

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, April 18, 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 Attorney Kevin Tallant, 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 Phillips.
4. **ANNOUNCEMENTS:** City Manager Bolz announced the Farmer's Market opening day is Saturday, April 30, 2022 and the first Food Truck Friday is May 6, 2022.
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:**
 - Corey Guthrie, 3384 Elliott Family Parkway – He spoke as the engineer on behalf of agenda item #12 and wanted to highlight the concessions they've made regarding additional buffers, decreased total number of lots and increased open space.
 - Gail Smith, 378 Apple Ridge 1 – She also spoke on item #12 requesting the Council consider denying the rezoning and would like to see it remain as R1.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a,b,c,d) made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting and Work Session held March 21, 2022
 - Executive Session held March 21, 2022
 - b. Approve 2022 Georgia Municipal Association (GMA) Annual Convention and Training
 - c. Approve Annual Preventive Maintenance Contract for Lift Stations
 - d. Approve Updated 2022 Lease for Dawsonville History Museum
8. **EMPLOYEE RECOGNITION:** The Mayor and Council presented awards to Beth Tuttle for the March 2022 Employee of the Month and Clay Moss as the Employee of the Second Quarter. Additionally, Tracy Smith received a five-year service award, Blake Croft received a six-year service award and Trampas Hansard received a fourteen-year service award.
9. **PROCLAMATION: ADMINISTRATIVE PROFESSIONALS DAY, APRIL 27, 2022:** Mayor Eason read the proclamation and thanked the staff for their commitment and hard work.

BUSINESS

10. **ZA-C2200130:** City of Dawsonville and Shiloh and Shiloh, LLC has petitioned a zoning amendment for TMP D02 005 and D02 006, Located at 41 and 68 Dan Roper Lane from PCS (Planned Conservation Subdivision) to R6 (Multiple-Family Residential). Public Hearing Dates: Planning Commission on March 14, 2022, and City Council on March 21, 2022. City Council for a decision on April 18, 2022.

Motion to approve rezoning request as presented made by W. Illg; second by C. Phillips. Councilmember French stated for the public that nothing is being built as a result of the zoning amendment; Planning Director Picklesimer confirmed. Vote carried unanimously in favor.
11. **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,

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2021 and City Council on October 4, 2021. City Council for a decision on October 18, 2021 – **Tabled from March 21, 2022**

Mayor Eason stated it has been recommended that this item be tabled indefinitely. Attorney Tallant further explained several issues still remain unresolved concerning this request and the item has been tabled multiple times during the effort to resolve the issues. Laying the item on the table indefinitely will allow time to settle the matter and then at a future meeting the City Council will make a motion to put the item back on an agenda once a clear decision can be made.

Motion to lay the item on the table indefinitely made by W. Illg; second by J. Walden. Vote carried unanimously in favor.

- 12. ZA-C2200119:** SDH Atlanta, LLC has petitioned a zoning amendment for TMP 084 004 and 084 005; Located at 1694 and 1768 Highway 9 South from R1 (Restricted Single-Family Residential District) to R3 (Single-Family Residential). Public Hearing Dates: Planning Commission on February 14, 2022, and City Council on March 7, 2022. City Council for a decision on March 21, 2022. – **Tabled from March 21, 2022**

Planning Director Picklesimer read the zoning amendment request and asked the Council to consider the additional stipulations as outlined by the Planning Department. Councilmember Phillips stated they have worked hard to try and find what is fair for all involved.

Motion made by C. Phillips to approve the zoning amendment request with the following stipulations:

- Provide a 50-foot undisturbed stream buffer and 25-foot impervious setback on each side of the existing streams. An exception is made for the installation of the required sanitary sewer lines and their associated easement to be allowed within the 25-foot impervious setback.
- Install nature trail network system without land disturbance measures that will follow the existing topography in the open space areas and have connectivity to the Thunder Ridge development nature trails.
- Development shall not exceed 220 units and a density of 1.82 units per acre.
- Provide a no access easement adjoining the HWY 9S frontage boundary.
- Applicant shall request a stream study in Shoal Creek Tributary Number 14 and 14.1 from the US Fish and Wildlife Service to determine the existence of the threatened Cherokee or Etowah Darter. If Darters exist in either tributary the applicant must request a formal consultation meeting with the US Fish and Wildlife Service and provide the City with FWS recommended protection action plan.
- Provide a 75-foot undisturbed buffer and additional 25-foot planted buffer adjoining the South boundary line of Apple Ridge parcels from HWY 9S to TMP 087 003. In the event the 25-foot planted buffer area requires grading activity and or the existing vegetation is found not appropriate the buffer shall be supplemented with approved and additional plantings per City buffer requirements.
- Applicant shall donate funds and be dedicated for future intersection improvements at Perimeter Road and HWY 9S. Funds in the amount of \$1,000.00 per unit shall be donated prior to each building permit approval. Funds shall be eligible for future impact fee credit if the City adopts said fees in the future.
- Development must be constructed in multiple phases.
- Minimum heated square footage of all homes shall be 1,500 sf.
- Maximum of 20% of homes for the entire development to be less than 1,600 heated sf.

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- Maximum of 35% of homes for the entire development to be less than 1,800 heated sf.
- Minimum of 45% of the homes for the entire development to be 2,000 heated sf or more.
- Minimum of 20% of the homes for the entire development to be 2,200 heated sf or more.
- All homes, at a minimum, shall have a brick or stone water table feature across the front and sides of the home

Second by W. Illg. Vote carried three in favor (Phillips, Illg, Walden) with one opposed (French).

- 13. LETTER OF COMMITMENT TO APPALACHIAN REGIONAL COMMISSION:** Motion to approve the letter of commitment as presented and approve the \$30,000 match to be funded by SPLOST VII made by M. French; second by C. Phillips. Vote carried unanimously in favor.
- 14. STORM WATER INFRASTRUCTURE MAINTENANCE AND EXPENSES AGREEMENT:** Attorney Tallant explained the agreement was developed for the consideration of the residents on Maple Hill Drive allowing the City to make a one-time repair to their storm water infrastructure and beginning immediately thereafter a maintenance and administrative fee would be assessed to the residents on Maple Hill Drive for future costs of storm water maintenance. Those who do not enter into the agreement with the City will receive an invoice reflecting their portion and if not paid, a lien will be placed on their property for their portion.

The following feedback was received on the agreement and can be incorporated into the agreement if requested. After the initial storm water infrastructure repair, all persons who will sign the agreement to pay for future maintenance will not be assessed their pro-rata share for the cost of the initial cleanout; however, those who do not sign the agreement to pay for future maintenance will be invoiced for their pro-rata share for the cost of the initial cleanout. The agreement is drafted to be recorded on the real property records and will bind on future property owners; therefore, following the land.

Motion to approve the agreement incorporating the additional feedback outlined above made by J. Walden; second by C. Phillips. Vote carried three in favor (Walden, Phillips, French) with one abstained (Illg).

- 15. MAIN STREET PARK PAVILION RENTAL INCREASE:** Motion made by M. French to approve the pavilion rental increase for all day rentals as follows:
- \$75.00 for Dawson County residents
 - \$100.00 for Non-Dawson County residents

Second by C. Phillips. Vote carried unanimously in favor.

- 16. AMERICAN RESCUE PLAN ACT (ARPA) GRANT FUNDS DESIGNATION:** Motion to designate ARPA Grant Funds in the amount of \$1.2M to the revenue standard allowance made by W. Illg; second by M. French. Vote carried unanimously in favor.

WORK SESSION

- 17. IMPACT FEE STUDY DISCUSSION:** Mayor Eason asked the City Council to consider an impact fee study stating an RFP would need to be developed for the service. Councilmember French stated he supports the study and feels it is worthy of consideration. Councilmember Phillips is not currently in favor of implementing impact fees as of now but would support a study. Councilmembers Illg and Walden would also be interested in the study. Mayor Eason further stated the Council could consider an IGA with the County to use a portion of the fees to support things like public safety.

Motion to approve staff to move forward with the development of an RFP for an impact fee study made by J. Walden; second by M. French. Vote carried unanimously in favor.

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18. CONSIDERATION OF RESOLUTION: TEMPORARY MORATORIUM ON ISSUANCE OF DEVELOPMENT AND BUILDING PERMITS: Attorney Tallant provided a brief description of the resolution concerning the temporary moratorium. Motion to approve the Resolution #R2022-02 as presented made by M. French; second by J. Walden. Vote carried unanimously in favor. (Exhibit "A")

STAFF REPORTS

19. BOB BOLZ, CITY MANAGER: He reported the leak adjustment for last month totaled \$1,404.33 and can answer any questions on his report provided in the packet.

20. ROBIN GAZAWAY, FINANCE ADMINISTRATOR: Financial reports representing fund balances and activity through March 31, 2022 were provided in the agenda packet; no questions or comments from City Council.

EXECUTIVE SESSION:

At 5:48 p.m. a motion to close regular session and go into executive session for potential real property acquisition was made by J. Walden; second by W. Illg. Vote carried unanimously in favor.

At 6:10 p.m. a motion to close executive session was made by W. Illg; second by M. French. Vote carried unanimously in favor.


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

ADJOURNMENT:

At 6:12 p.m. a motion to adjourn the meeting was made by J. Walden; second by W. Illg. Vote carried unanimously.

Approved this 2nd day of May 2022.

By: CITY OF DAWSONVILLE



Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1



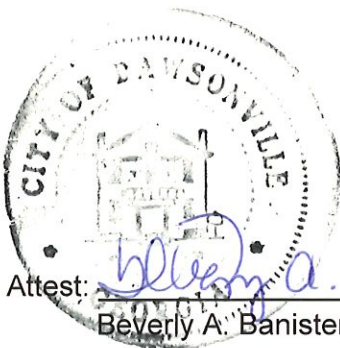
William Illg, Councilmember Post 2



John Walden, Councilmember Post 3



Mark French, Councilmember Post 4



Attest: 

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 April 18, 2022.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 5:48 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 18th day of April; By the City of Dawsonville, Mayor and Council:


Mike Eason, Mayor

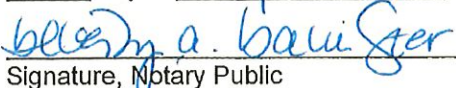

Caleb Phillips, Councilmember Post #1


William Illg, Councilmember Post #2


John Walden, Councilmember Post #3


Mark French, Councilmember Post #4

Sworn to and subscribed before me this
18 day of April, 2022.


Signature, Notary Public

My Commission expires: Feb 18, 2024



RESOLUTION R2022-02

A RESOLUTION OF THE CITY OF DAWSONVILLE, GEORGIA TO ENACT A TEMPORARY, EMERGENCY MORATORIUM ON THE ISSUANCE OF DEVELOPMENT PERMITS AND BUILDING PERMITS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF DAWSONVILLE DURING A STUDY OF DEVELOPMENT IMPACTS AND CAPITAL IMPROVEMENTS; TO PROVIDE FOR EXCEPTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Dawsonville, Georgia is a Georgia Municipal Corporation which provides planning and zoning, as well as enforcement of building codes and regulations as a qualified local government;

WHEREAS, the City of Dawsonville directly provides, provides via contractual arrangement, and/or regulates, *inter alia*, the following services, all of which are and will continue to be impacted by residential and commercial development: road and street construction or maintenance, solid waste management, water supply and distribution, wastewater treatment, stormwater collection and disposal, public safety, and recreational facilities;

WHEREAS, local governments, pursuant to Chapter 71 of Title 36 of the Official Code of Georgia Annotated, may consider and adopt development impact fees which are imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development;

WHEREAS, such development impact fees may be collected at the time of the issuance of a development permit or a building permit, depending upon the particular purpose of the fee;

WHEREAS, the City of Dawsonville is starting the process of studying and developing a system of development impact fees pursuant to Chapter 71 of Title 36 of the Official Code of Georgia, Annotated;

WHEREAS, there are tracts of developed land which could be redeveloped, and undeveloped land in the City of Dawsonville which if developed, or if rezoned and developed, could create significant impacts on the services, facilities, and infrastructure of the City of Dawsonville, to include but not necessarily be limited to significant improvement costs as a result of the development;

WHEREAS, a review of development fee impact ordinances and studies related to the same confirms that residential development and usage creates the greatest impact on local government facilities, infrastructure, and services;

WHEREAS, the City of Dawsonville, pursuant to its police power, is authorized to enact ordinances to further and protect the health, safety, welfare and morals of the public;

WHEREAS, given the potentially significant impact to the services, facilities and infrastructure needs and demands of developing or redeveloping property, the City of Dawsonville has

determined that it is reasonable and necessary, in order to protect the health, safety, welfare and morals of the public, to enact a temporary, emergency moratorium on development and building permits in the City of Dawsonville;

WHEREAS, the enactment of a temporary, emergency moratorium is a valid exercise of the police power of the City of Dawsonville in order to preserve the status quo while it considers a new ordinance;

WHEREAS, there are significant developments which could have a large impact on the City of Dawsonville's provision of services if Development Impact Fees are not adopted;

WHEREAS, the emergency measures contained herein are limited in scope and duration, to provide time for the City of Dawsonville to consider the adoption of a longer moratorium while considering whether to adopt Impact Fees;

AND WHEREAS, the moratorium, as described herein, is found by the City of Dawsonville to be an appropriate, reasonably necessary, not unduly oppressive, and narrowly tailored exercise of the City of Dawsonville's police power.

NOW, THEREFORE, premises considered, be it ordained by the Council of the City of Dawsonville, as follows:

Section 1. There is hereby enacted a moratorium on (a) the acceptance of applications for, or the issuance of land development permits (including land disturbance permits) as well as (b) the acceptance of applications for, or the issuance of building permits, within the corporate limits of the City of Dawsonville, Georgia, for properties which are in the following zoning districts:

- a. RA: Restricted Agricultural
- b. R-1: Restricted Single Family Residential
- c. R-2: Single Family Residential
- d. R-3: Single Family Residential
- e. R-6: Multiple-Family Residential
- f. R3R: Manufactured Home Subdivision District
- g. RMM: Residential Manufactured/Moved
- h. RMHT: Manufactured Housing Temporary District
- i. RPC: Residential Planned Community
- j. PUD: Planned Unit Development
- k. PCS: Planned Conservation Subdivision
- l. RCT: Residential Cottage
- m. AP: Annexed Property

Section 2. The moratoria described in § 1, above, shall expire on the earlier of:

- a. the passage of thirty (30) days from the date this Resolution is adopted by the Council of the City of Dawsonville;

- b. the defeat or adoption of an ordinance establishing development impact fees pursuant to Chapter 71 of Title 36 of the Official Code of Georgia Annotated;
- c. a subsequent vote of the Council of the City of Dawsonville, Georgia, repealing or replacing the moratoria described in this Resolution.

Section 3. The moratoria described in § 1, above, shall not apply to:

- a. any development or project where there is an active Land Disturbance Permit in place on or before the date of the passage of this Resolution, however, if the Land Disturbance Permit expires without being renewed before its expiration, then the moratoria described above shall apply to any future issuance of a Land Disturbance Permit for the same tract of land.
- b. any building site where there is an active Building Permit in place on or before the date of the passage of this Resolution, however, if the Building Permit expires without being renewed before its expiration, then the moratoria described above shall apply to any future issuance of a Building Permit for the same Building Site.
- c. any development or building site which does not fit into the exceptions identified in § 3(a) or (b), but for which the applicant for the development and/or building permit executes an irrevocable commitment that it will remit, in full, any development impact fee within thirty (30) days after the passage of an ordinance establishing development impact fees pursuant to Chapter 71 of Title 36 of the Official Code of Georgia, Annotated. The Development Impact fee assessed pursuant to this exception shall be such as is established pursuant to any adopted ordinance, and if no ordinance is adopted then no fee shall be assessed.
 - i. In the event that an applicant seeks an exception pursuant to § 3(c) of this Resolution, if the applicant fails to make the committed to payment of a development impact fee within the time required, then the permit issued (and any related permits or certificates, including but not limited certificates of occupancy) shall be revoked, *instanter*, by operation of law without the necessity of any further action by the City of Dawsonville or any of its departments or employees.
 - ii. In the event of a revoked permit or certificate pursuant to § 3(c)(i) of this Resolution, the unpaid development impact fee must be paid before any development or building permit or related certificate may issue for the site or development in question.

Section 4. Severability. If any section, provision or clause of any part of this resolution shall be declared invalid or unconstitutional, or if the provisions of any part of this resolution 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 resolution not so held to be invalid, or the application of this resolution to other

circumstances not so held to be invalid. It is hereby declared as the intent that this resolution would have been adopted had such invalid portion not been included herein

Section 5. Repealer. All laws and parts of laws in conflict with this resolution are hereby repealed.

Section 6. Effective Date. This resolution shall be effective the day following its passage by the Council of the City of Dawsonville, the health, safety, welfare, and general morality of the City of Dawsonville demanding it.

SO ADOPTED AND RESOLVED by the City Council of Dawsonville, Georgia, this 18 day of April, 2022.

MAYOR AND DAWSONVILLE CITY COUNCIL

By: 
Mike Eason, Mayor

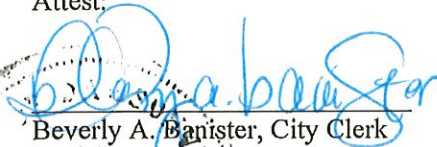

Caleb Phillips, Council Member, Post 1


William Illg, Council Member, Post 2


John Walden, Council Member, Post 3


Mark French, Council Member, Post 4

Attest:


Beverly A. Banister, City Clerk

