

**MINUTES
CITY COUNCIL REGULAR MEETING
FEBRUARY 2, 2009
7:00 P.M.**

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

Mayor Cox made a brief announcement stating that the public hearing for the AMP Motor Sports Park public hearing has been postponed until February 16, 2009.

ROLL CALL: Those present included Mayor Cox, Council Members Linda Grant, Mike Sosebee, Jonathan Cox and Mike Wilson; staff present were Kim Cornelison, Steve Holder, and Dana Miles, City Attorney.

INVOCATION AND PLEDGE: Invocation was led by Jonathan Cox, followed by the pledge.

APPROVAL OF MINUTES:

Council unanimously approved the minutes from the regular meeting held on January 5, 2009; motion by Linda Grant, second by Mike Wilson.

NEW BUSINESS:

Appointment: Superintendent of Elections: Mayor Cox asked the council to consider appointing Kim Cornelison and the Superintendent of Elections. Mike Sosebee made a motion to accept the appointment; Jonathan Cox seconded. The motion carried unanimously.

Qualifying Fees for November 3, 2009 general election: Kim Cornelison presented the qualifying fees as is required and provided for under Georgia code. The qualifying fees will be for the two positions up for election this year; those seats are for Council members Jonathan Cox and Linda Grant. Motion by Mike Sosebee; second by Linda Grant – the motion carried unanimously.

Appointment – Linda Grant to GMRDC Board Jan – July, 2009: Mayor Cox asked the council to appoint Linda Grant to fill the GMRDC board appointment position until the end of the GMRDC fiscal year – July 2009. Motion by Mike Sosebee to approve the appointment; second by Mike Wilson, motion carried unanimously.

Request to consider ordinance – Letter from County Commission Chairman Mike Berg: Kim Cornelison presented a letter and proposed noise ordinance that the County Commission is considering; the commission requests that the City Council also consider this as well. Mayor Cox asked the city attorney to research the legality of it and bring it up again at a subsequent meeting.

Request to write off uncollected accounts: Kim Cornelison asked the council to authorize the staff to write off four different accounts that totaling \$787.00. Two accounts were midnight movers; one has filed bankruptcy; and the other has been locked off since September 2008 with no service and no payment. Dana Miles noted that the city has filed a claim on the account that has filed bankruptcy and that while it does not look likely that unsecured creditors will be paid, the claim is still viable and proceeding. Kim Cornelison assured the council that if payment ensued on this or any other write off account, then the utility billing software is capable of re-establishing the account and accepting payment. Linda Grant made a motion to approve, Mike Sosebee seconded; the motion carried unanimously.

Dawson Day – Thunder in the Sky: Kim Cornelison presented a draft proposal from the county in which they are asking for collaboration on the event and financial support of the fire works display. Mayor Cox asked the Council to consider what level of commitment will be acceptable considering the financial state of the city and overall economy and to get back with him.

Alcoholic Beverage License Application for B.P. Foodmart by owner/applicant Shahina A. Jamani, located at 75 Hwy. 9 North: Kim Cornelison presented the alcoholic beverage license stating that everything is in

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order on the application and background check. Mike Sosebee made a motion to approve; Linda Grant seconded. The motion carried unanimously.

Mayor Cox recognized Cecil Bennett, Board of Education member and asked Cecil to introduce his guest. Cecil introduced Mr. Think Truong, the new manager of Wal-Mart stating that Wal-Mart is glad to be a part of Dawson County and to support the local non-profit agencies in the county.

PUBLIC HEARINGS:

An Ordinance to amend the current Hotel-Motel Excise Tax Ordinance; to repeal an exemption and provide for a new exemption; to provide for the collection of the tax for the period of occupancy permitted by Georgia Law; to provide for an effective date; to repeal conflicting ordinances; to provide for severability; and for other purposes. First hearing January 5, 2009; second hearing February 2, 2009.

Dana Miles presented the ordinance to the council for the second reading, stating that there was a change in state law and this ordinance was revised this ordinance to comply with state law.

Mr. Miles opened the public hearing; there were approximately 22 people in attendance and no one spoke in favor or opposition. The public hearing was closed and turned over to the Mayor. Mayor Cox called for a vote. Mike Sosebee made a motion to approve the second reading and adoption of the ordinance; Linda Grant seconded and the motion carried unanimously. Attached as Exhibit "A".

An Ordinance to amend the Utilities code on water and sewer bill payment by repealing existing section 14-39 in light of current state law; to provide for new section 14-39; to provide for an effective date and for other purposes. First hearing January 5, 2009; second hearing February 2, 2009.

Dana Miles presented the ordinance stating that this is the second reading. There is a portion of our existing ordinance that conflicted with state law and the whole purpose of this ordinance is to correct that conflict by repealing the stated section.

Mr. Miles opened the public hearing; there were approximately 22 people in attendance and no one spoke in favor or opposition. The public hearing was closed and turned over to the Mayor. Mayor Cox called for a vote. Mike Sosebee made a motion to approve the second reading and adoption of the ordinance; Linda Grant seconded and the motion carried unanimously. Attached as Exhibit "B".

MAYOR'S REPORT:

The Mayor again reminded everyone that the public hearing on the motor sports park will be held February 16th at 6:00 p.m. in the evening.

Next the Mayor read an email from Isaiah Weed a city resident thanking the city for all of the positive change to downtown. Attached as Exhibit "C".

Mayor Cox read a letter from Chairman Berg thanking the city for the use of the G.L. "Pete" Gilleland Council chambers and the helpful nature of the staff. Attached as Exhibit "D".

Lastly Mayor Cox read a letter from Bill Byrne, president of Big Canoe Company LLC regarding the AMP Motor Sports Park. Attached as Exhibit "E".

Mayor Cox announced the need to go in to executive session for the purpose of discussing property acquisition/disposition and threatened or pending litigation.

Jonathan Cox made a motion to suspend regulation session; Mike Sosebee seconded. Motion carried unanimously.

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EXECUTIVE SESSION: At 7:25 p.m. Jonathan Cox made a motion to go in to executive session for the purpose of discussing the acquisition or disposition of property and for threatened or pending litigation. The motion was seconded by Linda Grant; motion carried unanimously.

Mayor Cox presented a proposal to the council regarding the sale of property located in the historic district. The Council authorized the Mayor to proceed with the disposition of said property.

The Council listened to a proposal from Ken Newell, President of the RIC Rack and Calvin Byrd, President of Kare for Kids regarding the utilization of city property to build a building to house several local nonprofit social services.

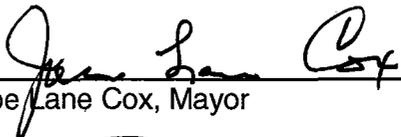
Council authorized staff and the affected agencies to go forward with research regarding this potential project.

Council heard from the City Attorney regarding threatened litigation and his opinion on how to proceed with this issue.

Council adjourned executive session at 8:15 p.m. Motion by Mike Sosebee, second by Linda Grant; motion carried unanimously.

Council reconvened the regular meeting at 8:15 p.m. Motion by Mike Sosebee, second by Linda Grant, motion carried unanimously.

ADJOURNMENT: There being no further business, Mike Sosebee made a motion to adjourn, seconded by Linda Grant. Meeting adjourned at 8:15 p.m.



Joe Lane Cox, Mayor



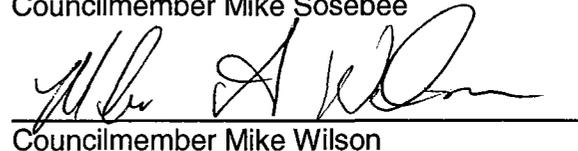
Councilmember Jonathan Cox



Councilmember Linda Grant



Councilmember Mike Sosebee



Councilmember Mike Wilson

Attested: 

Kim Cornelison, City Clerk

FIRST READING Jan. 5, 2009
PUBLISHED Dec 24+31, 2008 Jan 28, 2009
PASSED Feb. 2, 2009

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND THE CURRENT HOTEL-MOTEL EXCISE TAX ORDINANCE; TO REPEAL AN EXEMPTION AND PROVIDE FOR A NEW EXEMPTION; TO PROVIDE FOR THE COLLECTION OF THE TAX FOR THE PERIOD OF OCCUPANCY PERMITTED BY GEORGIA LAW; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to O.C.G.A. § 48-13-51(a)(1), the governing authority of each municipality in this State may levy and collect an excise tax upon the furnishing for value to the public of any room or rooms, lodging or accommodations furnished by any person or legal entity licensed by or required to pay business or occupation taxes to the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, or any other place in which rooms, lodging or accommodations are regularly furnished for values; and

WHEREAS, the City of Dawsonville, Georgia has previously implemented the same through its Hotel-Motel Excise Tax Ordinance adopted December 5, 2005, and codified Chapter 11, Article 3 of the Code of Dawsonville Georgia; and,

WHEREAS, the General assembly of the State of Georgia has recently amended the law governing excise taxes on rooms, lodgings and accommodations; and ,

WHEREAS, the City of Dawsonville has determined that it is in the best interests of the City of Dawsonville to amend its Hotel-Motel excise tax to conform to the recently amended state law.

NOW THEREFORE, pursuant to the authority granted to the City of Dawsonville by its Charter and the authority referenced above, the Council of the City of Dawsonville hereby ordains as follows:

SECTION 1. REPEAL OF PREVIOUS EXEMPTION PROVISION

§ 11-59 of Chapter 11, Article 3 of the Code of Dawsonville Georgia is repealed in its entirety.

SECTION 2. ENACTMENT OF NEW EXEMPTION PROVISION.

In place of the repealed § 11-59 of Chapter 11, Article 3 of the Code of Dawsonville Georgia, the following shall be inserted as a new § 11-59 of Chapter 11, Article 3 of the Code of Dawsonville Georgia:

- (a) The tax provided in this Article shall be levied upon the fees or charges for any room, lodgings or accommodations during the first thirty (30) days of continuous occupancy, but shall not be imposed on any continuous occupation of said room, lodging or accommodation thereafter.
- (b) No tax shall be levied as provided in this Article upon the fees or charge for any rooms, lodgings, or accommodations furnished for a period of one (1) or more days for use by Georgia State or local government officials or employees when traveling on official business.
- (c) No tax shall be levied on meeting rooms or any room, lodging or accommodation provided without charge.

SECTION 3. INCORPORATION AND REPEALING CLAUSE.

All portions of Chapter 11, Article 3 of the Code of Dawsonville Georgia not expressly repealed are reaffirmed and incorporated herein it being the intent of the City

Council to reaffirm its Hotel-Motel Excise Tax as amended by this ordinance. Any other ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 4. SEVERABILITY OF PARTS OF ORDINANCE.

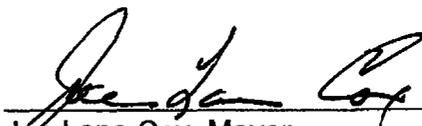
The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

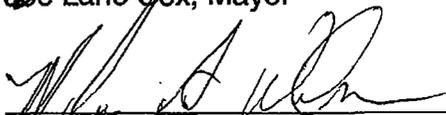
SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective upon its approval by the City Council of the City of Dawsonville, Georgia.

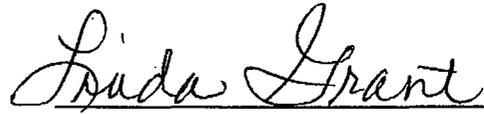
APPROVED this 2nd day of February, 2009 by the Mayor and Council of the City of Dawsonville, Georgia.

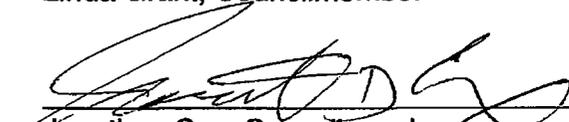
DAWSONVILLE CITY COUNCIL

By: 
Joe Lane Cox, Mayor


Mike Wilson, Councilmember


Mike Sosebee, Councilmember


Linda Grant, Councilmember


Jonathan Cox, Councilmember

Attest:


Kim Cornelison
City Clerk

FIRST READING Jan. 5, 2009
PUBLISHED 12/24+31/08 1/28/09
PASSED Feb. 2, 2009

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND THE UTILITIES CODE ON WATER AND SEWER BILL PAYMENT BY REPEALING EXISTING SECTION 14-39 IN LIGHT OF CURRENT STATE LAW; TO PROVIDE FOR A NEW SECTION 14-39; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, pursuant to O.C.G.A. § 36-60-17, the City is prohibited from refusing to supply water and sewer services to a residential customer because of a prior outstanding bill at the same residence incurred by a different customer; and

WHEREAS, § 14-39 of Chapter 14, Article 2 of the Code of Dawsonville Georgia currently requires that the landlord or owner of the residential property pay the outstanding bill before new service will be provided to the same residence for a different customer than the one who incurred the outstanding bill and this provision arguably conflicts with the state law set forth in O.C.G.A. § 36-60-17.

NOW THEREFORE, pursuant to the authority granted to the City of Dawsonville by its Charter and the authority referenced above, the Council of the City of Dawsonville hereby ordains as follows:

SECTION 1. REPEAL OF EXISTING §14-39

§ 14-39 of Chapter 14, Article 2 of the Code of Dawsonville Georgia is repealed in its entirety.

SECTION 2. ENACTMENT OF A NEW §14-39.

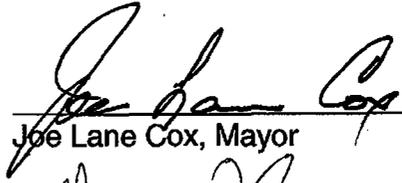
In place of the repealed § 14-39 of Chapter 14, Article 2 of the Code of Dawsonville Georgia, the following shall be inserted: **§ 14-39. RESERVED.**

SECTION 3. EFFECTIVE DATE.

This Ordinance shall become effective upon its approval by the City Council of the City of Dawsonville, Georgia.

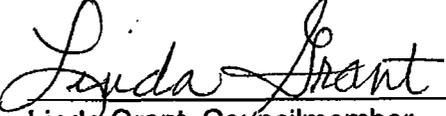
APPROVED this 2nd day of February, 2009 by the Mayor and Council of the City of Dawsonville, Georgia.

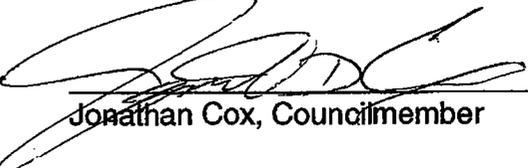
DAWSONVILLE CITY COUNCIL

By: 
Joe Lane Cox, Mayor

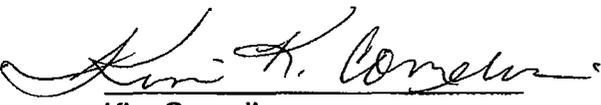

Mike Wilson, Councilmember


Mike Sosebee, Councilmember


Linda Grant, Councilmember


Jonathan Cox, Councilmember

Attest:


Kim Cornelison
City Clerk

Joe Lane Cox

From: Isaiah Weed [isaiah_weed@hotmail.com]
Sent: Wednesday, January 28, 2009 8:41 PM
To: mayor@dawsonville.com
Subject: Thanks

Dear Mayor Cox:

I am a new, second time resident of Dawsonville. I live in the Maple Street Townhomes community. I purchased my home in 2006 and lived here for about a year, then rented it through the end of 2008 and have since moved back in. I just wanted to drop you a quick note based on the "Dawsonville Profile" that I received along with my water bill.

I think the city is doing wonderful - I'm always telling people of how much positive change has come since my initial residence back in '06. From the improvements to the view (sidewalks, clean-up, etc.) to the new business being brought in, I think the city doing awesome. I've thought this positive change to be a result of you and your team, and the recent newsletter really shows how much you care about the community and the residents. From the listing and contact info for the elected officials and your personal message, this really says a lot about how much you care and are doing for the community. I haven't had much experience with the city staff, but the lady who manages the water (I can't think of her name) is always extremely pleasant and helpful, and a great reflection of the city.

As you mentioned in your message, you and all officials are always in my thoughts and prayers. Thank you much for your efforts and your time.

Keep up the good work!

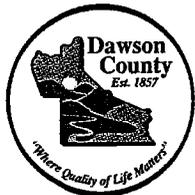
-Isaiah

Isaiah Weed
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Dawsonville, GA 30534
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isaiah_weed@hotmail.com

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)

Exhibit "C"

1/29/2009



DAWSON COUNTY BOARD OF COMMISSIONERS

January 22, 2009

Mike Berg
Chairman

Gary Pichon
Commissioner
District One

James Swafford
Commissioner
District Two

Mike Connor
Commissioner
District Three

Julie Hughes Nix
Commissioner
District Four

Kevin Tanner
County Manager

Davida Simpson
County Clerk

Dear Joe:

As we welcome in a new year I would like to thank you for agreeing to let us use the Dawsonville Municipal Complex for various meetings. The staff has been very helpful and the facility is superb.

Once again, thank you and I look forward to working with you in the future.

Sincerely,

Mike Berg, Chairman
Dawson County Board of Commissioners

Exhibit "D"



Big Canoe Company, LLC

January 28, 2009

Honorable Joe Lane Cox
Mayor, City of Dawsonville
415 Highway 53 East
Dawsonville, Georgia 30534

Re: Atlanta Motorsports Park

Dear Mayor Cox:

I am writing on behalf of Big Canoe Company, LLC, and the developer of the Big Canoe Community. The Company is keenly aware of the application by the applicant to change the official zoning map from a residential (R1) to a commercial district (CIR). Though not adjacent, we definitely are in the neighborhood and want to be reassured that any change still facilitates and promotes desirable living conditions and the sustained stability of neighborhoods.

At the meeting of the planning commission, the applicant stated that they are amending the site plan submitted per the commission's request. The commission has requested that an additional sound study be performed by the applicant for review. It would seem that at the very least these conditions should be met before any further action is taken on this matter.

The Company believes that for the general welfare of the present and future inhabitants of the City and County that this application which requests a significant change in permitted uses should be thoroughly reviewed by the Planning Commission and the City Council prior to any further action.

Thank you for your continued service and attention to this matter.

Sincerely yours,

William J. Byrne
President

CC: Mike Benz, Vice President of Land Development, Big Canoe Company, LLC

EXHIBIT "E"

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 2nd day of February, 2009.

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

3.
The executive session was called to order at _____ 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 2nd day of February, 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 Cornelison
Kim Cornelison, City Clerk
Notary Public



Sworn to and subscribed before me this 2nd day of February

My Commissioner expires: August 14, 2012