

**MINUTES
CITY COUNCIL REGULAR MEETING
MARCH 7, 2011
5:00 P.M.**

CALL THE MEETING TO ORDER: Mayor Joe Lane Cox called the meeting to order at 5:00 p.m.

ROLL CALL: Those present included Mayor Joe Lane Cox and Council Members Calvin Byrd, Mike Wilson, W. James Grogan, and Mike Sosebee. Staff included Dana Miles, Bonnie Warne, Gary Barr, Trampas Hansard, Russ Chambers, Betty McGehee and Jacob Barr.

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

APPROVAL OF MINUTES: Council unanimously approved the minutes of the regular meeting held February 7, 2011. Motion by Mike Sosebee; seconded by Mike Wilson.

APPROVAL OF MINUTES: Council unanimously approved the minutes of the called meeting held February 16, 2011 with the correction to mark Calvin Byrd as absent. Motion by James Grogan; seconded by Mike Wilson.

OLD BUSINESS: None

NEW BUSINESS:

Proclamation – Exceptional Children’s Week March 7-11, 2011: Dana Miles read the proclamation into the minutes and invited special guests Dr. Lonnie Trahan-Dikowski, Director of Special Education for Dawson County and the families with children with special needs forward. A copy of the proclamation was subsequently presented to Dr. Lonnie Trahan-Dikowski. Proclamation is attached as Exhibit “A”.

Garbage Collection Bid 11-01: We received 4 bidders on the garbage bid. The two lowest bids were Advanced Disposal and Red Oak Sanitation. After discussion, Mike Sosebee motioned to keep the contract with Advanced Disposal; seconded by Mike Wilson. Vote was unanimously in favor.

PUBLIC HEARINGS:

Zoning Ordinance Amendment: An ordinance to amend the zoning ordinance of the City of Dawsonville, Georgia, by adding the restricted agricultural zoning use district; to provide for severability; to repeal conflicting ordinances; and for other purposes.

Dana Miles opened the public hearing; there were approximately 9 people in attendance. There being no public comment the hearing was closed and the meeting turned back over to the Mayor.

The Council voted to pass the final hearing of the ordinance. Byrd/Grogan. The motion carried unanimously. (see attachment “B”)

STAFF REPORT:

Bonnie Warne reported on the January 2011 Financial Report: revenue at 56% and expenses at 55%.

Gary Barr reported on the upkeep of the flower beds at cityhall. Barr mentioned that on March 17th they will be draining and cleaning the inside of water tank #1.

MAYOR’S REPORT:

Mayor Cox updated the Council on the annexations of unincorporated islands and how the process is taking longer than anticipated. Mayor Cox asked to extend the annexation process through June 30th. James Grogan motioned to extend it through June 30th; Calvin Byrd seconded the motion. The motion carried unanimously in favor.

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Mayor Cox presented Gary Barr with a certificate of award for 20 years of service to the City of Dawsonville from 1991-2011.

COUNCIL REPORTS:

Calvin Byrd stated that at the GMRC meeting they asked for support on SB 86.

James Grogan mentioned that the GRHOF acquired a lot of souvenir type items to sell at a great deal.

Dana Miles gave an update that the judge has ruled in favor of the City on the Atlanta Motorsports Park lawsuit brought by the Hamryka's against the City, the City has been dismissed from the case.

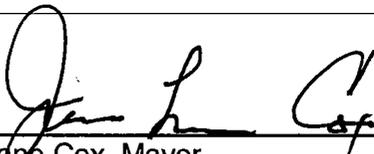
EXECUTIVE SESSION:

At 5:22 p.m. council voted to go in to executive session for the purpose of discussing land acquisition and pending litigation. The motion carried unanimously; Byrd/Grogan.

At 6:13 p.m. council closed executive session to reconvene the regular meeting. The motion carried unanimously; Sosebee/Wilson.

ADJOURNMENT:

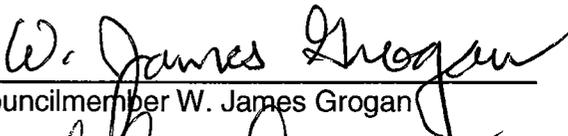
There being no further business to attend to the meeting adjourned at 6:13 p.m. The motion carried unanimously; Grogan/Wilson.



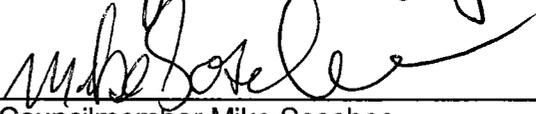
Joe Lane Cox, Mayor



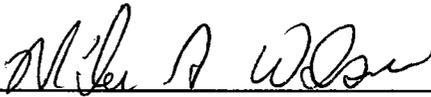
Councilmember Calvin Byrd



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 7 day of March, 2011.

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

3.
The executive session was called to order at 5:22 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 4 day of April, 2011.

[Signature]
Joe Lane Cox, Mayor

[Signature]
Calvin Byrd, Council Member

[Signature]
W. James Grogan, Council Member

[Signature]
Mike Sosebee, Council Member

[Signature]
Mike A. Wilson, Council Member

[Signature]
Bonnie Warne, City Clerk
Notary Public

Sworn to and subscribed before me this 4 day of April, 2011.

My Commission expires: June 14, 2013





Proclamation

Exceptional Children's Week
March 7-11, 2011



Whereas, Exceptional children 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

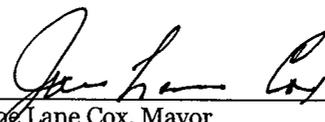
Whereas, it is the desire of our community to create a place where all people can explore and develop their varied abilities, can enjoy productive work, and can contribute by meaningful participation in the life of the community; and

Whereas, the Dawson County School System and the Dawson Support Group, on behalf of the Georgia Exceptional Children Council, have worked to secure this proclamation; and

Whereas, it is the goal of the City of Dawsonville to instill positive perceptions of people with exceptional/special needs;

Now, therefore, I, Joe Lane Cox, do hereby designate March 7-11, 2011 as Exceptional Children's Week and encourage all our citizens to promote positive awareness and greater opportunities for persons with exceptional/special needs, 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 set my hand and seal this 7th day of March, 2011.



Joe Lane Cox, Mayor

Attest:



Bonnie Warne, City Clerk



Exhibit "A"

FIRST READING

February 7, 2011

PUBLISHED

Feb 23 + March 2, 2011
Jan 19, 26, 2011

SECOND READING &
PASSED

March 7, 2011

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, BY ADDING THE RESTRICTED AGRICULTURAL ZONING USE DISTRICT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the requirements of the Zoning Procedures Act, the Mayor and Council of the City of Dawsonville have conducted a properly advertised hearing on the proposed amendment to the Zoning Ordinance of the City of Dawsonville, Georgia;

WHEREAS, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment would be in the best interests of the residents, property owners, businesses and citizens of the City of Dawsonville;

WHEREAS there are areas of the City which remain rural and primarily agricultural in character, yet where urban growth and expansion is expected to reach in the future;

WHEREAS it is in the best interest of the City of Dawsonville and its residents to provide for a Restricted Agricultural Zoning Use District; and

WHEREAS it is within the powers granted to the City of Dawsonville to regulate matters affecting the health, safety, welfare, and aesthetic concerns of the City.

NOW THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Dawsonville, a political subdivision of the State of Georgia, that the Zoning Ordinance of the City of Dawsonville, Georgia is hereby amended by inserting a new Article XXII.2 to read as follows:

Section 1) Enactment of Section 2200.2

The following shall be inserted in Article XXII of Appendix A, Zoning, of the Code Dawsonville, Georgia following Article XXII.1:

**ARTICLE XXII.2
RESTRICTED AGRICULTURAL (RA) DISTRICT**

§ 2200.2.1 Purpose and Intent.

The Restricted Agricultural (RA) District is an area which remains rural in character, yet where urban growth and expansion is expected to reach in the future. The regulations of this district are intended to provide a favorable climate for both agricultural and nonagricultural development and to provide orderly, timely, economic growth, as well as to recognize current conditions. The purpose of this district is to permit low-intensity and restricted agricultural uses in those areas which remain rural in character, yet where urban growth and expansion is expected in the future as the city develops. The preferred land uses in the district are agricultural, either active in the form of crops, or passive in the form of forest management or pasture lands with limited animal density. The requirements of the district are designed to encourage the continuing low-intensity agriculture use of the property and protect active urban uses found in adjacent districts of the city.

§ 2200.2.2 Permitted Uses.

1. Single-family detached dwellings, but not including manufactured homes, travel trailers used as residences, or modular homes. Density of dwellings is limited to no more than 1 dwelling per 2 acres (2 acres is the minimum lot size for the RA zoning district).
2. Agriculture, general and specialized farming, including: horticulture, plant nursery, greenhouse, dairy farming, and livestock raising, subject to the restrictions set forth in Section 2200.2.3, *infra*.
3. Riding stable, provided buildings housing animals are at least 100 feet from all property lines and the lot is not less than 10 acres.
4. Kennel and/or animal hospital, provided buildings housing animals are fully enclosed and at least 100 feet from all property lines and all pens, runs, etc. which are not located in a fully-enclosed building are at least 200 feet from all property lines. The keeping of four (4) or more animals shall constitute a kennel. Minimum lot size for a kennel is 5 acres.
5. Accessory buildings and uses customarily incidental to the principal residential and agricultural uses of the property. Buildings and structures which are intended for use or used for the housing or shelter of livestock and silos, granaries, windmills, barns, and similar structures which are related to the operation of an agricultural enterprise shall observe a minimum setback of one hundred (100) feet from any property line and be spaced a minimum of five hundred (500) feet from any residence or business on an adjoining property.
6. Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries, provided such uses are located on a lot with a minimum area of two (2) acres, principal buildings are setback a minimum of fifty (50) feet from any property line, and parking areas are located outside of the required front yard and separated from any side or rear property line by a minimum six (6) foot high, opaque fence or wall, or a densely planted landscape strip of at least ten (10) feet in width.
7. Home occupations, as defined in Article III and limited in Section 713.
8. Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a non-profit basis.
9. Public and semi-public buildings and uses, as defined in Article III.

10. Schools, public elementary, middle and secondary.
11. Schools, parochial and private offering courses in general education substantially similar to that of a public school, not offered for profit.

§ 2200.2.3 Limitation on Livestock and Domestic Pets; Prohibition of Hogs/Pigs and Fowl in the Restricted Agricultural (RA) District.

Horses, cows, goats, sheep, ponies, donkeys and other permitted domestic livestock may be kept, raised or bred in the RA district, provided that only two such animals shall be permitted for each one acre of open pastureland. All such livestock shall be contained adequately by suitable fencing within the specific property, and any buildings or structures for livestock shall be setback at least 100 feet from all property lines. Dogs, cats and other domestic pets may be kept, raised or bred in the RA district, provided that only three such animals shall be permitted for each one acre of lot size and all such domestic pets are subject to the kennel restriction contained in §2200.2.2 (4). The keeping or raising of fowl (chickens, etc.) or hogs/pigs, or the operation of a feed lot, is expressly prohibited because of their potential negative impact on adjacent urban use districts. All types of fowl, hogs and pigs are deemed prohibited domestic livestock and may not be kept or raised in any zoning district within the City. Noise and smell from the livestock must be kept to a minimum.

RESTRICTED AGRICULTURAL DISTRICT: RA

Minimum Lot Size	Front setback	Side Setback	Rear setback	Minimum Sq. footage	Maximum Height of Structure
2 Acres	50'	20'	40'	1500'	35'

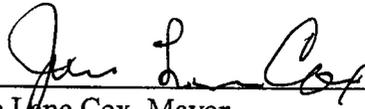
Section 2) Miscellaneous:

- a) **Repeal of Conflicting Ordinances:** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.
- b) **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 3) Effective Date:

This ordinance shall be effective upon passage by the Mayor and Council of the City of Dawsonville, Georgia.

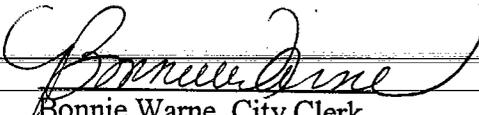
MAYOR AND DAWSONVILLE CITY COUNCIL

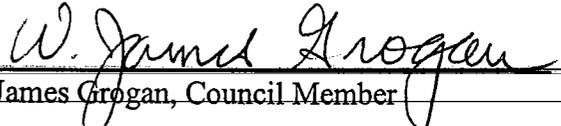
By: 
Joe Lane Cox, Mayor


Mike Sosebee, Council Member


Mike Wilson, Council Member

ATTESTED TO BY:


Bonnie Warne, City Clerk


James Grogan, Council Member


Calvin Byrd, Council Member