

**MINUTES**  
**CITY COUNCIL REGULAR MEETING**  
**G.L. Gilleland Council Chambers on 2<sup>nd</sup> Floor**  
**Monday, May 1, 2023**  
**5:00 P.M.**

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1. **CALL TO ORDER:** Mayor Eason called the meeting to order at 5:00 pm.
2. **ROLL CALL:** Present were Councilmember Will Illg, Councilmember Mark French, Councilmember Caleb Phillips, Councilmember John Walden, City Attorney Kevin Tallant, City Manager Bob Bolz, City Clerk Beverly Banister, Public Works Director Trampas Hansard, Utility Director Jacob Barr, Director of Downtown Development Amanda Edmondson. Stacy Harris and Clay Moss were also present from the Planning & Zoning Department.
3. **INVOCATION AND PLEDGE:** Invocation and pledge were led by Councilmember Phillips.
4. **ANNOUNCEMENTS:** Mayor Eason announced the first Food Truck Friday will take place on May 5, 2023 at the Farmer's Market Pavilion. Amicalola Regional Farmer's Market had their opening day on Saturday and later in the season will add hours on Wednesday afternoon. He also encouraged the public to participate in and provide their input on the City's Comprehensive Plan survey and announced the next steering committee meeting for the Comprehensive Plan would be held at City Hall on Thursday, May 11, 2023 starting at 5:30 pm.
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 Gutherie, 3384 Elliott Family Parkway – He came to speak on behalf of agenda item #13 to present plans for a greenspace area as a required stipulation from a previously approved zoning amendment request. The plan includes a trail from the road leading to a greenspace area which backs up to the creek and will have some picnic tables. He further stated there will be a mail kiosk but would be limited in space for a gathering area. He stated the trail to the creek is approximately one hundred feet.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a) made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.
  - a. Approve Minutes
    - Regular Meeting and Work Session held April 17, 2023
8. **PROCLAMATION: 54<sup>TH</sup> ANNUAL PROFESSIONAL MUNICIPAL CLERKS, APRIL 30 – MAY 6, 2023:** Mayor Eason read the proclamation and thanked the City Clerk Beverly Banister and Deputy City Clerk Tracy Smith for their service to the City.
9. **PROCLAMATION: WATER PROFESSIONALS WEEK, MAY 7 – MAY 13, 2023:** Mayor Eason read the proclamation and thanked the City's utilities staff for their commitment and hard work on behalf of the City.

**PUBLIC HEARING**

10. **EXTENDING A TEMPORARY MORATORIUM ON THE ISSUANCE OF DEVELOPMENT AND BUILDING PERMITS:** Motion to open a public hearing made by W. Illg; second by M. French. Vote carried unanimously in favor. Mayor Eason conducted the public hearing. No one spoke in favor of or opposition to the request. Motion to close the public hearing made by J. Walden; second by C. Phillips. Vote carried unanimously in favor. Attorney Tallant briefly explained the City is awaiting the recommended fee schedule as a part of the study done by the Georgia Mountain Regional Commission. Tentatively the process could be completed by August 2023 should the Council choose to proceed with implementing impact fees. However, the Council could at any time repeal the moratorium.

Motion to approve Resolution #R2023-04 as presented made by J. Walden; second by W. Illg. Councilmember Phillips stated his opposition to impact fees and reported that several subdivisions have been delaying their building process because the impact fee is unknown at this time. Mayor Eason explained the delay in attempting to complete this study. Councilmember French requested clarification on whether or not the moratorium would terminate should the Council choose to reject the impact fee recommendation; Attorney Tallant confirmed that it would. Vote carried three in favor (Walden, Illg, French) with one opposed (Phillips). (Exhibit "A")

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**BUSINESS**

- 11. INDEPENDENT CONTRACTOR AGREEMENT FOR DAWSONVILLE HISTORY MUSEUM DIRECTOR:** Motion to accept the termination letter from Kara Grayson Gallery LLC (Cindy Elliott) regarding the Independent Contractor Agreement as the Director of the Dawsonville History Museum and to collect a balance of \$1,129.63 for April's percentage rent to offset payments made to Kara Grayson Gallery LLC in 2023 plus \$250.00 for April's base rent from the museum made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.
- 12. CHANGE IN PROFESSIONAL SERVICE PROVIDER:** Motion to approve a change in the City's appointment of professional legal services from Miles, Hansford & Tallant, LLC to Tallant Howell and to appoint Jonah Howell as the City's Solicitor effective June 1, 2023 made by M. French; second by J. Walden. Vote carried unanimously in favor.
- 13. CONSIDERATION OF APPROVAL FOR AMENITY PACKAGE AND/OR GREENSPACE FOR ARBOR WEST SUBDIVISION:** Clay Moss provided a staff recommendation for the Council to consider adding a pavilion with seating that is ADA accessible from the development's sidewalk. Corey Guthrie asked for clarification on the size of the pavilion should the Council approve the staff recommendation; he explained they did not consider adding one in an attempt to keep maintenance fees down for the HOA in this size community. Discussion occurred. Mr. Guthrie was concerned about the pavilion being subject to the setback requirements of the right-of-way; Clay Moss recommended providing the build out plan including the pavilion and the department would determine if the setbacks needed to be moved. Council stated they would have no issue providing a variance if needed.

Motion to approve the greenspace area for Arbor West Subdivision to include a 12 x 20 pavilion with a concrete pad with ADA access, two grills, picnic tables and a permanent trash can made by W. Illg; second by J. Walden. Vote carried unanimously in favor.

**EXECUTIVE SESSION**

At 5:29 p.m. a motion to close regular session and go into executive session for potential/pending litigation and land acquisition made by J. Walden; second by M. French. Vote carried unanimously in favor.

At 5:53 p.m. a motion to close executive session was made by W. Illg; second by J. Walden. Vote carried unanimously in favor.

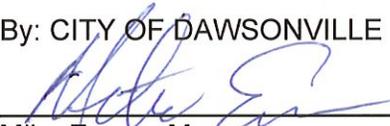
Motion to resume regular session was made by M. French; second by W. Illg. Vote carried unanimously in favor.

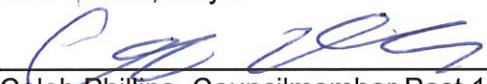
**ADJOURNMENT:**

At 5:54 p.m. a motion to adjourn the meeting was made by J. Walden; second by C. Phillips. Vote carried unanimously in favor.

***Approved this 15<sup>th</sup> day of May 2023***

By: CITY OF DAWSONVILLE

  
\_\_\_\_\_  
Mike Eason, Mayor

  
\_\_\_\_\_  
Caleb Phillips, Councilmember Post 1

MINUTES  
CITY COUNCIL REGULAR MEETING  
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absent

William Illg, Councilmember Post 2

*John Walden*  
John Walden, Councilmember Post 3

*Mark French*  
Mark French, Councilmember Post 4

Attest:

*Beverly A. Banister*

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 May 1, 2023.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 5<sup>29</sup> 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 1<sup>st</sup> day of May 2023; By the City of Dawsonville, Mayor and Council:

  
\_\_\_\_\_  
Mike Eason, Mayor

  
\_\_\_\_\_  
Caleb Phillips, Councilmember Post #1

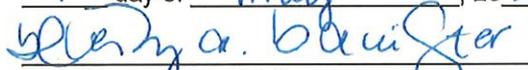
  
\_\_\_\_\_  
William Illg, Councilmember Post #2

  
\_\_\_\_\_  
John Walden, Councilmember Post #3

  
\_\_\_\_\_  
Mark French, Councilmember Post #4

Sworn to and subscribed before me this

1 day of May, 2023

  
\_\_\_\_\_  
Signature, Notary Public

My Commission expires: Feb 18, 2024



**RESOLUTION R2023-04**

**A RESOLUTION OF THE CITY OF DAWSONVILLE, GEORGIA TO EXTEND A TEMPORARY 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 FOR 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 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; 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 has started 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 moratorium on development and building permits in the City of Dawsonville;

WHEREAS, the process of securing a study related to the imposition of impact fees has extended longer than originally anticipated due to a desire to obtain such in an efficient and cost effective manner from a trusted source with which the City of Dawsonville has experience;

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 six months 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 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.

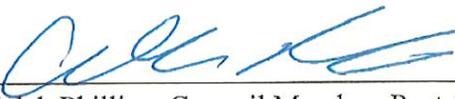
**Section 6. *Effective Date.*** This resolution shall be effective the day following its passage by the Council of the City of Dawsonville, the health, safety, welfare, and general morality of the City of Dawsonville demanding it.

[execution on following page]

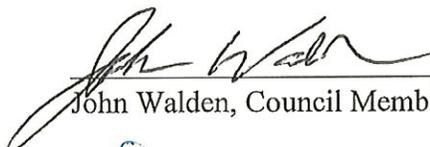
SO ADOPTED AND RESOLVED by the City Council of Dawsonville, Georgia, this 1 day of May, 2023.

**MAYOR AND DAWSONVILLE CITY COUNCIL**

By:   
Mike Eason, Mayor

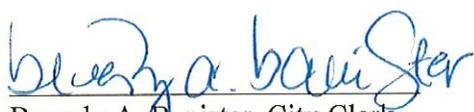
  
Caleb Phillips, Council Member, Post 1

  
William Illg, Council Member, Post 2

  
John Walden, Council Member, Post 3

  
Mark French, Council Member, Post 4

ATTEST:

  
Beverly A. Banister, City Clerk