MINUTES

CITY COUNCIL REGULAR MEETING AND WORK SESSION

G.L. Gilleland Council Chambers on 2nd Floor Monday, July 18, 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, City Attorney Kevin Tallant, City Manager Bob Bolz, City Clerk Beverly Banister, Public Works Director Trampas Hansard, Utilities Operation Manager Jacob Barr, Finance Administrator Robin Gazaway and Planning and Zoning Admin Stacy Harris.

Councilmember Illg was not present.

- 3. INVOCATION AND PLEDGE: Invocation and pledge were led by Councilmember Phillips.
- 4. ANNOUNCEMENTS: Mayor Eason announced the Farmer's Market is open on Wednesday afternoons and Saturday mornings through October. Family Connection will host a Family Fair on July 29, 2022 at Main Street Park; all provided at no charge. He also announced Main Street Park has added nine holes of disc golf.
- **5. APPROVAL OF THE AGENDA:** Motion to amend the agenda to add item #17 Cook Properties to the agenda made by C. Phillips; second by M. French. Vote carried unanimously in favor.

Motion to approve the agenda as amended made by M. French; second by J. Walden. Vote carried unanimously in favor.

- 6. PUBLIC INPUT: None
- **7. CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a,b) made by J. Walden; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting and Work Session held June 20, 2022
 - Executive Session held June 20, 2022
 - b. Approve Master Meter End User License Agreement
- 8. EMPLOYEE RECOGNITION: The Mayor and Council presented the June 2022 Employee of the Month award to John Tatum and the Employee of the Second Quarter award was presented to Steven McNeal. David Schuette was recognized for his one year service award and David Picklesimer (absent) was recognized for his three years of service with the City.

The Mayor and Council also presented Jim Guy, Marc Banister and Beverly Banister with a certificate of appreciation for their contribution to the development of the nine-hole disc golf course.

PUBLIC HEARING

9. APPEAL-C2200182: Aero Group Racing of Georgia has petitioned to appeal Planning Commission denial of VAR-C2200169. Applicant is requesting to eliminate the 20' foot buffer along the east side of the property line for TMP 070 050, 070 004, 069 036, 069 037 adjoining TMP 070 049 001; Located at 612 Duck Thurmond Road. Public Hearing: City Council on July 18, 2022.

Stacy Harris read the request for the appeal. Motion to open the public hearing made by C. Phillips; second by M. French. Vote carried unanimously in favor. Mayor Eason conducted the public hearing. The following person spoke in favor of the request:

Brian Nicholson, 4020 Morgan Road, Tucker, GA – He spoke on behalf of the owners of the
property and stated they are requesting the twenty foot buffer requirement be removed in
order to have a view of the racetrack. He also noted they already have a forty-foot buffer on
one side due to the stipulation made when the property was annexed into the City.

No one spoke in opposition of the request.

Motion to close the public hearing made by M. French; second by J. Walden. Vote carried unanimously in favor.

MINUTES CITY COUNCIL REGULAR MEETING AND WORK SESSION

G.L. Gilleland Council Chambers on 2nd Floor Monday, July 18, 2022 5:00 P.M.

Motion to table the item to the August 1, 2022 City Council meeting made by M. French; second by C. Phillips. Vote carried unanimously in favor.

BUSINESS

- 10. ANX-C2200161: Dustin Gillespie has petitioned to annex into the city limits of Dawsonville the 1.04 acre tract known as TMP 090 099, Located at 544 Gold Bullion Drive W, with a County Zoning of RPC (Residential Planned Community) to City Zoning RPC (Residential Planned Community). Public Hearing Dates: Planning Commission on June 13, 2022, and City Council on June 20, 2022. City Council for a decision on July 18, 2022.
 - Motion to approve ANX-C2200161 as presented made by M. French; second by C. Phillips. Vote carried unanimously in favor. (Exhibit "A")
- 11. ANX-C2200162: Ryan and Jessica Disharoon have petitioned to annex into the city limits of Dawsonville the 2.36 acre tract known as TMP 090 107 and 090 104, Located at 446 Gold Bullion Drive W, with a County Zoning of RPC (Residential Planned Community) to City Zoning RPC (Residential Planned Community). Public Hearing Dates: Planning Commission on June 13, 2022, and City Council on June 20, 2022. City Council for a decision on July 18, 2022.
 - Motion to approve ANX-C2200162 as presented made by M. French; second by C. Phillips. Vote carried unanimously in favor. (Exhibit "B")
- 12. ANX-C2200170: B&K Turner Family, LLP has petitioned to annex into the city limits of Dawsonville the 35.31 acre tract known as TMP 083 025, Located at Land Lot 584, 4th District, Section 1, with a County Zoning of RA (Residential Agricultural/Residential Exurban) to City Zoning AP (Annexed Property District). Public Hearing Dates: Planning Commission on June 13, 2022, and City Council on June 20, 2022. City Council for a decision on July 18, 2022.
 - Motion to table ANX-C2200170 indefinitely made by M. French; second by J. Walden. Vote carried unanimously in favor.

WORK SESSION

APPLICATION FOR LEASE AT CITY HALL PROPERTY: Cheryl Wood, owner of the Dawsonville Moonshine Distillery, had previously requested to terminate her lease early since she was in the process of selling her business; City Council approved the early termination (July 31, 2022) on June 20, 2022. Since then, the sale of the business did not go through and she is now requesting to have her lease reinstated. Mayor Eason stated a new lease will need to be drafted and spoke of some additional conditions that will be included. Attorney Tallant agreed a new lease will need to be drafted and approved and stated there were additional conditions as mentioned by Mayor Eason such as access to the property, grease trap concerns and access allowed by the Dawsonville History Museum and possibly one other condition; Mayor Eason further stated there is concern for the hours of operation as well; Cheryl Woods stated the business is currently open Thursday through Sunday.

Motion to reinstate the lease for the Dawsonville Moonshine Distillery to include the conditions stated by Attorney Tallant with an end date of 12/31/2022 made by M. French. Discussion occurred regarding the new conditions and the timing of the lease approval; Ms. Wood stated the Distillery cannot legally be without a lease.

Motion made by M. French to amend his motion to have legal draft a lease that is acceptable to the City and approved by Ms. Woods and then ratify at the August 1, 2022 City Council meeting; second by C. Phillips. Attorney Tallant stated he would be fine with ratifying the lease if it's acceptable to all parties. Further discussion occurred surrounding the conditions to be added in the lease, including the hours in which the business is open, the amount of leased space and the cost. Vote carried unanimously in favor.

MINUTES

CITY COUNCIL REGULAR MEETING AND WORK SESSION

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14. PROPOSED LIFT STATION REQUEST – STARLIGHT HOMES: Utilities Operation Manager Jacob Barr recommends denying the lift station request and recommends Starlight Homes work with Eastwood Homes on moving the force main from Shoal Creek lift station.

Motion to deny the lift station request made by M. French; second by C. Phillips. Michael Turner and Randy Davis addressed the Council discussing their concerns. Vote carried unanimously in favor.

STAFF REPORTS

- **15. BOB BOLZ, CITY MANAGER:** He reported the leak adjustment for last month totaled \$3,681.08 for six properties and can answer any questions on his report provided in the packet.
- **16. ROBIN GAZAWAY, FINANCE ADMINISTRATOR:** Financial reports representing fund balances and activity through June 30, 2022 were provided in the agenda packet.

ADDITIONAL BUSINESS

17. COOK PROPERTIES: Councilmember Phillips stated the City's regulations have changed since the City Council approved Cook Communities' site plan on December 20, 2021 and his intention was to allow Cook Communities to build according to the approved site plan despite the change in the City's regulations.

Motion to allow Cook Communities to proceed with the site plan as presented and approved at the December 20, 2021 City Council meeting made by C. Phillips; second by M. French. Attorney Tallant assured the City Council that the Zoning Procedures Act requirements weren't necessary since the motion is simply a clarification of the Council's intent when the site plan was originally voted on in December. Vote carried unanimously in favor. (Exhibit "C")

JOURNMENT:

At 5:38 p.m. a motion to adjourn the meeting was made by J. Walden; second by C. Phillips. Vote carried unanimously.

Approved this 1st day of August 2022.

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

Beverly A Banister, City Clerk

ANNEXATION ORDINANCE ANX-C2100161

STATE OF GEORGIA COUNTY OF DAWSON

WHEREAS, the City of Dawsonville, a Georgia municipal corporation ("Dawsonville") wishes to take action to annex certain land into the corporate limits of the City of Dawsonville, a Georgia municipal corporation; and,

WHEREAS, pursuant to O.C.G.A. § 36-36-20, *et. seq.* authority is granted to governing body of Dawsonville to annex into the existing corporate limits of Dawsonville unincorporated areas contiguous to the corporate limits of Dawsonville upon written and signed application of all of the owners of the land proposed to be annexed; and,

WHEREAS, on April 26, 2022, an application of real property was filed with the City of Dawsonville by Dustin Gillespie, Owner, regarding certain property lying and being in Land Lot No. 35 (Lot 15) of the 4th Land District, of Dawson County, Georgia as recorded in Plat Book 37 Page 173 of the Dawson County Records (the "Property"), said survey of the Property being attached hereto as Exhibit "A"; and,

WHEREAS, pursuant to O.C.G.A. § 36-36-6, notice was provided to the governing authority of Dawson County, a political subdivision of the State of Georgia, of such proposed annexation, a copy of said notice being attached hereto as Exhibit "B"; and.

WHEREAS, the Mayor and Council of Dawsonville do desire to act on such application for annexation of real property by Dustin Gillespie as set forth herein;

NOW THEREFORE, the City of Dawsonville, a Georgia municipal corporation, hereby enacts the following:

1.

The Ordinances of the City of Dawsonville, Georgia, are amended as follows:

CITY OF DAWSONVILLE, GEORGIA

ORDINANCE REGARDING ANNEXATION OF LAND PURSUANT TO O.C.G.A. § 36-36-20, et. seq.

Application having been made by Dustin Gillespie (the "Owner") to annex certain unincorporated real property into the corporate limits of the City of Dawsonville, a Georgia municipal corporation, said real property being more particularly described as

lying and being in Land Lots No. 35 (Lot 15) of the 4th Land District, of Dawson County, Georgia as recorded in Plat Book 37 Page 173 of the Dawson County Records (the "Property"), said Property being contiguous to the existing corporate limits of the City of Dawsonville, a Georgia municipal corporation, the Mayor and Council of the City of Dawsonville, a Georgia municipal corporation, under the authority and powers granted under O.C.G.A. § 36-36-20, et. seq., do hereby annex the Property into the corporate limits of the City of Dawsonville, a Georgia municipal corporation, effective as of the date of this Ordinance and direct the City Clerk and City Attorney for the City of Dawsonville, a Georgia municipal corporation, to take such actions to make such reports and filings as are necessary to effectuate the annexation of the Property into the corporate limits of the City of Dawsonville, a Georgia municipal corporation.

11.

All ordinances, parts of ordinances, amendments, or regulations in conflict herewith are repealed.

III.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

IV.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Dawsonville, Georgia.

V.

This Ordinance shall take affect the first day of the month following the adoption of this ordinance provided that all requirements of Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated have been met; and shall become effective for purposes of ad valorem taxes on December 31st of the year in which this ordinance is adopted.

The above Ordinance was approved by the Mayor and Council of the City of Dawsonville, Georgia, on the 18th day of July, 2022.

(Signatures on next page)

Michael Eason, Mayor

Caleb Phillips, Councilmember

John Walden, Councilmember

absent

William IIIg, Councilmember

Mark French, Councilmember

Attested Parister City Cl

Beverly Banister, City Clerk

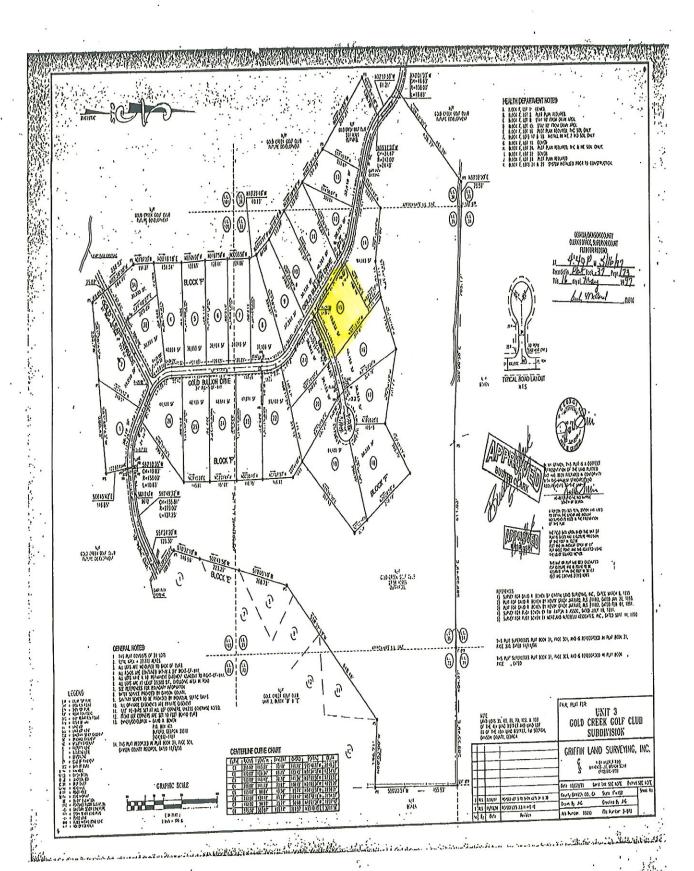


Exhibit A



706.265.3256 www.dawsonville-ga.gov

May 2, 2022

Via Certified Mail 7018 3090 0001 6005 4204

Mr. Billy Thurmond
Board of Commissioners
Dawson County
25 Justice Way, Suite 2313
Dawsonville, GA 30534

Re: Annexation of Property of Dustin Gillespie; ANX C2200161; TMP 090 099; 544 Gold Bullion Drive West.

Dear Mr. Thurmond,

Please be advised that the City of Dawsonville, Georgia, pursuant to authority vested in the Mayor and Council of the City of Dawsonville by Article 2, Chapter 36, Title 36 of the Official Code of Georgia Annotated, received a petition to annex the property referenced above. This annexation petition will be heard during the public hearing segment of the following City Council meetings; June 20, 2022, and July 18, 2022.

This letter has been sent to you by certified mail, return receipt requested, upon receipt of the Annexation Petition of JSW Gee Corner, LLC. Said notice is in compliance with O.C.G.A. §§ 36-36-6, and 36-36-111. Please see the attached copy of the annexation petition and map of the site proposed to be annexed, which are included to allow you to identify the subject area, as well as the intended use of the property.

Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Dawson County has thirty (30) calendar days to raise an objection to the proposed use of the above referenced land, and to specify the basis therefore.

Finally, in accord with O.C.G.A. § 36-36-7, Dawson County has five (5) business days from the receipt of this notice to notify the City that there are County-owned public facilities within the area proposed for annexation.

Thank you for your time and attention to this matter, and I look forward to hearing from you regarding this issue. If I may be of assistance in this regard or any other, please do not hesitate to contact me.

Sincerely

Stacy Harris

Zoning Administrative Assistance

Enclosures

cc: David Headley, County Manager Dawson County Attorney

Exhibit B

ANNEXATION ORDINANCE ANX-C2100162

STATE OF GEORGIA COUNTY OF DAWSON

WHEREAS, the City of Dawsonville, a Georgia municipal corporation ("Dawsonville") wishes to take action to annex certain land into the corporate limits of the City of Dawsonville, a Georgia municipal corporation; and,

WHEREAS, pursuant to O.C.G.A. § 36-36-20, *et. seq.* authority is granted to governing body of Dawsonville to annex into the existing corporate limits of Dawsonville unincorporated areas contiguous to the corporate limits of Dawsonville upon written and signed application of all of the owners of the land proposed to be annexed; and,

WHEREAS, on April 28, 2022, an application of real property was filed with the City of Dawsonville by Ryan and Jessica Disharoon, Owner, regarding certain property lying and being in Land Lot No. 35 (Lots 22 and 23) of the 4th Land District, of Dawson County, Georgia as recorded in Plat Book 80 Page 88 of the Dawson County Records (the "Property"), said survey of the Property being attached hereto as Exhibit "A"; and,

WHEREAS, pursuant to O.C.G.A. § 36-36-6, notice was provided to the governing authority of Dawson County, a political subdivision of the State of Georgia, of such proposed annexation, a copy of said notice being attached hereto as Exhibit "B"; and,

WHEREAS, the Mayor and Council of Dawsonville do desire to act on such application for annexation of real property by Ryan and Jessica Disharoon as set forth herein;

NOW THEREFORE, the City of Dawsonville, a Georgia municipal corporation, hereby enacts the following:

1.

The Ordinances of the City of Dawsonville, Georgia, are amended as follows:

CITY OF DAWSONVILLE, GEORGIA

ORDINANCE REGARDING ANNEXATION OF LAND PURSUANT TO O.C.G.A. § 36-36-20, et. seq.

Application having been made by Ryan and Jessica Disharoon (the "Owner") to annex certain unincorporated real property into the corporate limits of the City of

Dawsonville, a Georgia municipal corporation, said real property being more particularly described as lying and being in Land Lots No. 35 (Lots 22 and 23) of the 4th Land District, of Dawson County, Georgia as recorded in Plat Book 80 Page 88 of the Dawson County Records (the "Property"), said Property being contiguous to the existing corporate limits of the City of Dawsonville, a Georgia municipal corporation, the Mayor and Council of the City of Dawsonville, a Georgia municipal corporation, under the authority and powers granted under O.C.G.A. § 36-36-20, et. seq., do hereby annex the Property into the corporate limits of the City of Dawsonville, a Georgia municipal corporation, effective as of the date of this Ordinance and direct the City Clerk and City Attorney for the City of Dawsonville, a Georgia municipal corporation, to take such actions to make such reports and filings as are necessary to effectuate the annexation of the Property into the corporate limits of the City of Dawsonville, a Georgia municipal corporation.

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All ordinances, parts of ordinances, amendments, or regulations in conflict herewith are repealed.

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Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

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It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Dawsonville, Georgia.

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This Ordinance shall take affect the first day of the month following the adoption of this ordinance provided that all requirements of Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated have been met; and shall become effective for purposes of ad valorem taxes on December 31st of the year in which this ordinance is adopted.

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(Signatures on next page)

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Caleb Phillips, Councilmember

John Walden, Councilmember

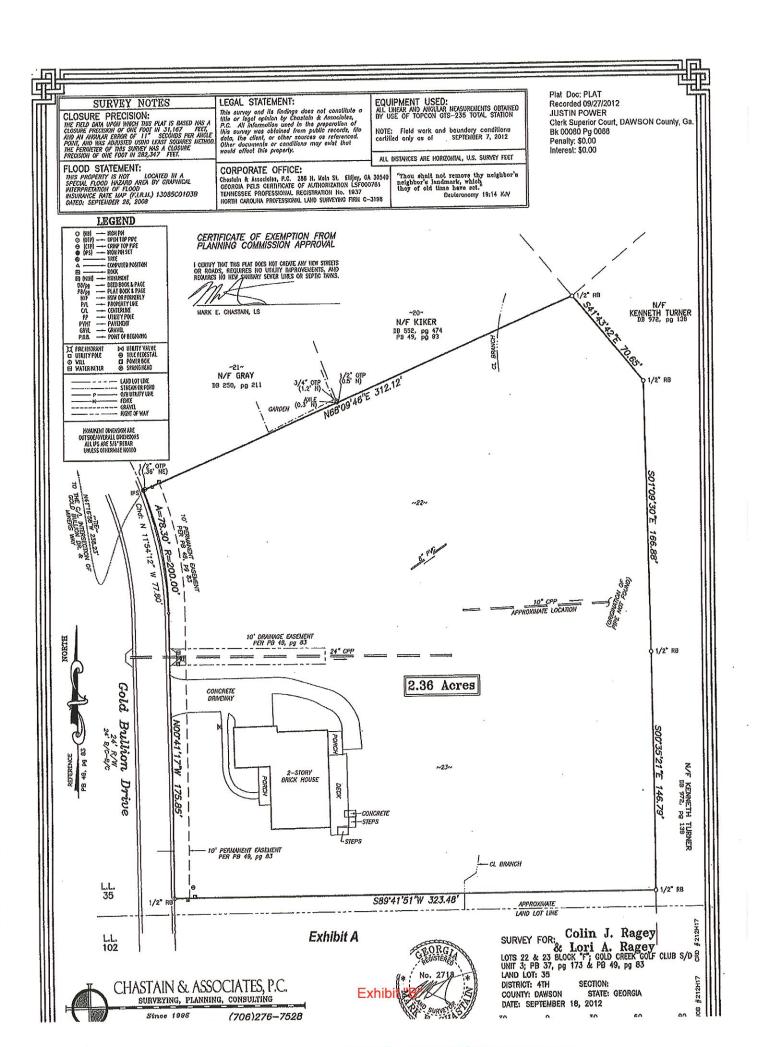
absent

William Illg Councilmember

Mark French, Councilmember

3

Beverly Banister, City Clerk





706.265.3256 www.dawsonville-ga.gov

May 2, 2022

Via Certified Mail 7018 3090 0001 6005 4259

Mr. Billy Thurmond
Board of Commissioners
Dawson County
25 Justice Way, Suite 2313
Dawsonville, GA 30534

Re: Annexation of Property of Ryan and Jessica Disharoon; ANX C2200162; TMP 090 107 & 090 104; 466 Gold Bullion Drive West.

Dear Mr. Thurmond,

Please be advised that the City of Dawsonville, Georgia, pursuant to authority vested in the Mayor and Council of the City of Dawsonville by Article 2, Chapter 36, Title 36 of the Official Code of Georgia Annotated, received a petition to annex the property referenced above. This annexation petition will be heard during the public hearing segment of the following City Council meetings; June 20, 2022, and July 18, 2022.

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Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Dawson County has thirty (30) calendar days to raise an objection to the proposed use of the above referenced land, and to specify the basis therefore.

Finally, in accord with O.C.G.A. § 36-36-7, Dawson County has five (5) business days from the receipt of this notice to notify the City that there are County-owned public facilities within the area proposed for annexation.

Thank you for your time and attention to this matter, and I look forward to hearing from you regarding this issue. If I may be of assistance in this regard or any other, please do not hesitate to contact me.

Sincerely

Stacy Harris

Zoning Administrative Assistance

Enclosures

cc: David Headley, County Manager Dawson County Attorney

Exhibit B

Exhibit "B"

