

MINUTES
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, February 7, 2022
5:00 P.M.

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 5:00 pm.
2. **ROLL CALL:** Present were Councilmember John Walden, Councilmember Mark French, Councilmember Caleb Phillips, Councilmember William Illg, City Attorneys Kevin Tallant and Kip O'Kelley, City Manager Bob Bolz, Deputy City Clerk Tracy Smith, Public Works Director Trampas Hansard, Utilities Operation Manager Jacob Barr, Planning Director David Picklesimer and Finance Administrator Robin Gazaway.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Phillips.
4. **ANNOUNCEMENTS:** Mayor Eason announced that the City Council meetings are back to their regular meeting days; the first and third Mondays of the month.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as presented made by M. French; second by J. Walden. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** Bill Sorenson, 149 River Mill Lane, Dawsonville - He stated his desire have the City Council approve the ordinance amendment on the agenda; item #9.
7. **CONSENT AGENDA:** Motion to approve the consent agenda made by J. Walden; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting and Work Session held January 20, 2022
 - b. Approve Appointment to the Dawsonville History Museum Board of Directors and the Downtown Development Authority
 - **Dawsonville History Museum – Dustin Heard: 3-Year Term**
01/01/2022 – 12/31/2024
 - **Downtown Development Authority – Jonathan Campbell**
Unexpired Term through 12/31/2023

PUBLIC HEARING

8. **ZA-C2200079:** Crawford West Properties, LLC has petitioned a zoning amendment for TMP 091 010, Located at 2279 HWY 9 North from R1 (Restricted Single-Family Residential) to HB (Highway Business). Public Hearing Date: City Council on February 7, 2022. City Council for a decision on February 21, 2022.

Planning Director Picklesimer read the zoning amendment request.

Motion to open the public hearing made by W. Illg; second by M. French. Vote carried unanimously in favor.

Mayor Eason conducted the public hearing.

The following person(s) spoke in favor of the zoning amendment:

- Joey Homans, 272 Hwy 9 South, Dawsonville – He stated he is representing the applicant and provided information to support the request to rezone the property to Highway Business.
- Nalita Copeland, 106 Hwy 136 E, Dawsonville - She stated they are looking to bring the property into compliance with its current use; it was not zoned Highway Business when the property was originally annexed.

Councilmember Illg asked how much of the property is used for the trucking business; Ms. Copeland answered the flat part of the property in the front. She also stated the chicken houses are used for storage.

No one spoke in opposition.

Motion was made to close the public hearing by M. French; second by C. Phillips. Vote carried unanimously in favor.

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9. **ORDINANCE NO. 02-2022:** An Ordinance By The City Of Dawsonville To Amend Its Zoning Ordinance; To Amend Provisions On Conditional Uses And Variances; To Amend Provisions Related To City Initiated Rezoning; To Address Buffers; To Provide For An Effective Date; To Provide For Severability; And For Other Purposes (First Reading: January 20, 2022; Public Hearing, Second Reading and Consideration to Adopt: February 7, 2022)

Planning Director Picklesimer read the second reading of the ordinance amendment.

Motion to open the public hearing made by W. Ilg; second by C. Phillips. Vote carried unanimously in favor.

Mayor Eason conducted the public hearing.

The following person(s) spoke in favor of the zoning ordinance amendment:

- Maria Maxfield, 133 River Mill Lane, Dawsonville - She asked if the 20-foot buffers were undisturbed; Mayor Eason stated the ordinance defines them as undisturbed. She also inquired if the ordinance is approved will it be in effect from this point forward; Mayor Eason stated yes. Lastly, she inquired about ownership of any property changing hands if this would apply; Planning Director Picklesimer stated anyone applying for a land disturbance permit for any property would be required to comply to the new ordinance if it is approved.

No one spoke in opposition.

Motion was made to close the public hearing by C. Phillips; second by M. French. Vote carried unanimously in favor.

Motion to approve Ordinance No. 02-2022 as presented was made by C. Phillips; second by J. Walden. Vote carried unanimously. (Exhibit "A")

BUSINESS

10. **MODIFICATION REQUEST FOR IMPROVEMENT TO WINNERS CIRCLE:** City Manager Bolz presented the request on behalf of Cindy Elliott. He asked questions of the Council about the preference for the design of the pavilion and concerns about placing the Christmas tree on top of the structure. Staff recommends tabling the decision until the museum can obtain an opinion from a structural engineer who can determine if the area below and above will be able to hold the Christmas tree properly.

Motion to table the item until the March 21, 2022 meeting by was made by J. Walden; second by C. Phillips. Vote carried unanimously.

11. **ORDINANCE NO. 03-2022:** An Ordinance To Amend The Charter Of The City Of Dawsonville For The Purpose Of Reapportionment Of Representative Districts Pursuant To O.C.G.A. § 36-35-3 And § 36-35-4.1 (First Reading and Adoption: February 7, 2022; Second Reading and Final Adoption: February 21, 2022)

City Attorney Kevin Tallant presented the ordinance regarding adoption of the new zoning districts. This is the first vote, second reading and final adoption will take place on February 21, 2022.

Motion to approve the first reading and adoption of Ordinance No. 03-2022 for a Charter Amendment made by W. Ilg; second by M. French. Vote carried unanimously.

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EXECUTIVE SESSION:

At 5:23 p.m. a motion to close regular session and go into executive session for pending and/or potential litigation was made by W. Illg; second by C. Phillips. Vote carried unanimously.

At 6:05 p.m. a motion to close executive session was made by M. French; second by J. Walden. Vote carried unanimously in favor.

Motion to resume regular session was made by W. Illg; second by J. Walden. Vote carried unanimously in favor.

ADJOURNMENT:

At 6:09 p.m. a motion to adjourn the meeting was made by W. Illg; second by M. French. Vote carried unanimously.

Approved this 21st day of February 2022.

By: CITY OF DAWSONVILLE



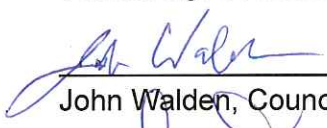
Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1



William Illg, Councilmember Post 2

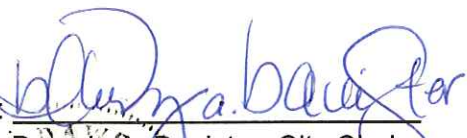


John Walden, Councilmember Post 3

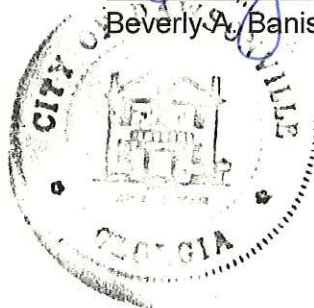


Mark French, Councilmember Post 4

Attested:



Beverly A. Banister, City Clerk



STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor Michael Eason, Councilmember John Walden, Councilmember Caleb Phillips, Councilmember William Illg, and Councilmember Mark French; 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 February 7, 2022.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 5:23 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: (check all that apply)

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);

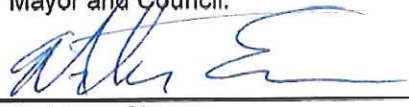
Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;

Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(b)(1);

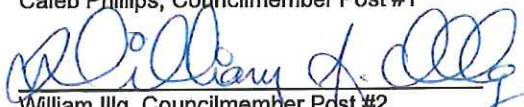
Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(b)(2);

Other _____ as provided in: _____

This 7th day of February 2022; By the City of Dawsonville, Mayor and Council:


Mike Eason, Mayor


Caleb Phillips, Councilmember Post #1


William Illg, Councilmember Post #2


John Walden, Councilmember Post #3

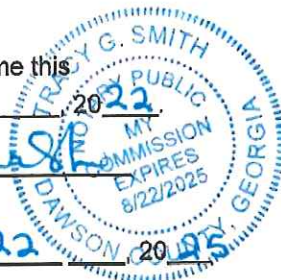

Mark French, Councilmember Post #4

Sworn to and subscribed before me this

7th day of February, 2022.


Signature, Notary Public

My Commission expires: 8.22, 2025



Subject Matter: Zoning Amendment-Expirations and Buffers
Date of First Reading: January 20, 2022
Date of Second Reading and Public Hearing: February 7, 2022
Date of Adoption: February 7 2022

ORDINANCE NUMBER 02-2022

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO AMEND ITS ZONING ORDINANCE; TO AMEND PROVISIONS ON CONDITIONAL USES AND VARIANCES; TO AMEND PROVISIONS RELATED TO CITY INITIATED REZONINGS; TO ADDRESS BUFFERS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES

WHEREAS, the Constitution of the State of Georgia provides in article IX, Section II, Paragraph IV thereof, that the governing body may adopt plans and exercise the power of zoning;

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, Georgia Laws, 1989 pp. 1317-1391, Act 634, which, among other things, provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use;

WHEREAS, the City finds that the regulations contained in this Ordinance are necessary for the purposes of implementing its comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989;

WHEREAS, this Ordinance has been prepared and considered in accordance with the Zoning Procedures Act, O.C.G.A. § 36-66-1 *et seq.*;

WHEREAS, this Ordinance is necessary for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the City of Dawsonville (the "City");

AND WHEREAS, the Mayor and City Council of the City desire to exercise their authority to adopt this ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Appendix A, Article VIII, of Subpart B of the Code of Dawsonville, Georgia, **Section 802: Buffer Required** is hereby amended by repealing the existing Section 802, and replacing it with the following which shall be a new Section 802:

Sec. 802. Buffer required.

Property zoned for commercial and industrial uses shall provide a buffer, as defined by these regulations, along any rear or side property lines abutting a residential district or abutting an alley across from a specified residential district, provided that no buffer shall extend within 15 feet of a public right-of-way line. Minimum buffer widths shall be established in accordance with the following stipulations.

1. When an HB, CBD, or NB district abuts a residential district, a setback of 40 feet shall be provided, including a 30-foot buffer.
2. When an LI or CIR district abuts a residential district, a setback of 60 feet shall be provided, including a 50-foot buffer.
3. When any district abuts a TB district, a ten-foot planted landscape buffer shall be provided on property which abuts the TB district.
4. Properties zoned residential in common subdivision developments shall provide a 20-foot undisturbed buffer along any of the development adjoining property lines.

It shall be the responsibility of the developer to designate required buffers on construction plans and provide tree save to delineate buffer areas to ensure that existing vegetation within required buffers is maintained, unless disturbance of the buffer is approved by the planning director or designee as specifically provided herein. Wherever a buffer, in the determination of the Planning Director or his designee, is so sparsely vegetated that it does not achieve the buffer purpose of visually screening and separating properties, it shall be the duty of the developer to provide for additional plantings to achieve that purpose.

Prohibited buffer encroachments include, but are not limited to, buildings, pavement, parking, service areas, detention ponds, roads, septic tanks, septic drain fields, walls.

A buffer may be disturbed for approved access and utility crossings including, but not limited to, water and sewer lines, drainage pipes, drainage swells, privacy fence and gas lines if it does so via perpendicular crossing. Privacy fence installed parallel shall be installed along adjoining property line and or along the 20-foot buffer line. In addition, the removal of non-native, invasive species is allowed within the buffer zone at the discretion of the planning director. Any approved buffer disturbance must be accompanied by buffer replanting in order to achieve the buffer purpose of visual screening and separation.

It shall be the responsibility of the property owner of the lot to be used or built upon to maintain existing vegetation within required buffers and to replant where sparsely vegetated or install fencing as approved to achieve the desired screening. Installation of vegetation or fencing may be phased in accordance with approved building plans.

SECTION 2.

Appendix A, Article IX of Subpart B of the Code of Dawsonville, Georgia, **Section 917: Expiration of Conditional Use, Variance and Zoning Approval**, is hereby amended by repealing the existing Section 917 and replacing it with the following which shall be a new Section 917:

Sec. 917. Expiration of conditional use, variance and zoning approval.

- a. If, after one year from the date the governing body approves a conditional use permit or the planning commission approves a variance, action has not been taken with the city to utilize the property in accordance therewith (such as securing a development permit, business license, or taking other actions involving obtaining a city permit, certificate or license showing a reliance thereon) the approval of the conditional use permit or variance as the case may be shall expire. At such point, the conditional use permit or variance shall be null, void and of no further force or effect. Prior to any expiration of approval, the owner of the property in question may petition the governing body for a modification or extension of variance or conditional use approval. Any such extension shall be valid for one year from the date of approval. Only one such extension shall be permitted.
- b. If a landowner takes action with the city to utilize the property in accordance with a conditional use permit and then ceases or abandons that conditional use for a continuous period of one year or more, the conditional use shall lapse, expire and be of no further validity.
- c. Any approved zoning of property where there has been no application for land disturbance permit submitted within twenty-four months from the date of zoning approval shall result in a notice being delivered to the owner and the zoning applicant, if different, advising that a city-initiated rezoning to a constitutional zoning designation for the subject property may occur if no land disturbance permit application is tendered within thirty days and approved ninety days of said notice. Upon no land disturbance permit application being tendered and approved within the timelines set forth in this paragraph, the property shall be placed upon a city council agenda for consideration of a city-initiated rezoning.

SECTION 3.

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 4.


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

SECTION 5.

This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 22 day of February, 2022.

MAYOR AND DAWSONVILLE CITY COUNCIL

By: 
Mike Eason, Mayor


Caleb Phillips, Council Member Post 1


William Illg, Council Member Post 2


John Walden, Council Member Post 3


Mark French, Council Member Post 4



ATTESTED TO BY:

, Deputy City Clerk
for Beverly A. Banister, City Clerk