

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Tuesday, January 22, 2019
5:30 P.M.

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 5:30 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Alex Myers, City Attorney Molly Anderson, City Clerk Beverly Banister, Deputy City Clerk Tracy Smith, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard and Planning Director Robbie Irvin.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember French.
4. **ANNOUNCEMENTS:** No announcements were made
5. **APPROVAL OF THE AGENDA:** Councilmember French asked for item 7a. Approve the Minutes to be removed from the Consent Agenda and added as item #8a; Mayor Eason stated the item would be moved to item #16.

Motion made by Stephen Tolson to table item #14 Parking Project at City Hall to the February 4, 2019 meeting; second by C. Phillips. Vote carried unanimously in favor.

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

6. **PUBLIC INPUT:** No comments from the public.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (b, c) made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
 - b. Approve Contract for Utility Debit Collection – **passed 4-0**
 - c. Table Red Oak Sanitation Contract to February 4, 2019 – **passed 4-0**

8. **EMPLOYEE OF THE MONTH AWARD:** The Mayor and Council presented the January Employee of the Month Award to Clay Moss.
9. An Ordinance To Amend The Charter Of The City Of Dawsonville So As To Amend Article II Through VI Of The City Charter So As To Provide Consistency Concerning District Posts; To Provide A Consistent Oath Of Office; To Establish Provisions Related To Conflict Of Interest And The Ethics Code; To Provide For City Council Regular Meetings And Work Sessions And For Means Of Providing Notice Of The Same; To Increase The Compensation Of The Mayor And City Council Members; To Designate A Codification System; To Clarify The Prohibition On Holding Multiple Offices, The Timing Of The City Council Organizational Meeting And Appointment Of A Mayor Pro Tempore, The Process For Calling Special And Emergency Meetings, Roles Of The City Clerk, City Attorney, City Manager And City Judge; To Clarify Provisions Related To The City Court And Political Activities Of Officers And Employees; To Provide Clarification For Elections And Terms, The Grounds And Procedure For Removal Of An Officer, Franchises And Other Agreements That The City Council May Grant, Utility Service Charges The City Council May Assess And/Or Collect; And For Other Purposes. (Second Reading and Vote: January 22, 2019; Third Reading and Vote: February 4, 2019)

Motion to open the public hearing made by J. Power; second by S. Tolson. Vote carried unanimously in favor. City Attorney Alex Meyers read the second reading of the Charter Amendment. Mayor Eason conducted the public hearing; no one spoke in favor or opposition of the ordinance. Councilmember French stated his continued opposition to any increase for the Mayor or any member of the Council. Motion to close the public hearing made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

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Motion to approve the charter amendments as presented made by S. Tolson; second by J. Power. Vote carried three in favor (Tolson, Power, Phillips) and one opposed (French). The third reading and second vote will occur on February 4, 2019.

10. **ZA C8-00221**: Fall Leaf Residential LLC. has requested a PUD site plan change for TMP 093 048 and 093 049, located at 2364 Perimeter Road, consisting of 32.6 acres.

Motion to open the public hearing made by J. Power; second by C. Phillips. Vote carried unanimously in favor. Mayor Eason conducted the public hearing. Planning Director Robbie Irvin presented the zoning amendment and stated the Planning Commission approved the application with the following stipulations:

- Applicant shall provide design specs for both entrances which shall include signage, landscaping and lighting
- Applicant shall provide a lighting plan for the development
- Applicant shall seek review by the GA Department of Transportation to determine the need for a deceleration lane at the Hwy 9 entrance

Tommy Barnes who resides at 1345 Creek Vista Drive, Cumming GA spoke in favor of the application stating his site plan has a reduction in lots and increased open space than the original plan. He is satisfied with the additional stipulations and has received a favorable recommendation from staff and the Planning Commission. No one spoke in opposition. Councilmember French asked if the applicable fees have been collected; Mr. Irvin replied yes. Motion to close the public hearing made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.

Motion to approve application as presented with stipulations made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

11. An Ordinance To Amend The Garbage Services Ordinance Of The City Of Dawsonville So As To Provide For A Method Of Calculating Service Charges; And For Other Purposes. (First Reading: January 22, 2019; Second Reading: February 4, 2019)

The first reading of the ordinance was read by City Clerk Beverly Banister; the second reading and vote will occur on February 4, 2019.

12. An Ordinance Of The City Of Dawsonville, Georgia To Regulate The Parking Of Vehicles; To Impose Time Limits On Vehicles Parked On Public Property; To Provide For The Removal Of Vehicles That Are Parked Beyond Time Limits Or For An Unauthorized Purpose; To Provide For Regulations As To Use Of Parking Facilities; To Provide For An Effective Date; And For Other Purposes. (First Reading: January 7, 2019; Second Reading: January 22, 2019)

Planning Director Robbie Irvin read the second reading of the ordinance.

Motion to approve the ordinance as presented made by J. Power; second by S. Tolson. Vote carried unanimously in favor. (Exhibit "A")

13. **DEVELOP COMMITTEES**: Mayor Eason spoke about the RFP for Auditing Services and is recommending two councilmembers join with City Manager Bob Bolz and another staff member other than the Finance Director Hayden Wiggins to be on the committee.

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Motion to form a committee with Councilmember French and Councilmember Tolson along with City staff to review the RFP for auditing services made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

Mayor Eason further stated a Construction Manager contract is being developed and reviewed and requests a member of Council to be a liaison with the City staff.

Motion to approve Caleb Phillips as a liaison with City staff for the purpose of the Construction Manager contract made by M. French; second by S. Tolson. Vote carried unanimously in favor.

14. PARKING PROJECT AT CITY HALL: This item was tabled to February 4, 2018 during the approval of the agenda.

15. DISCUSSION OF IMPACT FEES: Mayor Eason asked for feedback from Council regarding the direction they wanted to take on moving forward with the impact fee study for further consideration of impact fees. Councilmember Tolson was interested in seeing whether this would benefit the community but after seeing some of the research he doesn't see that the investment is worth the return and therefore thinks it should be considered at another time. Councilmember French stated he would like to have the study done to see what is on the table. His concern is that as the City grows in population our local option sales tax portion may not be enough money to cover the expenses for the same level of services the City currently provides and could result in having to levy a tax; he feels the impact fee could help defer having to levy a tax on our citizens. Mayor Eason reported the fees have to be used in a restricted manner and cannot be utilized for day to day operations. He further stated the fees cannot be transferred to the County and have to be used specifically for the designated project. He stated the cost of the survey is \$28,350 and would have to be bid out according to our financial policy. Councilmember Power wouldn't want to forego an opportunity to impose impact fees if we see where it can help the City but thinks it should be considered at another time that makes more sense.

Motion to forego the impact fee study until a more appropriate time made by J. Power; second by C. Phillips. Councilmember French asked if the impact fees were implemented, could the road's portion be used to help offset the cost of a truck route as new construction; Mayor Eason replied it could. Councilmember French stated it would be wise to utilize these funds for that purpose so as not to severely impact the City's budget. Vote carried three in favor (Power, Phillips, Tolson) with one opposed (French).

16. APPROVE MINUTES OF THE REGULAR MEETING HELD JANUARY 7, 2019: Motion to amend the minutes for item #8 to include verbatim the exchange between Councilmember French and Donna Blanton regarding which nominees were contact by councilmembers and for item #10 to include verbatim the statement made by City Attorney Kevin Tallant regarding the timing of the renewal of professional services made by M. French; second by C. Phillips. Vote carried unanimously in favor.

- 16a. CITY MANAGER, BOB BOLZ:** Mayor Eason reported on the City's projects in Bob's absence.
- i. Long range sewage plan and sewage treatment plant should be ready for a presentation from GBT Engineers in February and will include a five, ten, fifteen, and twenty-year plan.
 - ii. The water/sewer rate study should be available for review in February.
 - iii. Main Street Park Phase I has been delayed due to the weather. Currently the gravel is saturated, and asphalt cannot hold it until it dries out.
 - iv. Main Street Park Playground has been sent out to bid and is due February 22, 2019.
 - v. Main Street Park Restroom plans should be ready for review in February; project cannot start until grading is complete.

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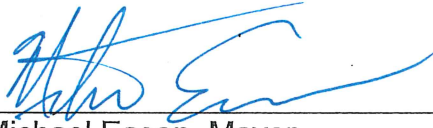
- vi. Main Street Park landscaping plan is almost complete to include fencing and gates; should be ready for review in February.
- vii. Farmer's Market design is finalized, and they are waiting for architectural specs and drawings.
- viii. Winter Storage Facility project has been set out to bid and scheduled for February 11, 2019.
- ix. Additional items of interest include a 1-800 number is now available for utility customers to make payments, the Distillery lease is being worked on and the IGA with Dawson County for Animal Control is being finalized.

17. FINANCE ADMINISTRATOR HAYDEN WIGGINS: No comments or questions from Council for this item.

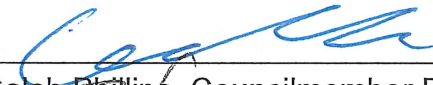
ADJOURNMENT

At 6:04 p.m. a motion to adjourn the meeting was made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

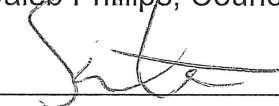
By: CITY OF DAWSONVILLE



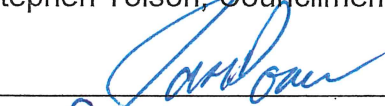
Michael Eason, Mayor



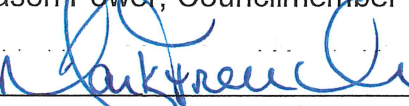
Caleb Phillips, Councilmember Post 1



Stephen Tolson, Councilmember Post 2

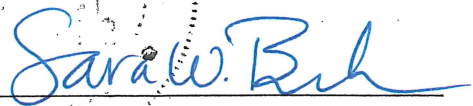


Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4



Attested: 

for Beverly Banister, City Clerk

BY: Sara W. Beacham, acting City Clerk

First reading: 01/07/2019

Second reading: 01/22/2019

Passed: 1.22.2019

AN ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA TO REGULATE THE PARKING OF VEHICLES; TO IMPOSE TIME LIMITS ON VEHICLES PARKED ON PUBLIC PROPERTY; TO PROVIDE FOR THE REMOVAL OF VEHICLES THAT ARE PARKED BEYOND TIME LIMITS OR FOR AN UNAUTHORIZED PURPOSE; TO PROVIDE FOR REGULATIONS AS TO USE OF PARKING FACILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City owns various parking lots and parking areas for and attendant to its real property and facilities;

WHEREAS, the public has an interest in using the City of Dawsonville's parking areas to gain access to public property, facilities, and public events;

WHEREAS, the use of parking areas is a matter of public concern;

WHEREAS the City is empowered by § 1.12(30) of its Charter to regulate public places and to remove nuisances from the same;

WHEREAS, because unrestricted use of parking owned, operated, and maintained by the City of Dawsonville, can make parking not available for City business purposes, or public events; and

WHEREAS, regulation of parking through the imposition of time limitations, reservation for specific uses, and the prohibition on improper uses will serve to free up more spaces for the aforementioned uses; and

WHEREAS, it is the finding of the Mayor and Council that the proper regulation of parking in the City of Dawsonville can best be accomplished through time limitations, reservation for specific uses, and the prohibition on improper uses as authorized in this chapter; and

WHEREAS, it is within the power and authority of the City of Dawsonville to enact this ordinance for the regulation of parking pursuant §§ 1.12(36) and (57), of the Charter of the City of Dawsonville, Georgia, as well as O.C.G.A. § 36-35-1 et. seq. and O.C.G.A. § 40-6-200, et. seq.

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

SECTION 1.

Chapter 13 of the Code of the City of Dawsonville, Georgia is hereby amended by the insertion of a new "ARTICLE IV – PARKING" beginning with section 13-41 as follows:

ARTICLE IV – PARKING

Sec. 13-41. – Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

EXHIBIT "A"

- (1) *Code enforcement officer* means an employee appointed by the Council of the City of Dawsonville, who shall have authority to enforce the provisions of this article.
- (2) *Parking Area* means an area designated for the parking of vehicles, including parking lots, parking decks, and street parking on public property.
- (3) *Parking space* means a space delineated between two parallel lines, the purpose for which is to indicate where a vehicle can be parked, on public property.
- (4) *Time limit* means a maximum period of time that a vehicle may occupy any one parking space.
- (5) *Vehicle* means any device or structure for transporting persons or things, including but not limited to automobiles, trucks, motorcycles and other motorized forms of transportation.
- (6) *Nonconsensual towing* means the removal of a vehicle from a parking area, parking lot, or parking space without prior permission of the owner of the vehicle.

Sec. 13-41. – Parking restrictions.

- (a) A parked vehicle in any parking space or parking area on public property shall be allowed to remain in said parking space or area until 9:00 a.m. on the day following the date the vehicle was parked in the parking space or area. Moving a vehicle from one parking space to another in the same parking area or parking lot, or to another parking area of the City of Dawsonville, shall be considered the same as leaving the vehicle in the same parking space. For any vehicles left in a parking lot or parking area beyond the 9:00 a.m. deadline described, the City may utilize nonconsensual towing to remove the vehicles at the owner's expense.
- (b) The City may designate certain parking spaces as having a maximum time limit of two hours by proper signage. The City may utilize nonconsensual towing for any vehicles parked in designated parking spaces beyond the maximum time limit at the expense of the owner.
- (c) Other parking areas and time limits may be added to this article by resolution of the council. Signage designating time limits in parking areas shall be erected by the City. The absence of a sign in a specific area shall not invalidate any portion of this ordinance.
- (d) *Authorized and Unauthorized Purposes.* Parking in City of Dawsonville parking spaces or areas is permitted for the purpose of attending social events, City of Dawsonville events, visiting offices and businesses, frequenting City of Dawsonville facilities, including leased facilities, and for attendance at Court and governmental functions. Use of City of Dawsonville parking spaces or areas is not permitted for storage of vehicles, nor is it permitted for commercial purposes unless approved, in writing, by the City Manager or his designee.
- (e) *Penalties and enforcement.*
 - (1) Citations and Fines – Time: The owner of a vehicle parked in a designated parking space in violation of the time limits shall receive a citation issued by the code enforcement officer or by any law enforcement officer.
 - (i) The fine shall be \$25.00 for each two-hour violation for any parking space with a two-hour time limit.

(ii) For all other parking areas, the fine shall be \$100.00 per day, starting at 9:01 a.m. the day following the date the vehicle was parked until it is removed either by the owner or through nonconsensual towing.

(iii) The violator may pay the fine at city hall, or may contest the citation at city municipal court.

(2) Citations and Fines – Unauthorized Purpose: The owner of a vehicle parked in a City of Dawsonville parking space or area for an unauthorized purpose shall receive a citation issued by the code enforcement officer or by any other law enforcement officer, the fine for which shall be \$100.00 for each day that the violation continues.

(3) Nonconsensual Towing: pursuant to the towing and removal procedures described herein, vehicles parked in violation of this code may be removed and stored in lieu of or in addition to issuance of a citation and fine.

(4) Any costs incurred by the City of Dawsonville in enforcing this article shall be added to the court costs and paid in conjunction with fines assessed.

Sec. 13-43. – Towing or removal procedures.

Each and every requested nonconsensual towing movement requires a request on the day the removal takes place from the code enforcement officer or any law enforcement officer. The request may be by telephone call, facsimile letter, text message, verbal communication, or e-mail message to the wrecker service. The request must specifically identify and request removal of the vehicle or vehicles to be towed or removed. The City Manager or his designee must receive an original written tow authorization or tow bill dated and signed on the date of the tow by the code enforcement officer or law enforcement officer. The tow authorization or tow bill may be transmitted and returned in person at the scene of the tow, or by facsimile or email, on the date of the tow, on forms prescribed by the City Manager or his designee. The tow authorization or bill must be signed by the code enforcement officer or law enforcement officer and shall include:

(a) The address or other location description of the property;

(b) The name and title of the code enforcement officer or law enforcement officer;

(c) The name of the party who requested the removal, if different than the code enforcement officer or law enforcement officer; and

(d) Vehicle identifying information: make, model, color, license plate state and number (as available).

Sec. 13-44. – Authority to promulgate temporary parking regulations.

The City Manager or designee, may impose a limited parking time or prohibit parking temporarily on any street, parking area, parking space or portion thereof for any City permitted functions or whenever the traffic conditions or safety warrants such. The City shall designate the parking limitation by placing a sign on the street or portions of streets affected.

SECTION 2.

If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance 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 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 as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

SECTION 3.

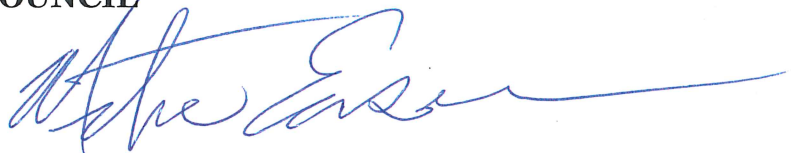
All laws and parts of laws in conflict with this enactment are hereby repealed.

SECTION 4.

This ordinance shall be effective the day following its passage by the Council of the City of Dawsonville.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 22 day of January, 2019.

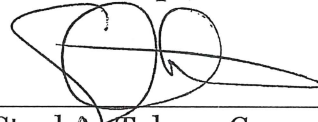
MAYOR AND DAWSONVILLE CITY COUNCIL



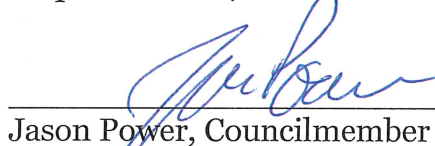
Mike Eason, Mayor



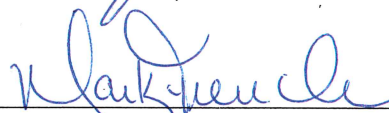
Caleb Phillips, Councilmember Post #1



Stephen Tolson, Councilmember Post #2

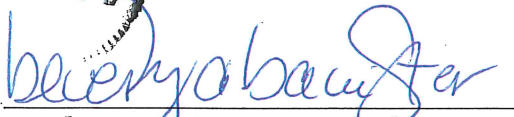


Jason Power, Councilmember Post #3



Mark French, Councilmember Post #4



Attested: 
Beverly A. Banister, City Clerk