

**MINUTES
RESCHEDULED-CITY COUNCIL REGULAR MEETING
JANUARY 18, 2011
4:00 P.M.**

CALL THE MEETING TO ORDER: Mayor Joe Lane Cox called the meeting to order at 4:03 p.m.

ROLL CALL: Those present included Mayor Joe Lane Cox, Council Members Calvin Byrd, Mike Wilson, W. James Grogan, and Mike Sosebee. Staff included Dana Miles, Bonnie Warne, Gary Barr and Russ Chambers. Also present were the newspaper reps and citizens of the City and County.

INVOCATION AND PLEDGE: Invocation and pledge was led by Mike Wilson.

APPROVAL OF MINUTES OF REGULAR MEETING: Council unanimously approved the minutes of the regular meeting held December 6, 2010. Motion by M. Sosebee; seconded by M. Wilson.

APPROVAL OF MINUTES OF CALLED MEETING: Council unanimously approved the minutes of the called meeting held December 17, 2010. Motion by C. Byrd; seconded by M. Sosebee.

OLD BUSINESS: None

NEW BUSINESS:

Rescind Action at Last Meeting: J. Grogan motioned to rescind the action of Dec. 6 meeting increasing the salaries to offset insurance cost. M. Sosebee seconded the motion. Motion carried unanimously. J. Grogan motioned to pay the additional cost of \$80.88/month from the General Fund. M. Sosebee seconded. Motioned carried unanimously.

2011 Election Qualifying Fees: Qualifying fees are to be set by Feb. 1st. Fees are 3% of preceding year gross salary of the position. Motion to approve the qualifying fees of \$213.00 for each council member and \$741.00 for Mayor: C. Byrd/M. Sosebee. Motion carried unanimously.

Bid for Garbage Collection 2011: Motion to solicit bids for garbage collection: M. Sosebee/C. Byrd. Motion carried unanimously.

Amend agenda for Bid of maintenance shed: Motion was made to amend the agenda for approval to bid for maintenance shed; Sosebee/Grogan. Vote was unanimous.

Proposed Condemnation: Jeffery Coe's Property located at 20 W. 1st St. and 2 Shoal Creek Rd. Dana Miles stated that as instructed by the Mayor and Council the above mentioned property has been appraised for the potential usage of a downtown parking lot and City green space area focused on the award winning water and sewer dept. An offer to purchase at the appraised amount was made to Mr. J. Coe with no response. C. Byrd motioned to formally start the condemnation process. J. Grogan seconded the motion. Motion carried unanimously to start the condemnation process.

PUBLIC HEARINGS:

Outdoor Water Use Ordinance Amendment: An ordinance of the City of Dawsonville to revise the standards for outdoor watering of landscape; to repeal all ordinances in conflict therewith and for other related purposes.

Dana Miles opened the meeting for discussion of the ordinance mandated by state law that with exceptions that outdoor watering is to be from 4 p.m. to 10 a.m. There were approximately 7 people in attendance. There being no public comment the hearing was closed and the meeting turned back over to the Mayor.

Motion to pass the final hearing of the outdoor water use ordinance: Sosebee/Wilson. Motion carried unanimously. Exhibit "A"

Personnel Policy Ordinance Amendment: An ordinance to amend the personnel policy of the City of Dawsonville Georgia, to provide for an annual review of the city's personnel policies, to provide for an

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internet and computer usage policy, to provide for the use of seatbelts for all employees operating city vehicles, to provide for annual review of motor vehicle records of city employees who drive city vehicles, to provide for a policy for employee timesheets, to provide for an effective date and for other purposes.

Dana Miles opened the meeting for discussion of the ordinance with suggestions by the LGRMS; there were approximately 7 people in attendance. There being no public comment the hearing was closed and the meeting turned back over to the Mayor.

Council voted to pass the first hearing of the ordinance. Sosebee/Wilson. Motion carried unanimously.

VAR-12-10-22292: Taki Sabusa, Kiranzehra DBA Dairy Queen has requested a variance on the height of the free-standing sign at TMP D03-055 also known as 170 HWY 53 E in Dawsonville, GA.

Dana Miles opened for discussion in favor of the variance. Taki Sabusa's representative spoke on how Dairy Queen is replacing their existing free-standing sign. The submitted drawing shows that the overall height of the sign will be about 22'. Ordinance limit is 10'. No one spoke against the application. The hearing was closed and the meeting turned back over to the Mayor.

Council voted to pass the 12' sign height variance. Byrd/Grogan Motion carried unanimously. Exhibit "B"

WITHDRAWN APPLICATION - ANX 11-002: Byron Hutson submitted a letter to the Mayor of his request to withdraw his application request to annex 36.974 acres of TMP 070-003. The subject property is located at 367 Duck Thurmond Rd. The property is currently zoned RA and will be AP upon annexation.

PUBLIC WORKS REPORT:

Public Works Director Gary Barr spoke of how busy the public works dept was during the snow storm. They put in about 60 man hours and used 15 tons of gravel and 4 tons of salt. The only complaints were from residents who wanted the City to plow private property with City equipment, which per Dana M. we cannot do private work with public dollars except to help for public safety reasons. The Mayor stated that they are to declare the area a disaster and we will put in for reimbursement of our expense.

COUNCIL REPORTS:

Calvin Byrd attended the Dept of Transportation Board and discussed House Bill 277.

Mayor Cox asked Calvin Byrd to continue on this DOT Board along with the GMRC Board.

Election of Mayor Pro Tem: Mayor Cox stated that it is time to select the next council member to serve as Mayor Pro Tem. Motion to appoint W. James Grogan to serve as Mayor Pro Tem for 2011 was made by Byrd/Wilson. Motion carried unanimously 3-1 with J. Grogan abstaining.

Mike Wilson shall continue on the Board of Health.

James Grogan shall continue on the Chamber of Commerce, Community Forum, and GRHOF.

Mike Sosebee shall continue on the DDA.

DDA: Chris Gaines reported that at their January 17, 2011 meeting. They elected Chris Gaines as chairman. The main concern as the DDA is to continue to promote downtown through two different avenues. The first being the internal customer (local residents) and the other is getting people from 400 to shop downtown. The merchant group which consists of about 20 downtown businesses and the Chamber of Commerce talked of ways to combine services to encourage shopping the downtown area.

Mike Wilson attended the Board of Health meeting which discussed some issues they are trying to resolve with some city restaurants.

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James Grogan and Mike Sosebee did not have anything to report on.

MAYOR'S REPORT:

Mayor Cox stated that we do not have a zoning for small farms. Dana Miles has provided a proposed RA Restricted Agriculture zoning district to read over for the February and March meeting.

The Mayor informed the Council that we have received only 7 applications of annexation of the unincorporated islands and asked if they wanted to extend the time to submit without charging a fee. The deadline was January 15. Motion to extend the application submittal for 30 days: Grogan/Sosebee. Motioned carried unanimously.

FINANCIAL REPORT:

City Clerk, Bonnie Warne reported that on the financial statement through Nov 2010 the budget is at 39% of its revenue and 38% of its expenses and shows the balance of each fund. The Activity Around Town shows that we have only received 25 of the 152 business license renewals. Zack's is the only one that has not renewed their alcohol license. In the L.O.S.T. (Local Option Sales Tax) we were only short \$1200 between 2010 and 2011 where it was short \$32,000 between 2009 and 2010. James Grogan asked about the hotel-motel excise tax. There are only 2 businesses that pay the hotel-motel excise tax: Amicalola Lodge and Gravitt's Extended Stay. The Southern Catholic College no longer pays this.

EXECUTIVE SESSION:

At 4:45 p.m. council voted to go in to executive session for the purpose of discussing land acquisition and personnel. The motion carried unanimously; Byrd/Wilson.

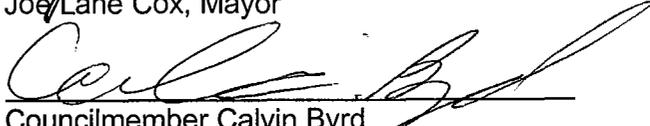
At 5:31 p.m. council closed executive session and reconvened the regular meeting. The motion carried unanimously; Sosebee/Grogan.

ADJOURNMENT:

There being no further business to attend to the meeting adjourned at 5:32 p.m. The motion carried unanimously; Sosebee/Wilson.



Joe Lane Cox, Mayor



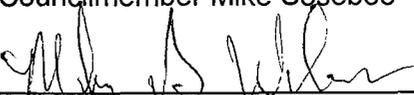
Councilmember Calvin Byrd



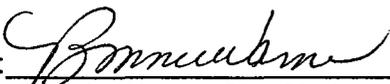
Councilmember W. James Grogan



Councilmember Mike Sosebee



Councilmember Mike Wilson

Attested: 

Bonnie Warne, City Clerk

STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Joe Lane Cox, Mayor, Calvin Byrd, Council Member; James Grogan, 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 18 day of January, 2011.

2.

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

3.

The executive session was called to order at 4:45 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:

_____ 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(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 7 day of February, 2011.

City of Dawsonville, Mayor and council

Joe Lane Cox
Joe Lane Cox, Mayor

Calvin Byrd
Calvin Byrd, Council Member

W. James Grogan
W. James Grogan, Council Member

Mike Sosebee
Mike Sosebee, Council Member

Mike A. Wilson
Mike A. Wilson, Council Member

Bonnie Warne
Bonnie Warne, City Clerk
Notary Public

Sworn to and subscribed before me this 7 day of February, 2011.

My Commission expires: June 14, 2013

FIRST READING 12-17-2010
PUBLISHED 12-15-2010 ¹²⁻²²⁻²⁰¹⁰ 12-29-2010
SECOND READING &
PASSED 1-10-2011

AN ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA TO REVISE THE STANDARDS FOR OUTDOOR WATERING OF LANDSCAPE; TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Dawsonville (hereinafter "City") recognizes a need to create a culture of water conservation and to plan for water supply enhancement during future extreme drought conditions and other water emergencies;

WHEREAS, reasonable restrictions on the outdoor watering of landscape are necessary to address this in furtherance of addressing this need;

WHEREAS, the General Assembly of the State of Georgia has required all counties/cities in Georgia to adopt an ordinance to restrict outdoor watering of landscape to between the hours of 4:00 p.m. and 10:00 a.m. (with certain exceptions); and

WHEREAS, pursuant to O.C.G.A. § 12-5-7, the Mayor and City Council have prepared this ordinance to address outdoor watering of landscape in accordance with the mandate from the State.

NOW, THEREFORE, IT IS ORDAINED that the following is adopted as a City Ordinance to read as follows:

SECTION 1. Restriction on Outdoor Watering of Landscape.

Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (a) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
- (b) Capture and reuse of cooling system condensate or storm water in compliance with applicable City of Dawsonville ordinances and state guidelines;
- (c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- (d) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- (e) Irrigation of personal food gardens;

- (f) Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (g) Drip irrigation or irrigation using soaker hoses;
- (h) Hand watering with a hose with automatic cutoff or handheld container;
- (i) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (j) Irrigation of horticultural crops held for sale, resale, or installation;
- (k) Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
- (l) Installation, maintenance, or calibration of irrigation systems; or
- (m) Hydroseeding.

SECTION 2. Enforcement.

- (a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
- (b) The City of Dawsonville Water and Sewer Department shall be the enforcement authority for this ordinance. The Mayor may also authorize other departments as may be deemed necessary to support enforcement.
- (c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation returnable to the City Court or by any other legal means as set forth by City Code.

SECTION 3. Repealer.

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

Section 4. Effective Date. This ordinance shall go into effect upon its approval by the City Council of the City of Dawsonville, Georgia.

APPROVED this 18 day of January, 2011 by the Mayor and Council of the City of Dawsonville, Georgia.

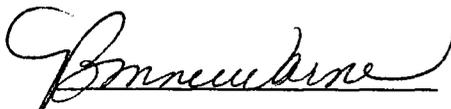
CITY OF DAWSONVILLE

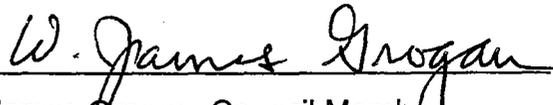
By: 
Joe Lane Cox, Mayor

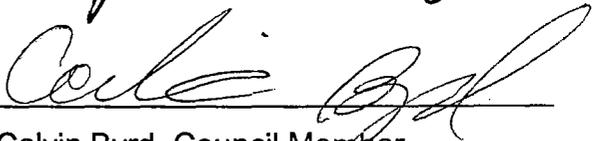

Mike Sosebee, Council Member


Mike Wilson, Council Member

ATTESTED TO BY:


Bonnie Warne, City Clerk


James Grogan, Council Member


Calvin Byrd, Council Member



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

Variance Application

VAR-12-10-2292

Fee: \$300.00

Application for: Appeal Special Exception Adjustment

Type of Variance Requested: Sign - Height (Letter of Intent must fully describe this request)

Applicant Name: Taki Sabwa Company: Dairy Queen
 Address: 170 Hwy 53 East City: Dawsonville Zip: 30534
 Phone: 706-265-8075 Cell Phone: 678-697-5444 Fax #: 706-265-1060
 Owner Name(s): Taki Sabwa
 Address: 170 Hwy 53E City: Dawsonville Zip: 30534
 Phone: Same Cell Phone: _____ Fax #: _____
to ABUE

Exact Location and Description of Subject Property:

Address: 170 Hwy 53E Dawsonville Lot # _____
 Present/Proposed Zoning: CBD Parcel # D03-055
 District: 4 Land Lot: 441 Tax Map # D03-055
 Present and/or Proposed Use of Property: Commercial

Required Items:

- A completed signed application.
- A detailed Letter of Intent of your request along with any supporting maps, survey's and/or documents requested by the Building Official.
 - The Letter of Intent shall address the criteria specified in Section 2507. (see pg. 2)
- The applicant is responsible to pay the certified mail postage to adjacent property owners.
- Variance fee of \$300.00

T Sabwa
 Signature of Applicant

12/21/10
 Date



To The City Counsel of Dawsonville, GA:

Date: December 21, 2010

This is to request the city counsel that we are required by American Dairy Queen Corporation to change our pylon and building sign to the New DQ logo with ellipses with a bowtie that reads "Grill & Chill" and a new reader board (**See Proposed Artwork**). According to the new ordinance, the required height for the new signage is 10' from the ground. The current height of the pylon sign from the ground to the top of the sign is 22 feet. Even with the existing height the visibility is very poor because the vacant lot next to Dairy Queen is at approximately 6 feet from the ground and at a curve making it hard for travelers to see the sign coming into the town. At 10 feet, the new signage will have almost no visibility from one side and very minimum from travelers going towards Hwy 400. I am requesting the city counsel to take this unique problem into consideration and grant us permission to keep our new pylon sign at the existing height of 22 feet. If you need further information please don't hesitate to contact me at 678-697-5126.

Sincerely,

A handwritten signature in black ink that reads "Taki Sabusa". The signature is written in a cursive style with a horizontal line above the first few letters.

Taki Sabusa
Owner/Operator

Pylon Elevation Views OPTION 2

Please Note:
Due to angle of photo
all sizes will appear distorted
and scaling is approximate.

Existing



Proposed



Exhibit "B"

Please Note: Measurements Provided As Indicated.
Survey Card Provided.

- 22'-0" OAH
- First stage steel 8" square
- Second stage steel 6" square
- Logo 6'-0" x 10'-0"±
- Trapezoid 5'-0" x 6'-0"±
- Drive Thru 1'-0" x 5'-0"

Elevation Views

Scale 3/16" = 1'-0"

- 21'-6"± OAH
- Pylon to be painted matte black
- 5'6¼" x 8'5½" D/F DQ® Logo
46.69 S.F.
- 2'1" x 8'5" D/F DQ Grill & Chill®
17.53 S.F.
- 4'2" x 6'1" D/F RB
25.35 S.F.
- 6" Changeable Letters

Drive Thru refaced w/ flat
panels and second surface
graphics
2 required



Project Information

Client
International Dairy Queen

Location
170 Highway 53 E
Dawsonville, GA 30534

File
DQ 11140_R1 Dawsonville, GA

Sales	Design	Project Manager
House	SS	LN

Date / Description

Date	Description
10/29/10	Issue Date
10/29/10	Rev 1

Client Review Status

Allen Industries, Inc. requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision.

Approved Approved as Noted Revise & Resubmit

Name	Date

Notes

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