

An ordinance granting a franchise to Standard Telephone Company, its successors and assigns, to construct, erect, operate, maintain, and own a communications system in, upon, along, across, above, over and under the public ways of the City of Dawsonville, Georgia; and all such structures, appliances, and fixtures necessary or convenient for rendition of communications services, including local and long distance telephone service; to provide the conditions governing the grant of said franchise; to provide for franchise fees to be paid; and for other purposes.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Mike Sosebee made a motion to approve the first reading of the ordinance. Jonathan Cox seconded the motion; the motion carried unanimously.

Ordinance:

An Ordinance regarding enforcement of the Georgia State Minimum Standard Codes for construction; and for other purposes.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Mike Sosebee made a motion to approve the first reading of the ordinance. Mike Wilson seconded the motion; the motion carried unanimously.

Ordinance:

An Ordinance to amend the ordinance to provide for the regulation of garbage services within the City of Dawsonville municipal limits; to provide for a regulatory fee; and for other purposes.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the motion carried unanimously.

Ordinance:

An Ordinance to repeal the current hotel-motel excise tax; provide for a hotel-motel excise tax; to provide for definitions; to provide for the rate of levy; to provide for the collection of the tax by the operator; to provide for a certificate of the taxing right; to provide for a due date and require reports; to provide for a collection fee for operations; to provide for a determination if no return is filed; to provide for a notice of determination of no return having been made; to provide for interest on the amount of tax found to be due; to provide for required records; to provide for administration and enforcement; to provide for action for the collection of the tax; to provide for successors or assignees of the operator to be bound for the tax; to provide for an effective date; to repeal conflicting ordinances; to provide for severability; and for other purposes.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Mike Sosebee made a motion to approve the first reading of the ordinance. Tim Wimpey seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-007: J. Alan Scott has made a request to annex .59 acres of TMP 90-51. The subject property is located at 660 Gold Creek Drive and is zoned RPCD (Residential Planned Community Development) and will remain likewise classified under the City of Dawsonville's zoning classification as PUD (Planned Urban Development) upon annexation. (Second hearing).

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Mike Sosebee made a motion to approve the second reading of the ordinance. Jonathan Cox seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-008: Pauline H. Read has made a request to annex 1.00 acres of TMP 90-117. The subject property is located 203 Gold Leaf Terrace and is zoned RPCD (Residential Planned Community Development) and will remain likewise classified under the City of Dawsonville's zoning classification as PUD (Planned Urban Development) upon annexation. (Second hearing).

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Mike Sosebee made a motion to approve the second reading of the ordinance. Mike Wilson seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-006: Nancy & Michael McCue have made a request to annex 0.88 acres of TMP 90-10. The subject property is located at 539 Gold Bullion Drive West and is zoned RPCD Residential Planned Community Development) and will remain likewise classified under the City of Dawsonville's zoning classification as PUD (Planned Unit Development) upon annexation. (First hearing).

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-004: James & Theresa Stepp have made a request to annex 1.836 acres of TMP 94-007. The subject property is located at 2411 Perimeter Road and is zoned R-1 and will remain R-1 upon annexation. (First hearing).

Dana Miles opened the public hearing. There being no public comment the public hearing was closed. Mike Sosebee made a motion to approve the first reading of the ordinance. Jonathan Cox seconded the motion; the motion carried unanimously.

Annexation:

To hear Annexation Petition 05-015: Bowen Family Farm, LLC has made a request to annex 150.773 acres of TMP 90-012. The subject property is located at 3089 Hwy. 9 North and is zoned AG and will be R-1 upon annexation.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed.

Ms. Sharon Hall from the Dahlenega Nuggett asked if she could ask a couple questions, she did not intend to speak in favor of or opposed to the annexation. Dana Miles reopened the public hearing. Ms. Hall asked if this property was a part of Lumpkin County. The City Clerk stated that was not correct. Ms. Hall wanted to know which annexations involved Lumpkin County. The Mayor assured her that those annexations would be announced when they came up on the agenda. There being no further public comment the public hearing was closed.

Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the vote was split with Cox and Sosebee for, Wilson and Wimpey against. Mayor Cox exercised his right to vote in the event of a tie by voting for the motion. The motion carried.

Annexation:

To hear Annexation Petition 05-020: Meadow Trace Inc. has made a request to annex 329.995 acres of TMP 100-2.002. The subject property is located in Land Lots 74, 75, 76, 77, 120, 121, 122, 138, and 139 and is zoned AG and will be R-1 upon annexation.

Dana Miles opened the public hearing.

K.C. Horne attorney for Lumpkin County addressed the council. Mr. Horne stated that the petition is inclusive of both Dawson and Lumpkin County land. This creates difficulties on the county to do the analysis. Ms. Horne pointed out that the property is a wild area where the area could go to a much denser area and anticipate serious effects on the schools and the neighboring city. He requested the application be bifurcated distinguishing the Dawson acreage from the Lumpkin acreage, withdrawing the application as it stands and resubmit as separate parcels.

Steve Gooch, Chairman of the Lumpkin County Board of Commissioners addressed the council and acknowledged John Raburn and Clarence Stowers of the Lumpkin County Board of Commissioners and Mike Clemmons, City Councilman; Bill Lewis, City Manager, and a Pete Seabolt from the school system. Chairman Gooch stated that they each had concerns about the future use of the land as they understand that there could be up to 250 acres of Lumpkin County land annexed into the City should it go through. Councilman Gooch stated that they would like it to go on the record that they board of commissioners objects to this annexation at this time and respectfully request that legal process of questions begin so that they can determine exactly what is to be proposed for that section of our county.

Ms. Hall from the Dahlonaga Nugget asked how many other annexations lead up to the property that is located in Lumpkin County. Steve Holder stated that the remainder of the annexations makes up one large tract. Ms. Hall asked if that separated Dawson County and Lumpkin County. Steve Holder affirmed that was correct. Ms. Hall's final question: What would be the benefit to Lumpkin County or Dahlonaga if this were annexed. Dana Miles stated that the improved land could increase the tax base significantly. There would be impact on the schools, the infrastructure would be provided by the city, for instance, water and sewer. Mayor Cox stated that it takes no taxes away from Lumpkin County.

John Raburn repudiated Dana Miles statement regarding taxes on improved property stating that it takes a home with the value of \$325,000 to \$375,000 to pay for one student to go through schools. Mr. Raburn asked the Council to consider the affects this annexation would have on their county in terms of everything.

Tina Ferg addressed the council as a new resident recently moved here from New Jersey. Ms. Ferg stated many of the people who live by her are transplants who have left highly populated states and that they do not want to see that happen here.

There being no further public comment Dana Miles closed the public hearing.

Councilman Wimpey asked that the hearing be reopened for council discussion. Councilman Wimpey stated that water is a big concern and asked what kind of surplus we have considering everything that is on the books to be developed. Would we have the water to serve this area. Mayor Cox stated that we can only consider what is before the council tonight – the petition states that it is being brought in as is and will remain as is and that is all the council can base their decision on. Jonathan Cox stated that the Council is in a position because the City did not request or solicit this property to be annexed. It was brought to us to be annexed and we are put to the task of determining if they meet all of the requirements of our annexation process and when you consider we've annexed similar properties in the past, have we not set precedence. Jonathan asked council if he was correct in that. Dana Miles state that he was correct that this annexation was not something the City initiated, it was brought by Meadow Trace, they have met the parameters, although there are some issues.

The Mayor called for a motion. Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the vote was split with Cox and Sosebee for, Wilson and Wimpey against. Mayor Cox exercised his right to vote in the event of a tie by voting for the motion. The motion carried.

Annexation:

To hear Annexation Petition 05-019: Hills of Gold Creek LP has made a request to annex 302.025 acres of TMP 100-002.001 and TMP 100-002.002. The subject property is located in Land Lots 138, 139, 180, 181, 182, 183, 184, 185, 186, 187, 197, 198, 199, and 200, and is zoned R-1 and will remain R-1 upon annexation.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed.

Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the vote was split with Cox and Sosebee for, Wilson and Wimpey against. Mayor Cox exercised his right to vote in the event of a tie by voting for the motion. The motion carried.

Annexation:

To hear Annexation Petition 05-017: Joyce Wallace has made a request to annex 15.344 acres of TMP 091-002A. The subject property is located at 2807 Hwy. 9 North and is zoned AG and will be zoned R-1 upon annexation.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed.

Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the motion carried with Cox, Sosebee and Wilson for, Wimpey against.

Annexation:

To hear Annexation Petition 05-016: Joyce Wallace has made a request to annex 14.604 acres of TMP 091-002. The subject property is located at 219 Wallace Farm Road and is zoned AG and will be zoned R-1 upon annexation.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed.

Mike Sosebee made a motion to approve the first reading of the ordinance. Jonathan Cox seconded the motion; the motion carried with Cox, Sosebee and Wilson for, Wimpey against.

Annexation:

To hear Annexation Petition 05-021: Hills of Gold Creek, LP has made a request to annex 37.299 acres of TMP 100-002.001. The subject property is located in Land Lots 180, 181, 199, 200 and is zoned R-1 and will remain R-1 upon annexation.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed.

Mike Sosebee made a motion to approve the first reading of the ordinance. Jonathan Cox seconded the motion; the motion carried with Cox, Sosebee and Wilson for, Wimpey against.

Annexation:

To hear Annexation Petition 05-018: Hills of Gold Creek, LP has made a request to annex 220.00 acres of TMP 100-001, TMP 100-002, and TMP 100-026. The subject property is located in Land Lots 121, 122, 133, 134, 135, 136, 137, 138, 181, 182, 183, 184, 185, 186, 187, 198, and 199 and is zoned as TMP100-001 is R-1 and will remain R-1 upon

annexation; TMP 100-002 is R-1 and will remain R-1 upon annexation; and TMP 100-026 is RA and will be R-1 upon annexation.

Dana Miles opened the public hearing. There being no public comment the public hearing was closed.

Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the vote was split with Cox and Sosebee for, Wilson and Wimpey against. Mayor Cox exercised his right to vote in the event of a tie by voting for the motion. The motion carried.

Annexation:

To hear Annexation Petition 05-022: Meadow Trace, Inc. has made a request to annex 2.091 acres of TMP 036-022 (Lumpkin County). The subject property is located in Land Lot 77 and is zoned AG and will be R-1 upon annexation.

Dana Miles opened the public hearing. K.C. Horne addressed the council stating that the petition does not lay out precisely how the property connects and stated that the property does not match up with Lumpkin County tax records. Mr. Horne also stated in regards to Councilman Cox's earlier statement involving the precedence value of earlier annexations, if the property was undesirable property, would 100% application be enforced? What is in this annexation for Dawsonville? The County is concerned about the water, sewer, roadways, infrastructures, bridges. In houses valued at less than \$350,000 each, the costs of supporting that family in county services is less than the amount of taxes. Considering this is not going to be in the \$400 to \$500,000 category; Councilman Cox interjected asking under whose anticipation. Mr. Horne stated that it was said up here earlier that it was going to be smaller than \$300,000. Councilman Cox said he did not recall that coming from this board. City Clerk clarified that Mr. Raburn actually made the statement. Mayor Cox said the property is vacant and it is going to remain vacant. Councilman Cox said we are all speculating on what could possibly be there, but that is not what this council is put to task to do.

Mayor Cox assured the Lumpkin County representatives that the City will get the information requested to them so that we can all review it and go forward.

John Raburn addressed the council asking the council to make the right call. Jonathan Cox stated that this annexation would not necessarily stop this property owner from developing his property. They could just be going before your board rather than the City Council – correct? Meaning that if they chose to take that 300 acres and say I want to rezone this from Agriculture to R-3, then that would be your board's decision to make at that point in time. That is the only difference. If the two government bodies have a like mindset regarding what they would like to see happen to the property, then we are in conjunction that we could come to some agreement. Mr. Raburn stated that the point he is making is to be fair to Lumpkin County so that we can be good neighbors.

Steve Gooch addressed the council and asked that Lumpkin County's objection be noted for the record and that the property not be annexed. Commissioner Gooch stated that the citizens of Lumpkin County elected them to make decisions involving Lumpkin County

property and they would like to control their own destiny and their own future. Commissioner Gooch recognized that cities have crossed county borders in other counties; but respectfully requests that this property not be annexed into Dawsonville.

There being no further public comment the public hearing was closed.

Jonathan Cox made a motion to approve the first reading of the ordinance. Mike Sosebee seconded the motion; the vote was split with Cox and Sosebee for, Wilson and Wimpey against. Mayor Cox exercised his right to vote in the event of a tie by voting for the motion. The motion carried.

Zoning Amendment:

To hear zoning amendment ZA-9-05-1172: the City of Dawsonville has requested a Zoning Map Amendment for TMP D4-20 consisting of 37.81 acres located in Land Lots 443-444 of the 4th District. The property is located at 415 Hwy. 53 East. The property is currently zoned CHB (Commercial Business Highway) and LI (Light Industrial) and would be PUD (Planned Unit Development) upon approval.

Steve Holder presented the zoning amendment and stated that the Planning Commission approved with conditions:

The following conditions shall apply to the PUD rezoning of all land set forth in the Urban Redevelopment Plan:

1. All Performance Standards set forth or recommended in the Urban Redevelopment Plan are hereby expressly adopted and compliance therewith is required.
2. All infrastructure including but not limited to roads, sidewalks, utilities, lighting and other infrastructure deemed necessary by the Zoning Administrator shall be completed prior to any building permits being issued within the PUD. The PUD may be developed in phases at the discretion of the developer/owner. However, if developed in phases, the first phase must be Main Street.
3. To the extent not expressly covered by the Performance Standards in the Urban Redevelopment Plan, the Zoning Administrator shall have the ability to interpret and enforce the intent of the Urban Redevelopment Plan.

Jonathan Cox made a motion to approve the rezoning with the conditions listed. Mike Wilson seconded the motion; the motion carried unanimously.

Mayor's Report:

Mayor Cox recognized councilmember elect Linda Grant and made Ms. Grant aware of training requirements that she will need to fulfill.

Mayor Cox made the council aware of a letter of appreciation the City received from the Kare for Kids, Inc. Moonshine Festival coordinators.

Mayor Cox recognized Tim Satterfield, Fire Marshall, and told the public that he has 100 smoke detectors with batteries and if you know of anyone who needs a smoke detector, please let him or someone on the city staff know.

Public Comment:

None.

Executive Session:

At 8:44 p.m. Tim Wimpey made a motion to go into executive session for the purpose of discussing future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4); and 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). Jonathan Cox seconded the motion, the motion carried unanimously.

After discussion the items in executive session, Tim Wimpey made a motion to come out of executive session. Mike Wilson seconded the motion; the motion carried unanimously.

It was decided by consent that there will be a work session at the next meeting of the City Council for the purpose of working on the budget.

There being no further business to discuss, Tim Wimpey made a motion to adjourn the regular meeting; Mike Wilson seconded and the motion carried unanimously.

Minutes approved this 5th day of December, 2005.

Joe Lane Cox, Mayor

Councilman Jonathan Cox

Councilman Tim Wimpey

Councilman Mike Sosebee

Councilman Mike Wilson

Attested: _____
Kim Cornelison, City Clerk

City of Dawsonville
November 14, 2005
Executive Session of the City Council

Mayor Cox called the meeting to order.

Those present: Joe Lane Cox, Dana Miles, Jonathan Cox, Tim Wimpey, Mike Sosebee, Mike Wilson, and Kim Cornelison.

Executive Session was held for the purpose of discussing future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4); and for 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).

Dana Miles brought the council up-to-date regarding the loan and the loan structure for the purchase of the building now known as the Dawsonville Municipal Complex. The Downtown Development Authority will purchase the building and then do a lease with an option to purchase back to the City. When SPLOST passes the debt can then be legally served by the City when it exercises the option to purchase on the lease. The Easements and Restrictions Agreement originally to be discussed by the Council in executive session will need to be executed by the Downtown Development Authority due to the restructuring of the loan.

The City Clerk made the council aware of a new Department of Labor program involving people currently receiving DOL services. Kim Cornelison explained that we are currently utilizing the services of Betty McGee 20 hours a week for 8 weeks so that Betty can be cross training into a different position. Kim Cornelison explained the need for additional office staff and the intent to open a position near the New Year for an administrative assistant.

The City Clerk presented the council with a contract to purchase the former city hall location (66 Hwy. 53 West). The contract is for the full appraisal price and is currently being rented by the purchaser. The council discussed the acceptance of the contract with a contingency that the City must close on the Dawsonville Municipal Complex prior to closing the former city hall parcel.

At 9:17 p.m., after discussion the matters of executive session, Tim Wimpey made a motion to adjourn. Mike Wilson seconded the motion; the motion carried unanimously.

Minutes approved this 14th day of November, 2005.

Joe Lane Cox, Mayor

Councilman Jonathan Cox

Councilman Tim Wimpey

Councilman Mike Sosebee

Councilman Mike Wilson

Attested: _____
Kim Cornelison, City Clerk