

City of Dawsonville
July 11, 2005
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 and concerned citizens of the City of Dawsonville and Dawson County.

Invocation and Pledge: Mayor Cox led the pledge and invocation.

Approval of Minutes: Councilman Jonathan Cox made a motion to approve the minutes of the regular meeting held June 6, 2005. Mike Sosebee seconded the motion, the motion carried unanimously.

Councilman Jonathan Cox made a motion to approve the minutes of the executive session held June 6, 2005. Mike Wilson seconded the motion, the motion carried unanimously.

Councilman Jonathan Cox made a motion to approve the minutes of the executive session held June 9, 2005. Mike Sosebee seconded the motion, the motion carried unanimously.

Old Business:

None.

New Business:

Adoption of updated zoning map to reflect approved and finalized annexations: Steve Holder made the council aware that the zoning map had been updated by GMRDC to include all recent annexations that did not have objections against them. Jonathan Cox made a motion to approve the updated zoning map. Tim Wimpey seconded the motion, the motion carried unanimously.

Sign Application: Lanier Vending Company, Inc.: Steve Holder presented a historic district sign application submitted by Gordon Pirkle for Lanier Vending Company, Inc. Steve informed the council that that Gordon Pirkle has made application for three signs to placed on the building facing the Kangaroo. The signs meet all requirements of the historic district sign ordinance. Tim Wimpey made a motion to approve the historic district sign application. Mike Wilson seconded the motion. The motion carried unanimously.

Sign Application: T.S.D.: Steve holder presented the Council a historic district sign application submitted by Anna Shmukler, President of T.S.D. The sign is for the old

Taylor House which houses three different businesses. The applicant is asking for a freestanding sign on Academy Ave. to advertise all of the businesses. Steve informed the council that the sign meets all requirements of the historic district sign ordinance. Jonathan Cox made a motion to approve the historic district sign application. Tim Wimpey seconded the motion. The motion carried unanimously.

Sign Application: Lithonia Signs for Jason Heard: Steve holder presented the Council a sign application submitted by Lithonia Signs for Jason Heard – the new Dollar General on Shoal Creek Road. It is for a monument sign and a wall sign for the business. The signs meet the requirements of the City’s sign ordinance. Mike Sosebee made a motion to approve the sign application. Mike Wilson seconded the motion. The motion carried unanimously.

Public Hearings:

Ordinance:

The second reading of an ordinance to amend the Land Use and Zoning Ordinance; to provide for an attendance requirement for members appointed to the Planning Commission; and for other purposes. City Attorney Dana Miles opened the public hearing. There being no public comment Tim Wimpey made a motion to approve the second reading of the ordinance. Jonathan Cox seconded the motion, the motion carried unanimously.

Ordinance:

The second reading of an ordinance to establish minimum standards for the maintenance of properties, structures and buildings; to establish penalties for violations; to provide for terms of enforcement; to repeal conflicting regulations; and for other purposes. City Attorney Dana Miles made the council and public aware that this ordinance is being consolidated with the ordinance formerly known as “Clean and Green” ordinance. The ordinance has been rewritten to make it easier to enforce and easier to understand because of the vagueness of the older ordinance. After working with the staff and council members the ordinance has been amended to include changes that were beneficial to the City and to the general public.

City Attorney Dana Miles opened the public hearing. Ms. Hilda Bennett asked for an update of what the ordinance is all about. The City Clerk provided a copy of the ordinance to Ms. Bennett. Dana made Ms. Bennett aware that the ordinance provides for maintenance and upkeep of both structures and land; to prevent dilapidated building from staying in a location that is a hazard. It prevents people from dumping garbage on their lawn and leaving it.

Ms. Bennett asked about penalties. The City Attorney explained that the first a letter would be sent by Mr. Holder’s office. The second step if there is no response to the letter then a citation can be issued; if there is no response to the citation then he can issue an administrative order which and if there is no response to that then he is

empowered to assess a fine. There is a right of appeal to the Mayor or council. This is an abbreviated version of the essence of the ordinance.

Tim Wimpey asked Dana about several specific sections in the ordinance.

Section 18-86 Councilman Wimpey was concerned about houses built before 1950 should perhaps be exempted from this section.

In Section 18-87 Subsection C-3 Councilman Wimpey wanted to verify if refuse included leaves. Dana responded that garbage and refuse are not considered leaves.

In Section 18-90 the Planning and Zoning Administrator shall have the right to enter premises for the purpose of conducting investigations. Councilman Wimpey was concerned that this may infringe upon people's rights. Dana said if a complaint is filed on a particular location, the only way Holder could investigate would be to go to the site and taking a look. Most instances he will be able to tell if there is something obvious from the street. He's not going to into the house. Dana assured Councilman Wimpey that it does not waive anyone' constitutional rights. It goes on to say he is to provide proper identification and to provide advance notice of the inspections.

In Section 18-92 subsection B used to say 10 days – it now says 5 days. Dana told Councilman Wimpey that some of the suggestions he received back said that 10 days was too long and that it should be shortened because of once they receive notice if they are going to objection they would do so in a relative quick period.

In the same section how can Mr. Holder review and enforce. Dana explained that if someone issued a complaint, then Mr. Holder would issue a letter to the property owner. The property owner may have a logical explanation for the issue at hand.

In the same section, subsection C, Councilman Wimpey felt if a hand delivery of an Administrative Order was necessary should Mr. Holder have some sort of a receipt record that he did issue order; and if by mail, should he get a return receipt? Dana told Councilman Wimpey that is not required to be in the ordinance, but is a matter of implementation. It would be best if an "I have hand delivered (blank) to (blank) on this day etc. Most people will not sign for these things. Mr. Holder will need to certify that he has served them in a certain way.

Councilman Wimpey asked about a clause including how tall grass can grow in a residential area? Councilman Cox disagreed with him. City Clerk Kim Cornelison said that many of the newer subdivision have HOA's that address these types of things. Dana stated that the whole idea of the ordinance is to prevent danger to the public.

Section 18-92 Appeals. The original ordinance stated appeals go before the Mayor and Council. The latest version has that going before the Mayor only. Should it not be both the Mayor and Council? Dana said the idea was to speed the process up. The Mayor

could hold an appeal hearing within a week compared to waiting for the monthly City Council meetings.

There was a great amount of discussion regarding the next step if a person felt he still needed to appeal. After the discussion concluded Jonathan Cox made a motion to have the final appeal in the City Court's jurisdiction. Mike Sosebee seconded the motion; the motion carried unanimously.

Dana closed the public hearing. Jonathan Cox made a motion to approve the second reading of the ordinance, as amended. Mike Sosebee seconded the motion; the motion carried unanimously.

Ordinance:

The first reading of an ordinance to create the Georgia Racing Hall of Fame Commission; to define purposes and powers; to define terms of members, procedures for appointments and filling vacancies; to define effective date; and for other purposes. City Attorney Dana Miles addressed the council and public stating that the ordinance's purpose is to create a commission that is part of the City of Dawsonville that is the Georgia Racing Hall of Fame. The ordinance will help with many of the practical problems we've had in the past and in doing this we create an entity that is empowered to accept donations for charitable purposes, that helps manage the Racing Hall of Fame, helps with the museum that will be established here under the auspices of City government. It allows a budget to be created to provide funding to them that would not be considered any sort of violation of the gratuity clause of the constitution. City Attorney Dana Miles opened the public hearing.

City Clerk Kim Cornelison told the Council that she met with the GRHOF volunteers last Friday to go over the ordinance and hashed over the first draft. It was a pleasure to work with the group because they came to the table willing to address the past and set things up to protect the museum from these same types of circumstances.

Councilman Cox verified that the Commission would be required to hold open meetings like the DDA. Dana confirmed this statement by letting the council know they are required to meet at least quarterly, but they could meet more. Their meetings would be open to the public.

There being no public comment Jonathan Cox made a motion to approve the first reading of the ordinance as written. Mike Sosebee seconded the motion. The motion carried unanimously.

The Mayor announced that we still have to enter into a lease agreement with them. City Attorney Miles acknowledged stating that until we have the building finalized it is premature to enter into a lease agreement.

Rezone Request: 05-005

Joseph P. Marszalek has requested a Zoning Map Amendment for TMP 93-20.002 consisting of 1.002 acres, also known as 62 Jack Heard Road. Current zoning for this property is: CIR (Restricted Industrial Commercial). Requested zoning by applicant is: CHB (Commercial Highway Business). Steve Holder made the Council aware that the Planning Commission recommended approval. Joseph Marszalek told the council he would like to put a small business strip there. Jonathan Cox made a motion to approve rezone request 05-005. Tim Wimpey seconded the motion; the motion carried unanimously.

Councilman Cox told the Mayor before business moved on to the Mayor's report he wanted make an appointment to the Planning Commission alternates.

Jonathan Cox made a motion to appoint Mark Byrd as Jimmy Castleberry's alternate for the Planning Commission. Tim Wimpey seconded the motion; the motion carried unanimously.

Mayor's Report:

Mayor Cox read a letter fro the GRHOF volunteers for the City's donation towards the July 4th fireworks. Mayor Cox stated that the event went very well and it appeared that everyone had a very good time. He told the GRHOF volunteers he appreciated all of their work and effort.

Jonathan Cox announced that he heard it all went well and that the DDA was happy to provide a matching donation to the City's to help fund the fireworks.

Mayor Cox wanted to make everyone aware of a Veterans Day Celebration going on Friday, November 11, 2005. They want to have a parade and ceremony. The community is encouraged to get involved in this event. The Mayor and Council have been invited to be in the parade.

Public Comment:

There being no further business to attend to, a motion was made by Tim Wimpey to adjourn the meeting at 7:54 p.m. Mike Sosebee seconded the motion; the motion carried unanimously.

Minutes approved this 1st day of August, 2005.

Joe Lane Cox, Mayor

Councilman Jonathan Cox

Councilman Tim Wimpey

Councilman Mike Sosebee

Councilman Mike Wilson

Attested: _____
Kim Cornelison, City Clerk