

**MINUTES
CITY COUNCIL REGULAR MEETING
JULY 2, 2012
5:00 P.M.**

CALL TO ORDER: Mayor W. James Grogan called the regular meeting to order at 5:00 p.m.

ROLL CALL: Present were Mayor Grogan, Councilmember Caleb Phillips, Councilmember Jason Power, Councilmember Angie Smith, Councilmember Chris Gaines, City Attorney Kevin Tallant and City Clerk Bonnie Warne.

INVOCATION AND PLEDGE: Invocation was led by Chris Gaines, followed by the pledge.

AGENDA: Motion to approve the July 2nd agenda by Angie Smith; seconded by Jason Power. Motion was carried unanimously.

MINUTES OF REGULAR MEETING: Motion to approve the minutes of the regular meeting held June 4, 2012 by Chris Gaines; seconded by Angie Smith. Vote unanimous in favor.

UNFINISHED BUSINESS:

Resolution Calling for an Election for two Members of the City Council: Attorney Kevin Tallant did a presentation on the changes of the election date for Council Members. After the presentation, Mayor Grogan asked for a motion on the resolution that rescinds the previous call for a special election on Sep. 18, set the date calling for a special election on Nov. 6 and reschedule the Nov. City Council meeting to Nov. 13, 2012. Motion to approve the resolution by: Jason Power/Caleb Phillips. Motion carried unanimously in favor. (Attached as Exhibit "A")

NEW BUSINESS:

- Clerk Certification Required Course, August 4th for Bonnie Warne - Motion to approve attending training by Angie Smith; seconded by Jason Power. Vote approved unanimously.
- City Official Certification Classes, August 3rd & 4th for James Grogan - Motion to approve attending training by Jason Power; seconded by Caleb Phillips. Vote approved unanimously.
- GA Code Enforcement Classes, Sep 18-19, Nalita Copeland and Trampas Hansard - Motion to approve attending training by Jason Power; seconded by Chris Gaines. Vote approved unanimously.
- GA Zoning Admin Class, Aug 24-25, Nalita Copeland - Motion to approve attending training by Caleb Phillips; seconded by Angie Smith. Vote approved unanimously.

REPORTS:

Financial Report: City Clerk Bonnie Warne reported that all of the bank accounts balance through May 2012 with no discrepancies. We are now in the new fiscal year.

Public Works: James Grogan reported that the next phase of installing sidewalks started. This will have sidewalks from the DC High School to Howser Mill Subdivision.

Mayor's Report: Mayor Grogan thanked the Council and Clerk that attended the GMA Conference.

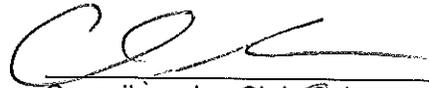
Council Reports: Jason Power reported that the next Board of Health meeting is July 12th. Chris Gaines reported that the DDA meeting was moved to next month and the Family Connection Celebrity Waiter fundraiser went well.

ADJOURNMENT: There being no further business to attend to the meeting adjourned at 5:25 p.m. The motion carried unanimously; Jason Power/Chris Gaines.

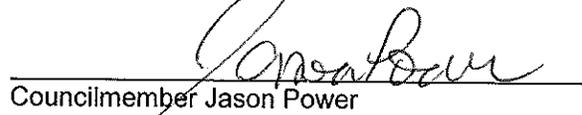


Mayor W. James Grogan

MINUTES
CITY COUNCIL REGULAR MEETING
JULY 2, 2012
5:00 P.M.



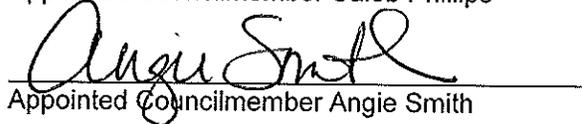
Councilmember Chris Gaines



Councilmember Jason Power



Appointed Councilmember Caleb Phillips



Appointed Councilmember Angie Smith

Attested: 
Bonnie Warne, City Clerk



A RESOLUTION OF THE CITY OF DAWSONVILLE GEORGIA FOR THE PURPOSE OF CALLING A SPECIAL ELECTION ON NOVEMBER 6, 2012 TO FILL THE UNEXPIRED TERMS OF COUNCIL MEMBERS CALVIN BYRD AND JAMES GROGAN, BOTH OF WHOM RESIGNED; TO RESCIND THE CALL FOR A SPECIAL ELECTION ON SEPTEMBER 18, 2012; TO SET DATES FOR QUALIFICATION; TO REQUEST THE CONTINUED ASSISTANCE OF THE DAWSON COUNTY BOARD OF ELECTIONS IN CONDUCTING THE SPECIAL ELECTION ON NOVEMBER 6, 2012; TO RESCHEDULE THE NOVEMBER COUNCIL MEETING; AND FOR OTHER PURPOSES.

WHEREAS, on Tuesday, November 3, 2009, at a regularly scheduled municipal election the registered voters of the City of Dawsonville, Georgia elected Calvin Byrd to a four year term as a member of the City Council beginning January 1, 2010 through December 31, 2013;

WHEREAS, on Tuesday, November 3, 2009, at a regularly scheduled municipal election the registered voters of the City of Dawsonville, Georgia elected James Grogan to a four year term as a member of the City Council beginning January 1, 2010 through December 31, 2013;

WHEREAS, on April 27, 2012, James Grogan submitted his resignation as a member of the City Council to the City for the announced purpose of declaring his candidacy for the position of elected Mayor created by the untimely death of Mayor Joe Lane Cox;

WHEREAS, on May 7, 2012, Caleb Phillips was nominated and appointed by unanimous vote of the Council to serve as a Council Member until such time as a Special Election could be called and held to fill the unexpired term of James Grogan;

WHEREAS, on May 8, 2012, Calvin Byrd submitted his resignation as a member of the City Council to the City for the announced purpose of declaring his candidacy for the position of elected Mayor created by the untimely death of Mayor Joe Lane Cox;

WHEREAS, on May 17, 2012, Angie Smith was nominated and appointed by unanimous vote of the Council to serve as a Council Member until such time as a Special Election could be called and held to fill the unexpired term of Calvin Byrd;

WHEREAS, both Calvin Byrd and James Grogan have served the City of Dawsonville with honor, loyalty and distinction as Council Members from January 1, 2010 until their respective resignations;

WHEREAS, due to the aforesaid resignations, a vacancy is created in two Council Member positions for the City of Dawsonville which in accord with the City Charter and state law must be filled by a Special Election for the remaining terms of office;

WHEREAS, the City of Dawsonville has an agreement in place with the Dawson County Board of Elections to conduct City of Dawsonville Municipal Elections pursuant to Article 9, § 3, Paragraph 1, of the Georgia Constitution;

WHEREAS, the date of September 18 was authorized by OCGA §21-2-540(c)(1)(B)(iii) and the Georgia Secretary of State as an official voting date for special elections in even-numbered years in Georgia and based thereon the Council previously passed a resolution on June 4, 2012 calling for a special election on September 18, 2012;

WHEREAS, the Georgia Legislature has amended OCGA §21-2-540(c)(1)(B) effective July 1, 2012 to eliminate September 18 (the 3rd Tuesday in September) as an official voting date for special elections in even-numbered years in Georgia;

WHEREAS, despite the effective date of July 1, 2012, federal election laws prohibit states from enforcing or administering changes to election laws until after the changes have received preclearance from the United States Department of Justice, Civil Rights Division, Voting Section;

WHEREAS, on June 11, 2012, the Voting Section of the Civil Rights Division of the United States Department of Justice gave notice that it received a submission for preclearance from the Georgia Secretary of State pertaining to the amendment of OCGA §21-2-540(c)(1)(B)

WHEREAS, if the Department of Justice interposes no objection prior to August 4, 2012, the amendment to OCGA §21-2-540(c)(1)(B) shall become effective as law;

WHEREAS, in order to avoid the uncertainty over the effect of the amendment to OCGA §21-2-540(c)(1)(B), the City deems it to be in the best interest of its citizens and elected officials to rescind the resolution of June 4, 2012 and to reschedule the election for a date allowed under both the existing and proposed amended versions of OCGA §21-2-540(c)(1)(B) the same being November 6, 2012 (the Tuesday after the first Monday in November);

WHEREAS, in accord with the City Charter and Ordinances, state law and as authorized by the Georgia Secretary of State, qualification dates for the Special Election to fill the unexpired Council Member terms of Calvin Byrd and James Grogan should be set for August 28-30, 2012 and the qualification fee will be \$180.00;

AND WHEREAS, notice of this Resolution for Calling for a Special Election to fill the unexpired terms of Council Members Calvin Byrd and James Grogan will be advertised in the legal organ of the City of Dawsonville as required by Georgia law and will be sent to the Department of Justice as required by Federal law.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Dawsonville, Georgia, as follows:

Section 1. The Resolution of the City Council dated June 4, 2012 calling for a Special Election on September 18, 2012 to fill the unexpired terms of Council Members Calvin Byrd and James Grogan is hereby rescinded and shall hereafter be of no force or effect.

Section 2. A Special Election is hereby called for November 6, 2012 to fill the unexpired terms of Council Members Calvin Byrd and James Grogan. The individuals elected at the Special Election will be sworn in as Members of the City Council of Dawsonville at the Council meeting on November 13, 2012 and will serve until December 31, 2013 or until his/her successor is duly elected and sworn into office.

Section 3. Qualification dates for the Special Election for Council Members are set for August 28, 2012 beginning at 9:00 a.m. through 4:30 p.m. each day concluding on August 30, 2012 at the Office of the Dawson County Board of Elections, located at 96 Academy Avenue, Dawsonville, Georgia 30534. The Qualification fee for the office of Council Member is \$180.00 made payable by check or money order to the City of Dawsonville.

Section 4. In accord with the existing Intergovernmental Agreement, the assistance of the Dawson County Board of Elections is requested to conduct this Special Election and all costs or charges related solely to the expense of the Special Election shall be paid by the City of Dawsonville.

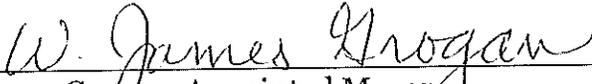
Section 5. Due to the Special Election on November 6, 2012, the regularly scheduled Council meeting currently set for November 5, 2012 shall be moved and rescheduled to November 13, 2012.

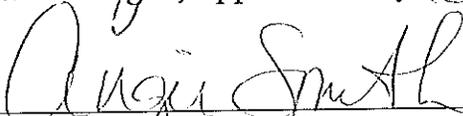
Section 6. All prior resolutions or actions of the City in conflict with this Resolution are hereby repealed.

Section 7. This Resolution shall be and remain in full force and effect from and after its date of adoption.

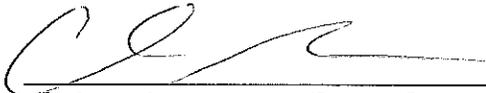
Adopted this 2nd day of July, 2012.

CITY OF DAWSONVILLE, GEORGIA

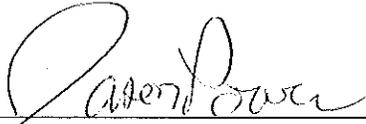

James Grogan, Appointed Mayor


Angie Smith, Appointed Council Member

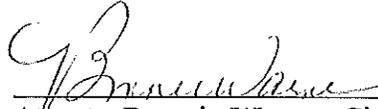

Caleb Phillips, Appointed Council Member



Chris Gaines, Council Member



Jason Power, Council Member



Attest: Bonnie Warne, City Clerk