

MINUTES
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, July 8, 2019
6:30 P.M.

1. **CALL TO ORDER:** Meeting was called to order by Mayor Pro-Tem Stephen Tolson at 6:30 PM.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Caleb Phillips, City Attorney Dana Miles, Assistant City Attorney Alex Myers, City Manager Bob Bolz, Deputy City Clerk Tracy Smith, Utilities Director Gary Barr, Public Works Director Trampas Hansard, Planning Director Robbie Irvin, Finance Administrator Hayden Wiggins and Human Resource manager Donna Blanton.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Jason Power.
4. **ANNOUNCEMENTS:** No announcements.
5. **APPROVAL OF THE AGENDA:** Motion to add item #21 Georgia Mountain Regional Commission Appointee of Private Citizen made by S. Tolson; second by J. Power. 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 item (a) made by C. Phillips; second by J. Power. Vote carried unanimously in favor
 - a. Approve Minutes for the Regular Meeting held June 3, 2019
8. **EMPLOYEE OF THE MONTH AND QUARTER:** Mayor Pro-Tem and Council presented the June Employee of the Month Award to Hayden Wiggins. Employee of the Quarter award was also presented to Hayden Wiggins.
9. **CU-C9-00287:** Jeremy Porter, with Atlanta Motorsports Park LLC, has requested a Conditional Use Permit to construct garage condos in a CIR (Restricted Industrial) zoning district for TMP 070 049 001 located at 20 Duck Thurmond Road. Hearing Date: Planning Commission – June 10, 2019 and City Council – July 8, 2019
10. **ZA-C9-00287:** Jeremy Porter, with Atlanta Motorsports Park LLC, has requested a site plan update for TMP 070 049 001 located at 20 Duck Thurmond Road. Hearing Date: Planning Commission – June 10, 2019 and City Council – July 8, 2019

Planning Director Robbie Irvin presented both items #9 and #10. He stated that he has received a request from the applicant to postpone both items until the September 9, 2019 meeting.

Motion to postpone items #9 and #10 until the September 9, 2019 meeting made by C. Phillips; second by J. Power. Vote carried unanimously in favor.

Motion to open the public hearing made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

The following citizens spoke during the public hearing:

- Helen Hamryka, 683 Duck Thurmond Road, Dawsonville – She stated that she believes that a DNR study would need to be completed when the zoning is changed to mixed use. She spoke about her concern regarding the proposal to remove trees and the natural buffer between the parking lot and Duck Thurmond Road which is in direct line of her property. Additionally, she does not want an existing fence that shields noise to her property to be moved to another area as proposed by the applicant in the planning meeting. She does not want anything removed that currently abates noise on Duck Thurmond Road and questioned if with the zoning request change if a maximum noise limit could be placed on the noise level production; currently it's based on an average which does not account for peak noise.
- Madonna Anderson, 1341 Sweetwater Juno Road, Dawsonville – She stated her concern about the condos only being fifty feet from Hwy 53 as stated by the applicant during the PC meeting; she does not feel that is far enough. She has also spoken to State Representative Kevin Tanner about turning Hwy 53 into a scenic corridor. She would also like there to be track hours limiting anyone from staying at the condos from utilizing the track at any hour. She stated the required buffer of 100 feet on Duck Thurmond at the time the original plan was approved should require serious review before

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any changes are allowed. She would also like to see the applicant maintain the noise barriers. She also suggested working with the County to widen Duck Thurmond Road due to the increased activity from the motorsports park and also asked if an updated state inspection from emergency services has been performed.

Motion to close the public hearing and to hold another public hearing at the September 9, 2019 meeting made by C. Phillips; second by J. Power. Vote carried unanimously in favor.

11. **VAR C9-00267:** Mostafa Elahy has filed an appeal of the Planning Commission's decision to deny a variance to the minimum lot width and front setback for D02 001 and TMP 083 038 082, located at 280 Maple Street South. Hearing Date: City Council – July 8, 2019.

Planning Director Robbie Irvin read and presented the request to appeal a variance request. Mayor Pro-Tem Tolson asked the applicant to speak.

- Mosta Elahy, 435 Clubfield Drive, Roswell – He stated if he proceeds with the development as senior living, he would not reduce the width of the lot since masters would be on the main floor. He also stated without extending the driveway, he would provide a bigger green area in the back.

Mayor Pro-Tem Tolson presented the seven requirements that have to be met in order to approve a variance request. Councilmember Phillips stated if all of the requirements, not just a few, are not met then legally they could not approve the variance; Attorney Miles confirmed.

Motion to open a public hearing made by S. Tolson; second made by M. French. Vote carried unanimously in favor.

The following citizens spoke during the public hearing

- Shon Geddes, 5745 Hendrix Road, Cumming – He stated he is in favor of the property being an active adult community as it was intended. He requested a privacy fence between his property and the applicant's property.
- Andrew McPherson, 280 Maple Street, Dawsonville, GA – He stated the area already has heavy traffic and would increase with additional population. The community should not be allowed a variance if it will cause a larger community to be placed there.
- Mostafa Elahy, 435 Clubfield, Roswell – He stated the plans do include a fence and some trees to be put in along Mr. Geddes' property. He also stated there would not be an increase to the number of units with his variance request.

Motion to close the public hearing made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

Motion to deny the variance because it does not meet of the requirements made by C. Phillips second by J. Power. Vote carried unanimously in favor.

12. **AWARD BID - MAIN STREET PARK LANDSCAPE PHASE I:** Motion to award the bid to Tri Scapes Inc. for \$125,775.51 made by C. Phillips; second made by M. French. Vote carried unanimously in favor.
13. **LOCAL MAINTENANCE AND IMPROVEMENT GRANT (LMIG) EMERGENCY FUNDING:** Motion to approve application for LMIG-EEE made by M. French; second was made by J. Power. Vote carried unanimously in favor.
14. An Ordinance By The City Of Dawsonville To Adopt And Enact Land Development Regulations For Street Standards, Water And Sewer Systems, Grading And Drainage, Lot And Block Standards, And Plat Specifications; To Adopt Standard Specifications For Water Distribution Systems And Sanitary Sewerage Systems; To Adopt Standard Specifications For Roadway And Drainage Systems; To Provide For Severability; To Provide For An Effective Date; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

Planning Director Robbie Irvin read the first reading of this ordinance; second reading and adoption will be July 15, 2019.

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15. An Ordinance To Amend The Land Development Regulations Of The City Of Dawsonville So As To Provide For The Regulation Of Work Hours For When Development And Construction Activities May Take Place; To Provide For Emergency Exemptions; To Provide For Violation And Enforcement Of The Land Development Regulations; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

Attorney Dana Miles read the first reading of this ordinance amendment. Councilmember French asked if language could be incorporated requiring building material to be maintained lots and not be left in the roadway, whether or not it is a public road or private road. Attorney Miles stated the land development regulations should prohibit the use of the public right of way and if not, it could be incorporated into the ordinance under construction activity. Trampas Hansard also asked about dumpsters being placed on city streets. Attorney Miles advised him that he would need to issue a warning and if it wasn't moved, a citation would need to be issued.

16. An Ordinance Repealing The Current Parades And Demonstrations Ordinance Of The City Of Dawsonville, Georgia; Adopting A New Public Assembly Ordinance; Providing For A Permitting Procedure For Special Events, Parades, Public Assemblies, And Public Demonstrations; Providing For Definitions; Providing For Enforcement; Providing For An Effective Date, And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

Planning Director Robbie Irvin read the first reading of this ordinance amendment; second reading and adoption will be July 15, 2019.

17. An Ordinance By The City Of Dawsonville To Clarify Regulations On Vape Shops Regarding Display Of Inventory, Renewal Of License, Application Requirements, As Well As Provide Proper References To Code Sections; To Clarify Use Regulations Regarding Minors; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

Planning Director Robbie Irvin read the first reading of this ordinance amendment; second reading and adoption will be July 15, 2019.

18. An Ordinance Of The City Of Dawsonville, Georgia, To Repeal The Existing Records Management Plan; To Provide For A New Records Management Plan; To Adopt A Record Retention Schedule; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

Attorney Miles read the first reading of this ordinance amendment; second reading and adoption will be July 15, 2019.

19. **DESIGN GUIDELINES COMMITTEE:** Motion to authorize the development of the Design Guideline Committee requesting that the Downtown Development Authority, Historic Preservation Commission and the Planning Commission provide appointees and to direct the staff to establish the scope and responsibility of the committee made by S. Tolson; second made by J. Power. Vote carried unanimously in favor.

20. **AUDITING SERVICES RFP RECOMMENDATION:** Motion to award auditing services to Mauldin & Jenkins made by M. French; motion dies due to lack of a second.

Motion to award auditing services to Alexander, Almand & Bangs made by C. Phillips citing their years of service to the City, their help with refinancing the City's debt saving the City money, assisting the City in writing their financial policy and their overall familiarity with the City's procedures and systems; second by S. Tolson. Councilmember French stated his opposition noting that the age of experience in Mauldin & Jenkins staffing and the number of staff members who are CPAs compared to Alexander, Almand & Bangs is a significant difference; he has no confidence in the firm being proposed. Vote carried three in favor (Phillips, Tolson, Power) with one opposed (French).

21. **GEORGIA MOUNTAIN REGIONAL COMMISSION APPOINTEE OF PRIVATE CITIZEN:** Motion to appoint Betsy McGriff made by C. Phillips; second by S. Tolson. Councilmember French inquired whether or not she was paid by public funds; Councilmember Tolson stated he believed she was an employee of the Chamber of Commerce and not a County employee. Councilmember French further questioned whether the Chamber of Commerce is funded by public funds. Attorney Miles stated it is funded both

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publicly and privately. Councilmember Phillips said he would prefer to wait until the next meeting so that he could verify her eligibility and withdrew his motion; S. Tolson withdrew his second.

Motion to postpone the appointment until the July 15, 2019 meeting made by J. Power; second by M. French. Vote carried unanimously in favor.

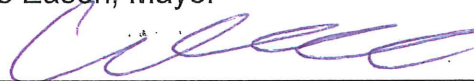
ADJOURNMENT:

At 7:26 p.m. a motion to adjourn the meeting was made by J. Power; second by M. French. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE



Mike Eason, Mayor



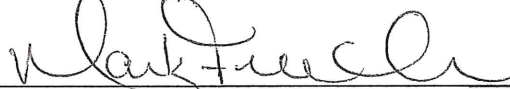
Caleb Phillips, Councilmember Post 1



Stephen Tolson, Councilmember Post 2

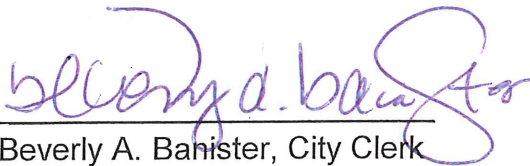
Absent

Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4

Attested:



Beverly A. Bahister, City Clerk