

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Thursday, January 20, 2022
5:00 P.M.

1. **CALL TO ORDER:** Mayor 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, City Clerk Beverly Banister, 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 French.
4. **ANNOUNCEMENTS:** Mayor Eason reminded the public the City Council meetings were scheduled for Thursdays this month due to the New Year and Martin Luther King holidays. Councilmember Walden announced he has scheduled a public forum with local leaders which will be held at City Hall on January 25, 2022 from 6:00 pm to 7:30 pm and he invited the public to come out and participate.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as presented made by J. Walden; second by W. Illg. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** Christopher Light, 112 N. Main St., Cumming – He spoke on behalf of Allen Street Properties and B&K Turner Family, LLP regarding item #10 on the agenda. He stated they do have a signed plat reflecting the revised boundaries for the 32.937 acre property. He also reminded the Council of the conditions they would agree to which he originally submitted in October; of particular importance is the condition in which they agree to connect to City water and sewer.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a) made by M. French; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting and Work Session held December 20, 2021
8. **EMPLOYEE RECOGNITION:** The Mayor and Council awarded Beth Tuttle a one-year service award and Clay Moss was awarded the January 2022 Employee of the Month award. Additionally, the Public Works Department and the Utilities Department were given special recognition for their hard work over the weekend during the winter storm.

BUSINESS

9. **ADMINISTER OATH OF OFFICE TO ELECTED OFFICIALS:** Mayor Mike Eason, Councilmember William Illg, Councilmember Caleb Phillips and Councilmember Mark French were sworn into office by City Attorney Kevin Tallant; they subsequently executed the oath of office as required by the City's Charter, Section 3.16.
10. **ANX-C2100043 and ZA-C2100043:** Allen Street Properties, LLC and B & K Turner Family, LLP have petitioned to annex into the city limits of Dawsonville tract 2 with 32.937 acres (amended application) tract known as a portion of TMP 093 004 001, located at Perimeter Road, with a request to rezone from County Zoning of RSR (Residential Sub Rural) and RA (Restricted Agriculture) to City Zoning of R3 (Single Family Residential). Public Hearing Dates: Planning Commission on September 13, 2021 and City Council on October 4, 2021. City Council for a decision on October 18, 2021 – **Tabled from October 18, 2021 to December 6, 2021 to January 20, 2022**

Planning Director Picklesimer read the annexation and zoning request. Mayor Eason stated the City has been working with Etowah Water and Sewer Authority for a water and sewer agreement; a response was received earlier that day, but the City Council has not had the opportunity to review it. He also stated there are several things the Council would like to discuss with the Turners and recommends postponing the decision.

Motion made by J. Walden to postpone ANX-C2100043 and ZA-C2100043 until the March 21, 2022 City Council meeting; second by W. Illg. Councilmember Phillips stated both sides have worked well together to make the project work with the last hurdle being the agreement with Etowah Water and

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Thursday, January 20, 2022
5:00 P.M.

Sewer Authority. Mayor Eason stated it is in the City's best interest to have the agreement in place. Vote carried unanimously in favor.

- 11. MAPLE HILL DRIVE DETENTION POND:** Attorney Tallant reviewed the details of the gratuities clause which prevents the government from providing a service for which it does not receive anything of value in return. The City has been asked to clean out a detention pond that it does not own. He stated if the City agrees to clean out the detention pond, then an agreement would need to be in place with the homeowners who contribute to the detention pond so that in the future, they are responsible for the maintenance of the detention pond.

Motion to direct legal to prepare an agreement with the property owners of Maple Hill Drive to address the detention pond issue made by M. French; second by C. Phillips. Councilmember Illg abstained from the vote. Vote carried three in favor (French, Phillips, Walden) with one abstained (Illg).

- 12. ORDINANCE NO. 01-2022:** An Ordinance To Amend The Water And Sewer Ordinance Of The City Of Dawsonville; To Provide For Further Regulation Of Wastewater Suspended Solids, To Provide An Effective Date; And For Other Purposes. (First Reading: December 20, 2021; Second Reading And Consideration To Adopt: January 20, 2022)

Utilities Operation Manager Barr read the second reading of the ordinance.

Motion to approve the ordinance as presented made by W. Illg; second by M. French. Vote carried unanimously in favor. (Exhibit "A")

- 13. 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 Rezonings; 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 first reading of the ordinance amendment. Councilmember Illg asked legal about the term "undisturbed buffer". Attorney Tallant stated the ordinance amendment does not describe any of the buffers as undisturbed and explained that by definition of the City of Dawsonville all buffers are undisturbed. Mayor Eason asked if the ordinance amendment passes, would its effect be for all future development; Attorney Tallant stated all newly submitted development plans and such would have to comply.

- 14. AWARD BID – CONSTRUCTION OF AN ADMINISTRATIVE BUILDING FOR PUBLIC WORKS AND UTILITIES DEPARTMENT:** Motion to award the bid to Bayne Development Group, LLC in the amount of \$367,373.00 to be paid out of American Rescue Plan Act (ARPA) funds, if permissible, or a combination of SPLOST VI and VII and the Enterprise fund made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.

WORK SESSION

- 15. DISCUSS AMENDING PERSONNEL POLICY TO INCLUDE A FLOATING HOLIDAY FOR EMPLOYEES:** Finance Director Gazaway provided an overview of the request to add a floating holiday for City employees.

Motion to approve the addition of a floating holiday for City employees made by J. Walden; second by M. French. Vote carried unanimously in favor.

STAFF REPORTS

- 16. BOB BOLZ, CITY MANAGER:** City Manager Bolz provided his report in the agenda packet and reported all staff is back from quarantine and the leak adjustment for the month was \$441.91. Councilmember Illg asked about the Christmas event for 2022 and Bolz stated it was a mutual decision with the Chamber to hold it prior to Thanksgiving this year kicking the season off about two weeks earlier; the anticipated date is November 19, 2022.

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Thursday, January 20, 2022
5:00 P.M.

17. ROBIN GAZAWAY, FINANCE ADMINISTRATOR: Financial reports representing fund balances and activity through December 31, 2021 were provided in the agenda packet. No questions from Council.

ADJOURNMENT:

At 5:43 p.m. a motion to adjourn the meeting was made by W. Illg; second by J. Walden. Vote carried unanimously in favor.

Approved this 7th day of February 2022

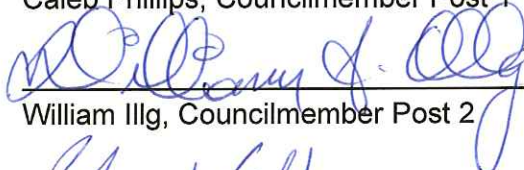
By: CITY OF DAWSONVILLE



Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1



William Illg, Councilmember Post 2



John Walden, Councilmember Post 3



Mark French, Councilmember Post 4



Attested: 
for Beverly A. Banister, City Clerk

Subject Matter: High Strength Wastewater
Date of First Reading: December 20, 2021
Date of Second Reading: January 20, 2022
Date of Adoption: *January 20, 2022*

ORDINANCE NUMBER 01-2022

AN ORDINANCE TO AMEND THE WATER AND SEWER ORDINANCE OF THE CITY OF DAWSONVILLE; TO PROVIDE FOR FURTHER REGULATION OF WASTEWATER SUSPENDED SOLIDS, TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Dawsonville, Georgia, is authorized by Article IX, Section II, Paragraph III of the Constitution of the State of Georgia of 1983, and O.C.G.A. § 36-35-3 to provide water and sewer utilities; and

WHEREAS, pursuant to the City Charter, Mayor and Members of City Council are authorized to establish rights, rules, regulations, and ordinances as may be necessary for the operation of its utilities and as they deem proper for the general welfare of the inhabitants of the City of Dawsonville; and

WHEREAS, pursuant to Section 1.12(9) of the City Charter, the City is empowered to acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including sewer and drains, sewage disposal; and

WHEREAS, high suspended solids in high strength wastewater can adversely affect the treatment process, clog sewers and equipment, and increase sludge costs. Multiple violations have an adverse effect on plant operation, even if the monthly average of several tests is below the City's current surcharge level.

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

SECTION 1. Amendments to Section 14-84

(a) Section 14-84 High strength wastewater surcharge is hereby amended by adding the following language to Section (a):

(7) Total suspended solids above 300 milligrams per liter (mg/L), not to exceed a maximum of 600 mg/L.

(b) Section 14-84 (c) shall be amended by repealing the current sub-section (1) and replacing it with the following:

(1) Monitoring to determine surcharge shall be conducted by the user as required in either the pretreatment permit or a minimum of two tests per month. The average of all test results will be used to calculate the surcharge. If multiple tests are taken and at least two tests exceed the allowable limit, then the surcharge and penalty will be prorated.

SECTION 2. Amendment to Section 14-30

Section 14-30 Penalties for violation, is hereby amended as follows: The current sub-section (d) shall become sub-section (e) and a new sub-section (d) will now read as follows:

(d) For the second offense in any twelve (12) month period, a repeat offender fee equal to 25% of the penalty shall be added, with a fee equal to 50% of the penalty for the third offense, 75% of the penalty for the fourth and the fee shall be doubled (100%) for the fifth and any subsequent offense during any twelve (12) month period. The foregoing notwithstanding, no fees shall be assessed in excess of that allowed by State Law to the extent addressed by State Law.

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 passage by the City Council of the City of Dawsonville.

BE IT ORDAINED by the Mayor and Members of Dawsonville, Georgia City Council this 20 day of January, 2022.

DAWSONVILLE CITY COUNCIL

By: 
Mike Eason, Mayor

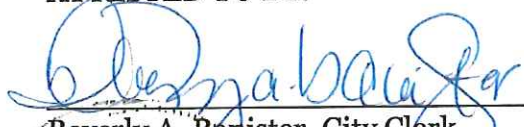

Caleb Phillips, Council Member Post 1


William Illg, Council Member Post 2


John Walden, Council Member Post 3


Mark French, Council Member Post 4

ATTESTED TO BY:


Beverly A. Banister, City Clerk

