

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, October 17, 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 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, Planning Director Harmit Bedi, Interim Planning Director Diane Callahan and Director of Downtown Development Amanda Edmondson.
3. **INVOCATION AND PLEDGE:** Invocation and pledge were led by Councilmember Walden.
4. **ANNOUNCEMENTS:** Mayor Eason announced the Farmer's Market is now over and commented on a great season; advanced voting has begun today at the Elections office and runs through November 4th; Mountain Moonshine Festival will occur this coming weekend October 21st – 23rd at the Dawsonville Municipal Complex and Main Street Park benefitting Kare for Kids.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as submitted made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** Joey Homans, 272 Hwy 9 South, Dawsonville – He commented the DRI for the Chapman Communities project was provided and confirms the discussion held during the public hearing concerning road improvements. He also stated he previously sent a two-year report from DCSSO relating to criminal activity for Chapman's community, The Cottages at Lumpkin Campground Road, citing the calls were primarily for safety checks.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a) made by M. French; second by W. Illg. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting held October 3, 2022
8. **INTRODUCE NEW EMPLOYEES:** City Manager Bolz introduced Harmit Bedi as the City's Planning Director and Annette Watson as the City's custodian.
9. **EMPLOYEE RECOGNITION:** The Mayor and Council presented service awards to Kyle Richardson for two years of service; Jon Davis and Clay Moss received awards both for four years of service. The September Employee of the Month and the Employee of the Third Quarter was presented to Annette Watson. Clay Moss was also presented with a plaque for completing the Code Enforcement Level One Certification.
10. **PROCLAMATION – 75TH ANNIVERSARY OF DAWSONVILLE HARDWARE:** The Mayor read a proclamation honoring Dawsonville Hardware for their 75th anniversary and presented an award to Dwight Gilleland.

BUSINESS

11. **ANX-C2200122:** Jim Chapman Communities, Inc has petitioned to annex into the city limits of Dawsonville the 3-acre tract known as TMP 093 046 (tract 2), located at 922 Hwy 53 East, with a County Zoning of RSR (Residential Sub-Rural) to City Zoning R6 (Multiple-Family District). Public Hearing Dates: Planning Commission on September 12, 2022, and City Council on October 3, 2022. City Council for a decision on October 17, 2022.

Interim Planning Director Callahan read the annexation request.

Motion to approve ANX-C2200122 as presented made by C. Phillips; second by M. French. Vote carried three in favor (Phillips, French, Eason) with two opposed (Walden, Illg). (Exhibit "A")
12. **ZA-C2200123:** Jim Chapman Communities, Inc has petitioned a zoning amendment for TMP 093 043, 093 044, and 093 047; Located at 2120 Perimeter Road and 922 Hwy 53 East from R1 (Restricted Single-Family Residential District) to R6 (Multiple-Family Residential District). Public

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Hearing Dates: Planning Commission on September 12, 2022, and City Council October 3, 2022. City Council for a decision on October 17, 2022.

Motion to approve ZA-C2200123 with the conditions recommended by the Planning Department which are stated below with the exception of the easement onto Highway 53:

- Installation of sanitary lines and sewer manholes up to Perimeter Road right-of-way for future sewer outfall service for parcels 093 041, 093 063 and 093 033.
- Applicant will donate funds for future intersection improvements at Perimeter Road and Hwy 9 South. 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.
- Applicant will donate funds for the future intersection improvements at Perimeter Road and Hwy 53 East. Funds in the amount of \$500.00 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. Condition warranted due to proposed right turn movement of 230 vehicles/day is 92% of 250 vehicles/day threshold. Study did not include future bypass road passenger and truck traffic.
- Installation of a dedicated left turn lane on Perimeter Road and development driveway #1. Condition warranted due to proposed left turn movement of 215 vehicles/day is 86% of 250 vehicles/day threshold. Study did not include future bypass road passenger and truck traffic. Sec 109.46 requires lane for safe operations.

Second by C. Phillips. Councilmember Walden thanked the public who reached out to him; he explained he could not support this request stating he felt it did not fit with the overall Comprehensive Plan and his concerns around traffic and public safety. Councilmember Illg appreciated the input he received from Jim Chapman and Joey Homans; however, he feels the project is like fitting a square peg in a round hole. Motion carried three in favor (French, Phillips, Eason) with two opposed (Walden, Illg).

WORK SESSION

STAFF REPORTS

13. BOB BOLZ, CITY MANAGER: City Manager Bolz provided his report in the agenda packet and reported the leak adjustment for the previous month was \$211.12. He also reported the Civitan Club donated \$11,190.00 to the City. Mayor Eason inquired about the status of the water meter replacement project; Jacob Barr reported there are two meters left to install and the infrastructure of the radio system will start the following week.

14. ROBIN GAZAWAY, FINANCE ADMINISTRATOR: Finance Director Gazaway presented the financial reports representing fund balances and activity provided through September 30, 2022.

ANNOUNCEMENTS

Brian Bliss spoke to the Mayor and Council stating he is here today with some local Boy Scouts to assist them with earning their merit badges

ADJOURNMENT:

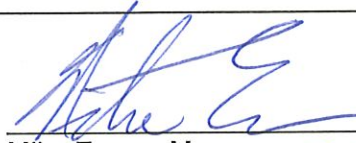
At 5:23 p.m. a motion to adjourn the meeting was made by W. Illg; second by J. Walden. Vote carried three in favor (Illg, Walden, Eason) with two opposed (Phillips, French).

Approved this 7th day of November 2022.

By: CITY OF DAWSONVILLE

(signatures on following page)

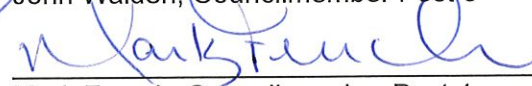
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Mike Eason, Mayor

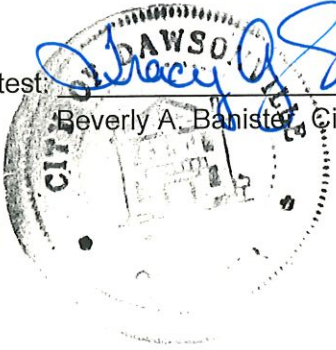

Caleb Phillips, Councilmember Post 1


William Illg, Councilmember Post 2


John Walden, Councilmember Post 3


Mark French, Councilmember Post 4

Attest:  Tracy A. Smith, Deputy City Clerk
Beverly A. Banister, City Clerk



ANNEXATION ORDINANCE
ANX-C2200122

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 August 10, 2022, an application of real property was filed with the City of Dawsonville by Jim Chapman Communities, Inc, Applicant and JSW Gee Corner, LLC, Owner, regarding certain property lying and being in Land Lot No. 56 and 511 of the 4th Land District, of Dawson County, Georgia as recorded in Plat Book 87 Page 94 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 Jim Chapman Communities, Inc and JSW Gee Corner, LLC as set forth herein;

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

I.

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 Jim Chapman Communities, Inc, "the Applicant"

1

Exhibit "A"

and JSW Gee Corner, LLC, "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. 56 and 511 of the 4th Land District, of Dawson County, Georgia as recorded in Plat Book 87 Page 94 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.

II.

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 effect 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 17th day of October 2022.

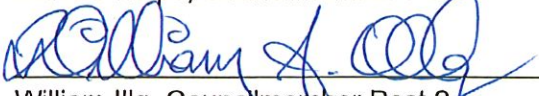
(Signatures on next page)



Michael Eason, Mayor



Caleb Phillips, Councilmember Post 1



William Illg, Councilmember Post 2




John Walden, Councilmember Post 3



Mark French, Councilmember Post 4



Attested: 

Beverly Barister, City Clerk

William S. Wade, Manager ^{WSW}

ESCROW AGENT:

Date: / /2021
Company

Old Republic National Title Insurance

By: _____

Carrie Tullis

EXHIBIT "A-1"

Description of the Land

All that tract or parcel of land lying and being in Land Lot 511 and in Fractional Land Lot 56 of the 4th District, 1st Section of Dawson County, Georgia, being 4.47 acres as depicted on a survey prepared for JSW Gee Corner, LLC, dated April 29, 2020, by Davis Engineering & Surveying, bearing the seal and certification of Jason D. Watkins, Georgia Registered Land Surveyor No. 3241, which survey is incorporated herein by reference for a more complete description of the Property, and said Property being more particularly described as follows in accordance with said survey:

BEGINNING at a Right of Way Monument located on the Northernmost point of the mitered intersection of the Southwesterly right of way line of Georgia Highway 53 (variable right of way) and the Northwesterly right of way line of Perimeter Road (variable right of way); thence proceed along the mitered intersection of the Southwesterly right of way line of Georgia Highway 53 and the Northwesterly right of way line of Perimeter Road South 10 degrees 26 minutes 53 seconds West a distance of 42.62 feet to a point which is the Southernmost point of the mitered intersection of the Southwesterly right of way line of Georgia Highway 53 and the Northwesterly right of way line of Perimeter Road; thence proceed along the Northwesterly right of way line of Perimeter Road the following courses and distances: along the arc of a 1156.23-foot radius curve to the right, an arc distance of 652.01 feet to a Right of Way Monument (said arc being subtended by a chord bearing South 59 degrees 13 minutes 41 seconds West, a chord distance of 643.41 feet); South 78 degrees 36 minutes 46 seconds West a distance of 40.64 feet to a Right of Way Monument; North 30 degrees 05 minutes 22 seconds West a distance of 35.55 feet to a Right of Way Monument; South 63 degrees 02 minutes 24 seconds West a distance of 23.68 feet to a Right of Way Monument; South 28 degrees 24 minutes 56 seconds East a distance of 30.83 feet to a Right of Way Monument; and, South 72 degrees 42 minutes 45 seconds West a distance of 63.16 feet to a point; thence leave the Northwesterly right of way line of Perimeter Road and proceed North 54 degrees 56 minutes 43 seconds West a distance of 222.31 feet to an Iron Pin Found (1/2" Crimp Top Pipe); thence proceed North 72 degrees 40 minutes 06 seconds East a distance of 379.45 feet to an Iron Pin Found (Axle at 1/2" Open Top Pipe); thence proceed North 34 degrees 22 minutes 06 seconds East a distance of 425.55 feet to an Iron Pin Set (1/2" Rebar) on the Southwesterly right of way line of Georgia Highway 53; thence proceed along the Southwesterly right of way line of Georgia Highway 53 the following courses and distances: South 53 degrees 18 minutes 11 seconds East a distance of 85.71 feet to a Right of Way Monument; North 38 degrees 21 minutes 38 seconds East a distance of 18.55 feet to a Right of Way Monument; South 52 degrees 44 minutes 22 seconds East a distance of 196.76 feet to

WSW
JBC

Exhibit A

Exhibit "A"

a Right of Way Monument; South 39 degrees 19 minutes 52 seconds West a distance of 9.33 feet to a Right of Way Monument; and, South 52 38 29 seconds East a distance of 43.02 feet to a Right of Way Monument located on the on the Northernmost point of the mitered intersection of the Southwesterly right of way line of Georgia Highway 53 and the Northwesterly right of way line of Perimeter Road and the POINT OF BEGINNING.

USA

EXHIBIT "A-2"

Depiction of the Property

JBC

1031303v1

[To be attached hereto.]

Exhibit A

Exhibit "A"

Planning and Zoning Department
415 Highway 53 E. Suite 100
Dawsonville, Georgia 30534



706.265.3256
www.dawsonville-ga.gov

August 11, 2022

Via Certified Mail 7019 1640 001 9716 2112

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

Re: Annexation of Property of JSW Gee Corner, LLC; ANX C2200122; TMP 093 046; 922 Hwy 53 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: Planning Commission September 12, 2022 and City Council meeting October 3, 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
Exhibit "A"