

**MINUTES
CITY COUNCIL REGULAR MEETING
FEBRUARY 3, 2014
5:00 P.M.**

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

ROLL CALL: Present were Mayor James Grogan, Councilmember Mike Sosebee, Councilmember Jason Power, Councilmember Angie Smith, Councilmember Chris Gaines, City Attorney Dana Miles, and Nalita Copeland, Permits Clerk. Absent: City Clerk Bonnie Warne

INVOCATION AND PLEDGE: Invocation and pledge was led by Chris Gaines.

AGENDA: Motion to approve the agenda by: M. Sosebee/J. Power. Vote unanimous in favor.

MINUTES: Motion to approve the minutes of the regular meeting held January 6, 2014: J. Power/C. Gaines. Motion carried unanimously.

UNFINISHED BUSINESS:

Administrative Order – Howser Mill Retention Pond: After discussion with Randy Davis, HOA President of Howser Mill Subdivision on the clean-up cost of the retention pond, the outcome is to place the Administrative Order on the March council meeting agenda to discuss the match of \$4000 from HOA with the City's match of \$4000 and lien property.

NEW BUSINESS:

Amend Lease Agreement for Dawsonville History Museum: Motion to approve the amended lease agreement by: J. Power/C. Gaines. Vote unanimous in favor. Exhibit "A"

Catered Alcohol Special Event: Bootlegger Marathon Race by Lowell Starr: Motion to approve the race on June 7th contingent upon the following before the March Council agenda: 1 officer per 250 people, an alcohol insurance rider, the beer is served inside GRHOF pending GRHOF approval and any spillover is out the back door in fenced area, provide a new diagram/layout, no parking at Food Lion. Motion by: J. Power/C. Gaines. Vote unanimous in favor with contingents.

PUBLIC HEARINGS:

Personnel Policy Ordinance Amendment: To Hear an Ordinance to Amend the Personnel Policy of the City of Dawsonville Georgia, to Provide for Revisions Related to the Employment of Related Individuals, to Provide for an Effective Date and for Other Purposes.

Motion to open the public hearing was unanimous in favor: A. Smith/C. Gaines. Attorney Dana Miles presented the ordinance amendment. Nobody spoke in favor or opposition. M. Sosebee/A. Smith motioned to close the public hearing and the meeting was turned over to the Mayor. Motion made to approve the personnel policy ordinance amendment by J. Power/M. Sosebee. Vote was unanimous in favor. Exhibit "B"

Amicalola Electric Ordinance: To Hear an Ordinance of the City of Dawsonville Granting a Franchise for Electrical Service within the City Limits to Amicalola Electrical Membership Corporation.

Motion to open the public hearing was unanimous in favor: M. Sosebee/J. Power. Attorney Dana Miles presented the ordinance. Nobody spoke in favor or opposition. A. Smith/M. Sosebee motioned to close the public hearing and the meeting was turned over to the Mayor. Motion made to approve the franchise ordinance with Amicalola EMC by C. Gaines/M. Sosebee. Vote was unanimous in favor. Exhibit "C"

**MINUTES
CITY COUNCIL REGULAR MEETING
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5:00 P.M.**

ZA-12-13-272: Michael and Nancy Eason have requested a zoning map amendment, upon annexation, for the +1 acre at TMP 090 098, located at 598 Gold Bullion Drive West. Current County zoning is RPC (Residential Planned Community). Applicant requests to rezone to PUD (Planned Unit Development). First Hearing/Reading

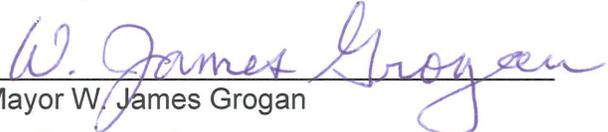
ANX 13-007: Michael and Nancy Eason have requested annexation, for the +1 acre at TMP 090 098, located at 598 Gold Bullion Drive West. Current County zoning is RPC (Residential Planned Community). Applicant requests to annex and rezone to PUD (Planned Unit Development). First Hearing/Reading

Council approved to hear the annexation and rezoning application together for same parcel. Motion to open the public hearing was unanimous in favor: J. Power/A. Smith. Attorney Dana Miles presented the applications and mentioned that the County objected to the annexation. Nobody spoke in favor or opposition. Motion to close the public hearing was unanimous in favor: J. Power/M. Sosebee. Motion for first reading approval on ANX 13-005 and ZA-07-13-226 by: C. Gaines/M. Sosebee. Vote unanimous.

Staff Reports: City Clerk absent but provided the financial reports for January 2014 to be reviewed.

Mayor's Report: Mayor Grogan mentioned that the Revitalization of Downtown is moving forward, the GDOT striped Hwy 53 with the roundabout and turn lane, the new RFP for Landscape Design is in the process, the Assisted Living will drop off their plans soon, and he attended the Mayors Day events and training sessions in Atlanta. At Mayor's Day he accepted the Certificates of Recognition for: Mike Sosebee, Chris Gaines, and Jason Power for 48 hours of training by GMA. James received the Certificate of Excellence for 120 hours of training and the Robert Knox Leadership Institute training. The next musicfest is May 9-10, 2014. There are 2 windows being installed in the Joe Lane Cox Room that view into the museum. The Public Works Department did a great job during the winter snow storm on clearing the city roads.

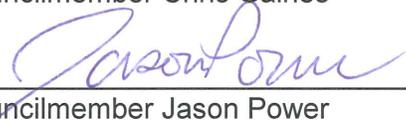
ADJOURNMENT: With there being no further business to attend to the regular meeting closed and adjourned at 6:18 p.m. The motion carried unanimously; M. Sosebee/J. Power.



Mayor W. James Grogan



Councilmember Chris Gaines



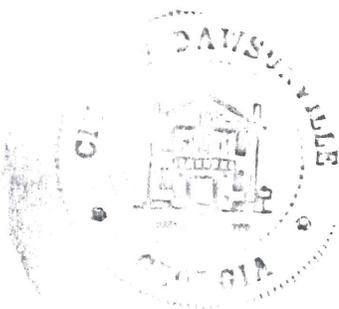
Councilmember Jason Power

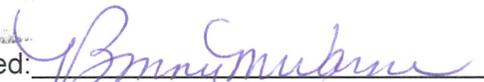


Councilmember Angie Smith



Councilmember Mike Sosebee



Attested: 

Bonnie Warne, City Clerk

**FIRST AMENDMENT TO LEASE AGREEMENT
FOR DAWSONVILLE HISTORY MUSEUM, INC.**

This First Amendment to Lease Agreement is entered into effective this **3rd day of February, 2014**, by and between **THE CITY OF DAWSONVILLE** (“Landlord”), whose address is 415 Hwy. 53 East, Dawsonville, Georgia 30534 and **DAWSONVILLE HISTORY MUSEUM, INC.**, a Georgia Nonprofit Corporation, (“Tenant”), whose address is 415 Hwy. 53 East, Dawsonville, Georgia 30534. The purpose of this First Amendment to Lease Agreement is for additional space and to amend the rent of the existing lease agreement.

WITNESSETH:

WHEREAS, the City of Dawsonville entered into a Lease Agreement (“Lease”) dated the 22nd day of December, 2010 with the Dawsonville History Museum, Inc. for the lease of certain property currently comprised of *The Georgia Racing Hall of Fame* as well as the Gordon Pirkle Room within the Dawsonville City Hall located at 415 Hwy. 53 West, Dawsonville, Georgia 30534 (“Property”).

WHEREAS, the Dawsonville History Museum, Inc. desires to lease an additional portion of the Property consisting of 416 square feet of office space located on the second floor of City Hall, as fully depicted in Exhibit “B” attached hereto and fully incorporated herein, from the City of Dawsonville for the continued operation of the Dawsonville History Museum, Inc.

NOW THEREFORE, for and in consideration of One Dollar (\$1.00) paid by Tenant to Landlord, the receipt and adequacy of which is hereby acknowledged, the Lease is amended as follows:

1. Tenant shall pay to Landlord rent in the amount of Three Hundred Dollars (\$300.00) as monthly rental, beginning with the year 2014, without further notice or billing from Landlord, for the use of the additional office space depicted in Exhibit “B”.
2. The Property shall be amended to include the additional space as depicted in Exhibit “B”.
3. All other terms and conditions in the Lease shall remain in full force and effect for the space as depicted in Exhibit “A”.

IN WITNESS WHEREOF, Tenant and Landlord have duly signed, sealed and delivered this Amendment to Lease Agreement as of the date above written.

Signed, sealed and delivered as
to Landlord, in the presence of:

LANDLORD: City of Dawsonville

Bonnie M. Warne

Notary

[seal]
BONNIE M WARNE

NOTARY PUBLIC

DAWSON COUNTY, GEORGIA

**MY COMMISSION EXPIRES:
JULY 24, 2017**

W. James Grogan
Signature

By: W. James Grogan

Its: Mayor

Marilyn Copeland
Witness

Signed, sealed and delivered as
to Tenant, in the presence of:

**TENANT: Dawsonville History Museum,
Inc.**

Bonnie M. Warne
Notary

[seal]

BONNIE M WARNE

NOTARY PUBLIC

DAWSON COUNTY, GEORGIA

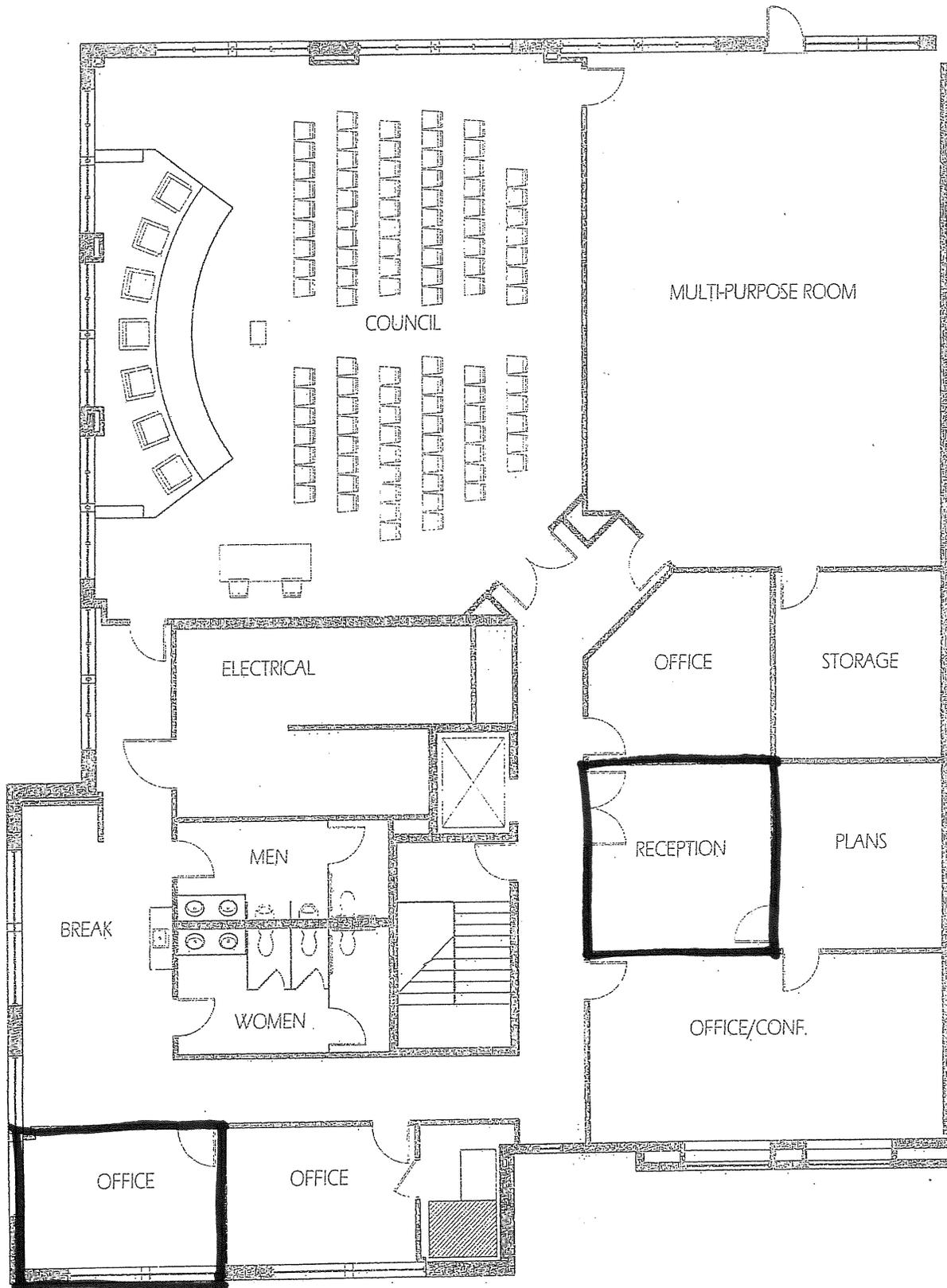
**MY COMMISSION EXPIRES:
JULY 24, 2017**

Gordon Pirkle
Signature

By: Gordon Pirkle

Its: CEO Go Racing Hall of Fame

Marilyn Copeland
Witness



FLOOR PLAN - SECOND FLOOR

SCALE: 1/8"=1'-0"

First Reading January 6, 2014

Second Reading February 3, 2014

Published January 15 and 22, 2014

PERSONNEL POLICY AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE PERSONNEL POLICY OF THE CITY OF DAWSONVILLE GEORGIA, TO PROVIDE FOR REVISIONS RELATED TO THE EMPLOYMENT OF RELATED INDIVIDUALS, TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the City of Dawsonville's Charter, the City has the authority to establish policies and procedures for personnel and general working condition matters; and

WHEREAS, the City has placed a high priority in creating a work environment that promotes good management based upon work performance rather than upon relationships between individuals while at the same time recognizing that employees should not be penalized based upon to whom they are related; and

WHEREAS, the City desires to establish clear, understandable, uniform and fair personnel policies to meet the goals and objectives of the City and to provide for efficient government that serves the best interests of its citizens; and

AND WHEREAS, the City has determined that to accomplish these goals, it is necessary to amend the formerly adopted personnel policies and procedures in regard to employment of related individuals.

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 as follows:

Section 1) Adoption and Incorporation of Previous Personnel Policy

The City of Dawsonville Personnel Policy originally dated June 4, 2007, along with all amendments thereto, is incorporated in its entirety by reference herein. Notwithstanding the above, it is decreed that said Personnel Policy shall be amended to include the provisions as set forth herein which shall hereinafter be included as a part of the City of Dawsonville Personnel Policy, previously enacted on or about June 4, 2007, as amended. To the extent that the amendments and sections contained herein are in conflict with the previous versions of the Policy, those matters contained herein shall control.

Section 2) Existing § 4.6 of the City of Dawsonville Personnel Policy is hereby stricken in its entirety and a new § 4.6 is inserted and adopted to read as follows:

4.6 Employment of Relatives (Nepotism)

- A) It shall be the policy of the City to not employ any member of an employee's family whose relationship is first cousin or closer by blood or marriage to another employee in the same chain of command; or in any capacity, which will result in

an employee directly supervising such a relative. This policy shall not prohibit the employment of relatives, but only shall prohibit their employment in the same chain of command from a supervision standpoint. This policy applies to promotions, demotions, transfers, reinstatements and new employees but shall only be applied prospectively and shall not affect any employee who may be in violation as of the effective date of this policy.

- B) If the City institutes a reorganization that changes chain of command, an employee who would be working within the same chain of command as, or supervising, a relative must transfer to another chain of command if possible. However, no employee will be penalized as a result of a departmental reorganization or chain of command change, which places him or her, in violation of this policy.

Section 3) Repeal of Conflicting Ordinances

All parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but, it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Dawsonville.

Section 4) Severability

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be invalid or unconstitutional, such invalidity shall not be construed to affect the provisions 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** to be the intent of the City Council of the City of Dawsonville to provide for separate indivisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 5) Effective Date

This Ordinance shall take effect upon adoption.

SO ADOPTED by the City Council of Dawsonville, Georgia, this 3rd day of February, 2014.

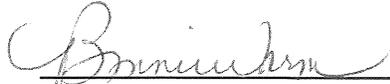
MAYOR AND DAWSONVILLE CITY COUNCIL

By: 
W. James Grogan, Mayor

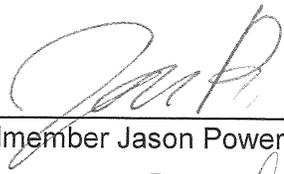

Councilmember Chris Gaines



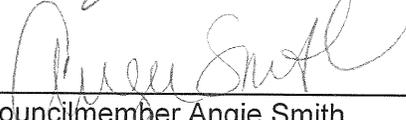
Attested to:



Bonnie Warne
City Clerk, City of Dawsonville



Councilmember Jason Power



Councilmember Angie Smith



Councilmember Mike Sosebee

FRANCHISE

Granted To

AMICALOLA ELECTRIC MEMBERSHIP CORPORATION

By

CITY OF DAWSONVILLE

Ordinance Enacting This Franchise Adopted On

February 3, 2014

The within Ordinance Enacting this Franchise

accepted on 2/20/14, 2014.

AMICALOLA ELECTRICAL MEMBERSHIP CORPORATION

By:

President

First Reading: January 6, 2014

Second Reading and Adoption: February 3, 2014

Advertised: January 15 and 22, 2014

AN ORDINANCE OF THE CITY OF DAWSONVILLE GRANTING A FRANCHISE FOR ELECTRICAL SERVICE WITHIN THE CITY LIMITS TO AMICALOLA ELECTRICAL MEMBERSHIP CORPORATION.

This Ordinance is for the purpose of granting a franchise, permission and consent to Amicalola Electric Membership Corporation, its successors, lessees and assigns, to occupy the streets and public places of the City of Dawsonville in constructing, maintaining, operating and extending poles, lines, cables, equipment, and other apparatus for transmitting and distributing electricity, and for other purposes that do not conflict or interfere with the existing franchise held by the Georgia Power Company for certain areas of the City of Dawsonville.

SECTION I, Be it ordained by the governing authority of the City of Dawsonville (hereafter referred to as the "City"), that a franchise, authority, right, permission and consent (hereafter referred to as the "Franchise") is hereby granted to Amicalola Electric Membership Corporation, its successors, lessees and assigns (hereafter referred to as the "Company"), for a period of Ten (10) years, to occupy and use the streets, alleys and public places of the City within the present and future limits of the said City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys and public places from time to time as it may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service. The Franchise shall automatically renew for an additional Ten (10) year period unless either party gives the other at least six (6) months written notice prior to the end of the current term of their intent to terminate. The Franchise is limited to those areas of the City that are not presently served by the Georgia Power Company or are within the geographic area of the City designated to the Georgia Power Company by the Public Service Commission of the State of Georgia.

SECTION II. Be it further ordained that the rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions, to-wit:

1. The Company shall pay into the treasury of the City a sum of money equal to four (4%) percent of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed by the Georgia Public Service Commission)

within the corporate limits of the City and four (4%) percent of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City. All payments shall be made on a quarterly basis with the payment being made within sixty (60) days or less of the end of the previous quarter. In the event the City shall grant to any other entity the right to use and occupy its streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.

2. The amount, if any, of any tax, fee, charge or imposition of any kind required, demanded, or exacted by the City on any account, other than ad valorem taxes on property and license taxes on the sale of home appliances, shall operate to reduce to that extent the amount due from the percentage of gross sales above provided for.

3. The Company shall fully protect, indemnify and save harmless the City from all damages to person or property caused by the construction; maintenance, operation or extension of poles, wires or other apparatus, or conditions of streets, alleys or public places resulting therefrom, for which the said City would otherwise be liable.

4. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

5. The City shall notify the Company of any annexations, de-annexations or other changes of the territorial limits of the City. Said notice shall be made within thirty (30) days of any such change.

SECTION III. Be it further ordained that the Company shall, within ninety (90) days from the approval of this ordinance, file its written acceptance of the same with the Clerk of said City, so as to form a contract between the parties.

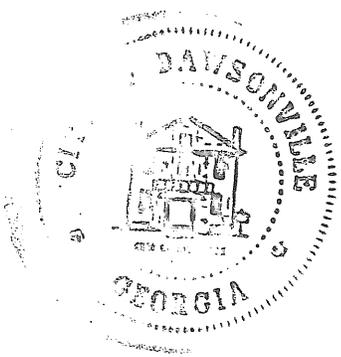
SECTION IV. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the parties, in conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

SO ORDAINED AND ADOPTED this the 3rd day of February, 2014.

MAYOR AND DAWSONVILLE CITY COUNCIL

By: W. James Grogan
W. James Grogan, Mayor

Chris Gaines
Councilmember Chris Gaines





Councilmember Jason Power



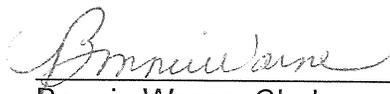
Councilmember Angie Smith



Councilmember Mike Sosebee

I, Bonnie Warne, Clerk of the City of Dawsonville, hereby certify that I was present at the meeting of the Mayor & Council of the City of Dawsonville, held on February 3, 2014 meeting which was duly and legally called and held, and at which a quorum was present, and that the above ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by said Mayor & Council of the City of Dawsonville at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the corporate seal of the said City of Dawsonville, County of Dawson, State of Georgia, this 16 day of February, 2014.



Bonnie Warne, Clerk

**BONNIE M WARNE
NOTARY PUBLIC
DAWSON COUNTY, GEORGIA**

**MY COMMISSION EXPIRES:
JULY 24, 2017**