

**MINUTES
CITY COUNCIL REGULAR MEETING
OCTOBER 5, 2009
7:00 P.M.**

CALL THE MEETING TO ORDER: Mayor Cox called the meeting to order at 7:00 p.m.

ROLL CALL: Those present included Mayor Cox, Council Members Jonathan Cox, Mike Wilson, Linda Grant, and Mike Sosebee. Staff present included Dana Miles, Kim Cornelison, and Russ Chambers.

INVOCATION AND PLEDGE: Invocation was led by Dana Miles, followed by the pledge.

APPROVAL OF MINUTES:

Council approved the minutes from the regular meeting held September 14, 2009, 2009; motion by Sosebee, second by Wilson.

NEW BUSINESS:

Proclamation recognizing October as National Down Syndrome Awareness Month: Dana Miles read the proclamation in to the minutes; the City Clerk recognized and presented the proclamation to the Shelp and Gross families. Proclamation is attached hereto as Exhibit "A".

Proclamation supporting the 2010 Census: Kim Cornelison read the proclamation in to the minutes and subsequently presented the proclamation to the Census Representatives Anh Nguyen, Partnership Specialist, Juanita Crake, Partnership Assistant and others. Mr. Nguyen presented the Mayor with a 2010 Census shirt. Proclamation is attached hereto as Exhibit "B".

Historic Sign Permit Application – Easy Auto located at 103 Hwy. 9 North. Mayor Cox presented the Historic Sign Permit Application for Easy Auto stating that the application was in order. Mike Sosebee made a motion to approve; Linda Grant seconded and the motion carried.

Historic Sign Permit Application – Frank's Market located at 83 West 1st Street. Mayor Cox presented the Historic Sign Permit Application for Frank's Market stating that the application was in order. Mike Sosebee made a motion to approve; Linda Grant seconded and the motion carried.

Historic Sign Permit Application – Mason-Dixon/Conway's Kustoms at 59 Hwy. 9 South. Mayor Cox presented the Historic Sign Permit Application for Mason-Dixon/Conway's Kustoms stating that the application was in order. Mike Sosebee made a motion to approve; Linda Grant seconded and the motion carried.

PUBLIC HEARINGS:

To hear an ordinance amending the current parade, public assembly and public demonstration ordinance of the City of Dawsonville, Georgia; providing for insurance requirements in certain circumstances; providing for an effective date, and for other purposes.

Dana Miles opened the public hearing amending the current parade/public assembly ordinance which provides for insurance requirements. There were approximately 20 people in attendance; no one spoke during the public comment.

Council unanimously approved and adopted and the second reading of the ordinance; motion by Sosebee, second by Wilson. Ordinance is attached hereto as Exhibit "C".

MAYOR'S REPORT:

Mayor Cox asked the council to approve amending the agenda to include discussion on City Hall hours; extending upcoming holidays, and potential monthly meeting time changes. Jonathan Cox made a motion to amend the agenda to include all three topics; Linda Grant seconded, the motion carried.

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City Hall Operating Hours Time Change: Mayor Cox asked the council to support changing the office hours of city hall permanently back to 8:00 a.m. – 4:30 p.m. staggering lunches so there would be continuous coverage during operating hours.

Linda Grant made a motion to change city hall's business hours to 8:00 a.m. – 4:30 p.m. with staggered lunches. Mike Sosebee seconded the motion and the motion carried.

Extend Holiday Schedule for Thanksgiving and Christmas: Mayor Cox asked the council to support allowing staff to take a personal leave day on Wednesday, November 25, and December 23rd. This would allow staff to spend the holidays with their families but would close city hall on those days.

Linda Grant made a motion to authorize the Mayor to close city hall on Wednesday, November 25 and December 23rd to extend holidays for staff. Staff would need to take a personal leave day to be paid for the extra time off. Mike Wilson seconded the motion; the motion carried.

Monthly meeting time change: Mayor Cox asked the council to consider changing the monthly council meetings from 7 p.m. to 5:30 p.m. Legal council made the council aware that any changes in meeting time would require ordinances, advertising and notification to the Secretary of State. Council authorized Mr. Miles to draft the requisite ordinance and present at the next meeting.

EXECUTIVE SESSION:

At 7:25 p.m. Mike Sosebee made a motion to go in to executive session for the purpose of discussion pending litigation and future land acquisition; Grant seconded and the motion carried unanimously.

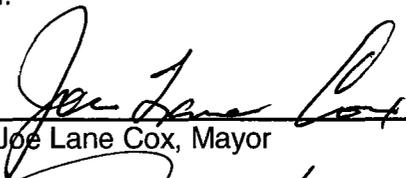
Dana Miles brought the council up-to-date on the following pending legal cases: Bowen v. D.D.A. stating the DDA has won the motion for summary judgment. Butler v. City of Dawsonville – council has filed a writ of certiorari in the supreme court. Gold Creek LLC v. City of Dawsonville zoning case legal council expects this to be dismissed since Gold Creek no longer hold the real property. Hamryka v. City of Dawsonville went before Judge Gosselin on Friday, September 18th, she asked for supplemental briefs to be filed before she ruled on any motions.

Mayor Cox presented a parcel of property consisting of 2.96 acres located in town that has been offered to the city to purchase. Council did not wish to pursue purchasing this property.

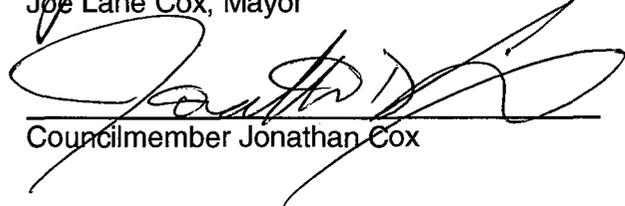
Gary Barr is still working on property contracts for future well sites. .

At 7:44 p.m. council closed executive session; motion by Mike Wilson, second by Jonathan, motion carried.

ADJOURNMENT: There being no further business to attend to, Mike Wilson made a motion to adjourn, seconded by Linda Grant. Meeting adjourned at 7:44 p.m.



Joe Lane Cox, Mayor



Councilmember Jonathan Cox

MINUTES
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OCTOBER 5, 2009
7:00 P.M.


Councilmember Linda Grant


Councilmember Mike Sosebee


Councilmember Mike Wilson

Attested: 
Kim Cornelison, City Clerk

STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Joe Lane Cox, Mayor, Jonathan Cox, Council Member; Linda Grant, Council Member, Mike Sosebee; Council Member and Mike A. Wilson, Council Member; 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 5th day of October, 2009.

2. During such meeting, the Board voted to go into closed session.

3. The executive session was called to order at 7:25 a.m. (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:

X 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 _____;

X Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

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);

Other _____ as provided in: _____

This 5th day of October, 2009.

Joe Lane Cox
Joe Lane Cox, Mayor

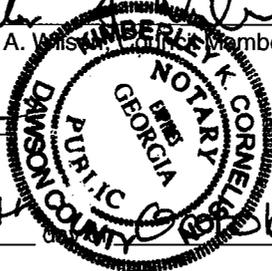
City of Dawsonville, Mayor and council
Jonathan Cox
Jonathan Cox, Council Member

Linda Grant
Linda Grant, Council Member

Mike Sosebee
Mike Sosebee, Council Member

Mike A. Wilson
Mike A. Wilson, Council Member

Kim H. Cornelison
Kim Cornelison, City Clerk
Notary Public



Sworn to and subscribed before me this 5th day of October, 2009.

My Commissioner expires: August 14, 2012



Proclamation

Recognizing October as National Down Syndrome Awareness Month



Whereas, individuals with Down syndrome are active citizens who contribute much to the overall quality of life in this community; and

Whereas, greater public awareness and acceptance of these persons will increase their access to education, employment, housing and social and recreational opportunities; and

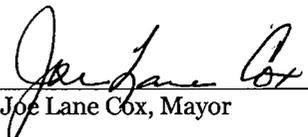
Whereas, it is the desire of our community to create a place where all people can explore and develop their varied abilities, can enjoy productive work, and can contribute by meaningful participation in the life of the community; and

Whereas, the City of Dawsonville, on behalf of the National Down Syndrome Congress, has worked to secure this proclamation; and

Whereas, it is the goal of the City of Dawsonville to instill positive perceptions of people with Down syndrome;

Now therefore, I Joe Lane Cox, do hereby designate October, 2009 National Down Syndrome Awareness Month and encourage all our citizens to promote positive awareness and greater opportunities for persons with Down syndrome, and challenge the citizens of our community to look beyond a person's particular disability, and focus instead upon each person's diverse abilities and contributions to the community.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Dawsonville to be affixed this 5th day of October, 2009.



Joe Lane Cox, Mayor

Attest:



Kim Cornelison, City Clerk



Exhibit "A"



Proclamation

In Support of the 2010 Census



Whereas, an accurate census count is vital to our community and residents wellbeing by helping planners determine where to locate schools, daycare centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population; and

Whereas, more than \$400 billion dollars per year in federal and state funding is allocated to states and communities based on census data; and

Whereas, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislature, county and city councils and voting districts; and

Whereas, the 2010 Census creates jobs that stimulate economic growth and increase employment; and

Whereas, the information collected by the census is protected by law.

Now, therefore, the City of Dawsonville does hereby proclaim that it is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner we will:

Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.

Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.

Support census takers as they help our community complete an accurate count.

Create or seek opportunities to collaborate with other likeminded groups in our community by participating in Complete Count Committees and/or utilizing high profile, trusted voices to advocate on behalf of the 2010 Census.

In Witness Whereof, I have set my hand and seal this 2nd day of ~~March~~^{October}, 2009.

Attest:


Kim Cornelison, City Clerk


Joe Lane Cox, Mayor



Exhibit "B"

Ordinance No. _____

1st Reading Sept. 14, 2009

2nd Reading Oct 5, 2009

PARADE, PUBLIC ASSEMBLY, AND PUBLIC DEMONSTRATION ORDINANCE

AN ORDINANCE AMENDING THE CURRENT PARADE, PUBLIC ASSEMBLY AND PUBLIC DEMONSTRATION ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA; PROVIDING FOR INSURANCE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, parades, public assemblies, demonstrations, road closings and rallies can interfere with the movement of emergency vehicles and other traffic and thereby endanger public safety; and

WHEREAS, unregulated parades, public assemblies, demonstrations, road closings and rallies have been known to be accompanied by civil unrest and disturbance, accompanied in some cases by significant public injuries and property damage; and

WHEREAS, courts have recognized the right of municipalities to enact reasonable time, place and manner restrictions related to parades, public assemblies, demonstrations, rallies, road closings, and similar activities such as those established hereby, while respecting and protecting in a content-neutral fashion the Free Speech rights of groups and individuals wishing to express their views by such methods; and

WHEREAS, the City of Dawsonville, Georgia is empowered to enact ordinances concerning the subject matter of this ordinance pursuant to its Charter at § 1.12(16)(29)(31)(34)(36)(42)(43) and (49).

WHEREAS, it is reasonable and appropriate for the City of Dawsonville, Georgia, to enact the regulations hereinafter provided to ensure the delivery of critical emergency services, protect public safety, maintain the orderly and safe flow of traffic, and ensure the safety of individuals and property while also respecting and ensuring Free Speech rights; and

AND WHEREAS, to properly protect the right of the public to engage in free speech, while balancing the City's need to have reasonable time, place and manner regulations on the same, it is necessary to amend the current Parade, Public Assembly, and Public Demonstration Ordinance.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAIN AS FOLLOWS:

Section One. Repeal of Prior Provision Concerning Insurance Requirements

Section 8(c) of the current Parade, Public Assembly and Public Demonstration Ordinance of the City of Dawsonville, Georgia, adopted June 1, 2009, which provision set forth requirements for insurance under said ordinance is hereby deleted in its entirety.

Section Two. Enactment of a New Provision Concerning Insurance Requirements

Section 8(c) of the Parade, Public Assembly and Public Demonstration Ordinance of the City of Dawsonville, Georgia shall read as follows:

- c. Insurance Requirements: Applicants for a permit under this Ordinance shall be required to obtain insurance for the parade, demonstration, rally, road closing, or other such activity whenever any one or more of the following threshold criteria are met:
- (i) primary attendance (that is, attendance primarily for said parade, demonstration, rally, road closing, or other such activity, and not attendance which is the result of another event) is reasonably expected to meet or exceed five thousand (5,000) persons;
 - (ii) the parade, demonstration, rally, road closing, or other such activity will include the use, participation, exhibition, or showing of live animals;
 - (iii) the parade, demonstration, rally, road closing, or other such activity will include the use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors or similar conveyances;
 - (iv) the parade, demonstration, rally, road closing, or other such activity will include the use of a stage, platforms, bleachers, or grandstands which will be erected for the event;
 - (v) the parade, demonstration, rally, road closing, or other such activity will include the use of inflatable apparatus used for jumping, bouncing, or similar activities;
 - (vi) the parade, demonstration, rally, road closing, or other such activity shall include the use of roller coasters, bungee jumping, or similar activities;
- or
- (vii) the parade, demonstration, rally, road closing, or other such activity shall include vendors or concessions.

To comply with this requirement any applicant to whom this section applies shall provide the City with a copy of the declarations page of the applicant's liability insurance in place to cover the event set forth in the permit application. For such events the City shall be added as a named insured for the event on the declarations page by the insurance carrier. Minimum policy limits shall be \$1 million per person per incident, \$2 million aggregate for the entire event. All costs for the insurance and adding the City as an additional

named insured shall be borne by the applicant. The insurance shall be such as to protect the City from any and all claims of damages to property and/or bodily injury.

Section Three. Severability

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

Section Four. Repeal of Conflicting Ordinances

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

Section Five. Effective Date

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

SO ADOPTED by the City Council of Dawsonville, Georgia, this 5th day of October, 2009.

MAYOR AND CITY COUNCIL

By:



Joe Lane Cox, Mayor

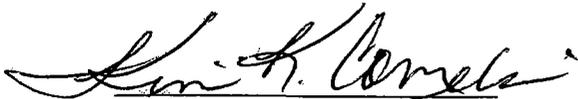


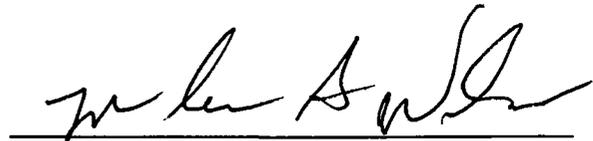
Mike Sosebee, Council Member



Linda Grant, Council Member

ATTESTED TO BY:


Kim Cornelison, City Clerk


Mike Wilson, Council Member


Jonathan Cox, Council Member