

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, November 18, 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 Dana Miles, Assistant City Attorney Alex Myers, City Manager Bob Bolz, City Clerk Beverly Banister, Deputy City Clerk Tracy Smith, 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:** Mayor Eason stated he hoped everyone enjoyed the Veteran's Day Parade last Monday and announced the Annual Tree Lighting and Parade will be on December 7th starting at 5:00 pm with the tree lighting at 6:15 pm. He stated there will be entertainment, pictures with Santa, food trucks and cookie decorating.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as presented 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 items (a) through (e) made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting held November 4, 2019
 - b. Approve Mayor's Day Training
 - c. Approve Paving of Maple Heights Subdivision (Funding FY19-20 SPLOST VI)
 - d. Approve City Design Guidelines Agreement with GMRC
 - e. Approve FY 2018-2019 Audit
8. **EMPLOYEE RECOGNITION:** Mayor Eason and Council presented the November Service Awards to Sara Beacham for eleven years of service and Bob Bolz for three years of service. Beverly Banister received Employee of the Month for October 2019.

PUBLIC HEARING

9. **ZA-C2000021:** Fall Leaf Residential LLC has requested a zoning amendment for a portion of TMP D04 013 and a portion of D04 021 located at 0 Hwy 53 East and consisting of 25.7 acres from CIR (Restricted Industrial) to R6 (Multi Family Residential) Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019. **Held over by Planning Commission until 11/12/2019.**
10. **ZA-C2000022:** Fall Leaf Residential LLC has requested a zoning amendment for a portion of TMP D04 013 located at 00 Hwy 53 East and consisting of 1.00 acres from CIR (Restricted Industrial) to CBD (Central Business District) Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019. **Held over by Planning Commission until 11/12/2019.**

Planning Director Irvin read the rezone requests and stated the Planning Commission held over their public hearing and decision for completion of a DRI review which has been completed and no potential adverse inter-jurisdictional impacts were found. However, GMRC did have a concern with traffic. Planning Commission denied ZA-C2000021 because it is inconsistent with the Comprehensive Plan and traffic concerns; ZA-C2000022 was approved by Planning Commission. Irvin stated he received two letters from the applicant; one to appeal the variance denial from Planning Commission and another to postpone the rezoning requests.

Motion to open the public hearing for both requests made by M. French; second by S. Tolson. Vote carried unanimously in favor. The following person(s) spoke in favor of the request:

- Tommy Barnes, 3280 Pointe Pkwy., Norcross – He reiterated their request to postpone the rezoning requests to be heard at the same time as the variance appeal and he also

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stated it will provide time to consider the issues raised by the Planning Commission. He will provide his presentation in support of the request at the next public hearing.

The following person(s) spoke in opposition of the request:

- Ted Bearden, 3168 Hwy. 136 W, Dawsonville – He asked if another public hearing will be held on the date the requests are postponed to; Mayor Eason responded that another public hearing will be held on the postponement date.

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

Motion to postpone both the rezoning requests and the variance appeal hearing until January 6, 2020 and hold another public hearing at that time made by S. Tolson; second by J. Power. Councilmember Phillips stated this will give everyone a chance to make any changes and review it before the next public hearing. Vote carried unanimously in favor.

WORK SESSION

- 11. AMPHITHEATER PRESENTATION BY KIMLEY HORN:** Ray Strychalski from Kimley-Horn presented an option for the Main Street Park Amphitheater. Mayor Eason asked for any recommendations or input.
- 12. 2020 MEETINGS CALENDAR:** Motion to approve the 2020 Meetings Calendar as presented made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor. (Exhibit "A")

BUSINESS

- 13. An Ordinance Of The City Of Dawsonville To Provide A Method For Approving Training Opportunities For Members Of All Boards, Authorities, And Commissions; To Provide For The Payment Or Reimbursement Of Actual Expenses Incurred For Training Opportunities; To Provide For The Compensation Of Planning Commission Members At Commission Meetings, Training Opportunities, And Other Approved Meetings; And For Other Purposes. (First Reading: November 4, 2019; Second Reading and Adoption: November 18, 2019)**

Attorney Miles read the second reading of the ordinance. Councilmember French asked about the verbiage used in the header regarding reimbursement of travel expenses for "actual expenses incurred"; Miles stated they would be expected to follow the limitations presented in the financial policy.

Motion to approve the ordinance as presented made by S. Tolson; second by J. Power. Councilmember French asked if a study had been done to obtain other cities payments to Planning Commission members; Mayor Eason provided amounts paid to members from surrounding cities and counties. Vote carried unanimously in favor. (Exhibit "B")

STAFF REPORTS

14. BOB BOLZ, CITY MANAGER:

- Main Street Park Phase I is almost complete; a small paving section needs to be completed, some bollard striping and grass seed needs to come in for completion. The landscaping and fencing projects have been started and the restroom should start next week.
- Farmer's Market may be completed by the end of the year.
- Perimeter Road sidewalk bid has been advertised and bids are due December 19, 2019.
- Dog Park is in the design phase with Davis Engineering. The detention pond agreement with the Turner's has been executed and recorded.

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- 15. HAYDEN WIGGINS, FINANCE ADMINISTRATOR:** Financial reports representing fund balances and activity provided through October 31, 2019. No questions or comments from Council.

MAYOR AND COUNCIL REPORTS: Councilmember French stated as we are updating our policies and ordinances, he would like to see something developed on how citizen's inquiries are handled; he has been disturbed by recent emails he has seen between city officials and citizens. Mayor Eason and Councilmember French engaged in conversation regarding the recent email exchange. Mayor Eason read aloud the response from Councilmember French in the email stating Councilmember French's direction to City Manager Bolz to call upon the City's legal counsel to provide an answer to a citizen. The Mayor stated this direction was an improper use of public funds. Attorney Miles stated it is a potential violation of the City's Code of Ethics because of the request to use public funds to do research to answer a private citizen's legal question. Subsequent discussion occurred identifying the citizen who was the subject of Councilmember French's direction to be Steve Sanvi, Councilmember French's employer.

Motion to amend the agenda to add item 15a. Potential Ethics Violation Referral to the Ethics Board made by C. Phillips; second by S. Tolson. Vote carried three in favor (Phillips, Tolson, Power) with one opposed (French).

A point of order was made by Attorney Miles who asked the Mayor whether the Council would consider item 15a. at this point or wait until after the Mayor and Council Reports were completed. Mayor Eason stated the Council will consider the item now.

- 15a. POTENTIAL ETHICS VIOLATION REFERRAL TO THE ETHICS BOARD:** Motion to initiate an Ethics complaint to the Ethics Board for potential violation by Councilmember French of Sections 2-77 and 2-78 of the City's Ethics Code made by S. Tolson; second by C. Phillips. Vote carried three in favor (Tolson, Phillips, Powers) with one abstained (French).

MAYOR AND COUNCIL REPORTS (CONTINUED): Councilmember Phillips reported on the items heard at the Planning Commission meeting on November 12th.

Councilmember Power announced his resignation from the City Council effective November 19, 2019 stating he has built a house outside of the City limits and will be moving his residence there. He thanked the City residents, City staff and his fellow Councilmembers for allowing him to serve the City of Dawsonville.

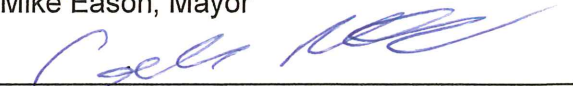
Councilmember Tolson wished Councilmember Power well and thanked him for his service and knows he will remain an active member of the community.

ADJOURNMENT

At 6:25 p.m. a motion to adjourn the meeting was made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE


Mike Eason, Mayor

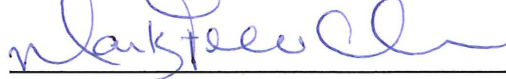

Caleb Phillips, Councilmember Post 1


Stephen Tolson, Councilmember Post 2

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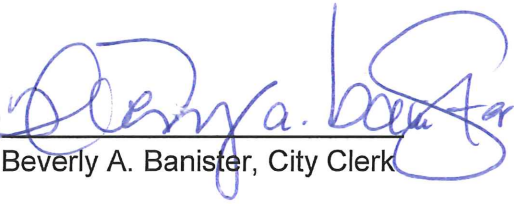
Resigned

Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4

Attested:



Beverly A. Banister, City Clerk



PUBLIC NOTICE

2020 Meetings of the City of Dawsonville

The City of Dawsonville City Council, DDA, Planning Commission and HPC shall conduct regular meetings on the dates and time below:

2020 City Council Regular Meetings at 5:00 pm

JAN 6 FEB 3 MAR 2 MAY 4 JUN 1
AUG 3 OCT 5 NOV 2 DEC 7

2020 City Council Regular Meetings and Work Sessions at 5:00 pm

FEB 17 MAR 16 APR 20 MAY 18 JUN 15
JUL 20 AUG 17 SEP 21 OCT 19 NOV 16 DEC 21

2020 Planning Commission Meetings at 5:30 pm

JAN 13 FEB 10 MAR 9 APR 13 MAY 11 JUN 8
JUL 13 AUG 10 SEP 14 OCT 12 NOV 9 DEC 14

2020 Historic Preservation Commission Meetings at 5:30 pm

FEB 24 APR 27 JUN 22 AUG 24 OCT 26 DEC 28

2020 Downtown Development Authority Meetings at 5:30 pm

JAN 27 MAR 23 MAY 26 JUL 27 SEP 28 NOV 23

All meetings according to the dates set forth above will be upstairs in the G.L. "Pete" Gilleland Council Chambers at City Hall located at 415 HWY 53 E, Dawsonville, GA. The public is invited to attend all of these meetings.

Those persons with disabilities who require reasonable accommodations in order to allow them to observe and/or participate in these meetings or who have questions regarding the accessibility of these meetings, should contact the Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.

Exhibit "A"

First Reading: 11/04/2019

Second Reading: 11/18/2019

Passed: 11.18.2019

AN ORDINANCE OF THE CITY OF DAWSONVILLE TO PROVIDE A METHOD FOR APPROVING TRAINING OPPORTUNITIES FOR MEMBERS OF ALL BOARDS, AUTHORITIES, AND COMMISSIONS; TO PROVIDE FOR THE PAYMENT OR REIMBURSEMENT OF ACTUAL EXPENSES INCURRED FOR TRAINING OPPORTUNITIES; TO PROVIDE FOR THE COMPENSATION OF PLANNING COMMISSION MEMBERS AT COMMISSION MEETINGS, TRAINING OPPORTUNITIES, AND OTHER APPROVED MEETINGS; AND FOR OTHER PURPOSES.

WHEREAS, the members of all boards, authorities, and commissions give their services and valuable time for public service;

WHEREAS, a great deal of time is often demanded of public officials in order to adequately and fully represent the City in various matters;

WHEREAS, section 3.11 of the City's Charter provides that the Mayor and City Council shall set the compensation for all boards, commissions, and authorities of the City;

WHEREAS, state law provides for the reimbursement of actual expenses incurred by members of boards, authorities, and commissions;

WHEREAS, the City has determined that the reimbursement of actual expenses incurred by members of all boards, authorities, and commissions of the City while attending various training opportunities is a necessary and appropriate measure for their valuable contribution made to the City; and

WHEREAS, the City has determined that compensation to Planning Commission members for attending approved meetings and training opportunities on behalf of the City is a necessary and appropriate measure for their valuable contribution made to the City.

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

SECTION 1.

Chapter 2, Article VI, Division 1 of the Code of the City of Dawsonville, Georgia, is hereby amended by inserting, adopting, and enacting new Sections 2-162 through 2-169 as follows:

DIVISION 1. – GENERALLY

Sec. 2-162. – Reimbursement for Training Expenses.

(a) Members of any board, authority, and/or commission may request, or be required or requested by the City, to attend various training opportunities.

(b) All training opportunities, and/or request for attendance thereto, shall be approved by the Mayor and City Council prior to the attendance by any member of a board, authority, or commission at such training opportunity.

(c) The member attending the approved training opportunity shall be entitled to and receive reimbursement for all direct costs and expenses of the training opportunity, including, but in no way limited to training registration and/or required course materials. In lieu of providing reimbursement, the City may, at its option, directly cover and pay for such direct costs, thereby eliminating the need for providing reimbursement to the member.

(d) In the event that any the attendance of a member of a board, authority, or commission at an approved training opportunity required said member to travel beyond the limits of Dawson County, such member shall be reimbursed for all necessary expenses incurred for travel, lodging, and meals occurring on each training day in accordance with the City's Financial Policy. For purposes of this Section, "training day" shall mean any day that the member either travels directly to or from the approved training opportunity, or is actually in attendance at the training opportunity.

Secs. 2-163-2-169. – Reserved.

SECTION 2.

Chapter 2, Article VI of the Code of the City of Dawsonville, Georgia, is hereby amended by inserting, adopting, and enacting a new "DIVISION 2. – PLANNING COMMISSION" as follows:

DIVISION 2. – PLANNING COMMISSION

Sec. 2-170. – Compensation for Planning Commission.

(a) *Attendance at Regular and Special Called/Set Meetings.* Each member of the Planning Commission shall receive one hundred dollars (\$100.00) in compensation for attending a Planning Commission meeting. Such compensation shall include all regular and specially set meetings of the Planning Commission. The member must actually attend said meeting in order to be entitled to compensation.

(b) *Attendance at Approved Training.* Each member of the Planning Commission shall receive one hundred dollars (\$100.00) in compensation, per training day, for attending an approved training opportunity. For purposes of this Section, "training day" shall mean any day that the member either travels directly to or from the approved training opportunity, or is actually in attendance at the training opportunity.

Secs. 2-171-2-179. – Reserved.

SECTION 3.

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 4.

All Ordinances, Resolutions, or polices, or parts thereof, in conflict with this ordinance are hereby repealed.

SECTION 5.

This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED, by the City Council of Dawsonville, Georgia,

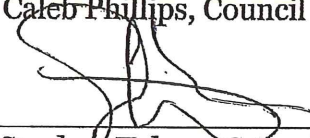
this 18 day of November, 2019.

**MAYOR AND DAWSONVILLE CITY
COUNCIL**

By:


Mike Eason, Mayor



Caleb Phillips, Council Member Post 1


Stephen Tolson, Council Member Post 2


Jason Power, Council Member Post 3


Mark French, Council Member Post 4

ATTESTED TO BY:


Beverly A. Banister, City Clerk