

AGENDA
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, July 23, 2018
7:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION & PLEDGE

ANNOUNCEMENTS

APPROVAL OF THE AGENDA

1. Approval of the Minutes
 - Regular Meeting and Executive Session held July 9, 2018

PUBLIC HEARING

2. ZA C8-00162: David Blount has requested a zoning amendment for TMP 091 002 001, located at 2807 Hwy 9 North, consisting of 3.83 acres, from RA (Restricted Agriculture) to NB (Neighborhood Business). Public Hearing Dates: Planning Commission - July 9, 2018 and City Council - July 23, 2018.

FINAL READING/VOTE OF REZONE REQUESTS

3. ZA C8-00146: Downtown Development Authority of Dawsonville Georgia has requested a rezone of the 6.15 acre tract known as TMP D04 020 001, located at 415 HWY 53 East from PUD (Planned Unit Development) to INST (Institutional).
4. ZA C8-00147: Downtown Development Authority of Dawsonville Georgia has requested a rezone of the 18.18 acre tract known as TMP D04 020, located at 135 Main Street from PUD (Planned Unit Development) to INST (Institutional).
5. ZA C8-00149: City of Dawsonville has requested a rezone of the 0.75 acre tract known as TMP D03 032, located at 124 ALLEN ST from R-1 (Single Family Residential) to INST (Institutional).
6. ZA C8-00148: City of Dawsonville has requested a rezone of the 1 acre tract known as TMP D03 033, located at 82 ALLEN ST from PUD (Planned Unit Development) to INST (Institutional).

WORK SESSION

7. Street Parking Ordinance
8. Public Comment Procedures
9. Fireworks

EXECUTIVE SESSION: Pending or Potential Litigation

ADJOURNMENT



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 1**

SUBJECT: APPROVAL OF THE MINUTES

CITY COUNCIL MEETING DATE: 07/23/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO APPROVE THE MINUTES FROM:

- **REGULAR MEETING AND EXECUTIVE SESSION HELD ON JULY 9, 2018**
-

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

MINUTES
CITY COUNCIL REGULAR MEETING
July 9, 2018
7:00 P.M.

CALL TO ORDER: Mayor Michael Eason called the meeting to order at 7:02 p.m.

ROLL CALL: Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Caleb Phillips, Councilmember Stephen Tolson, City Attorney Dana Miles, City Manager Bob Bolz, City Clerk Beverly Banister, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard, Finance Administrator Hayden Wiggins and Zoning Administrator Nalita Copeland.

INVOCATION AND PLEDGE: Invocation and pledge was led by Councilmember Phillips.

APPROVAL OF THE AGENDA: Motion to amend the agenda by adding item #13a Report from City Attorney Dana Miles and item #15 IGA with EWSA for Thunder Ridge made by S. Tolson/J. Power. Vote carried unanimously in favor.

Motion to approve the agenda as amended made by C. Phillips/J. Power. Vote carried unanimously in favor.

1. **APPROVAL OF THE MINUTES:** Motion to approve the Special Called Meeting and Executive Session minutes held on June 15, 2018 and the Work Session and Regular Meeting and Executive Session minutes held on June 18, 2018 made by J. Power/C. Phillips. Vote carried unanimously in favor.

PUBLIC HEARING

2. **ZA C8-00146:** Downtown Development Authority of Dawsonville Georgia has requested a rezone of the 6.15 acre tract known as TMP D04 020 001, located at 415 HWY 53 East from PUD (Planned Unit Development) to INST (Institutional).

Motion to open the public hearing made by M. French/C. Phillips. Vote carried unanimously in favor. Zoning Administrator Copeland presented the rezone; Planning Commission recommended approval of the rezoning request earlier this evening. Mayor Eason conducted the public hearing; no one spoke in favor or opposition of the request. Motion to close the public hearing made by M. French/S. Tolson. Vote carried unanimously in favor. Item will be voted on during the July 23, 2018 City Council meeting.

3. **ZA C8-00147:** Downtown Development Authority of Dawsonville Georgia has requested a rezone of the 18.18 acre tract known as TMP D04 020, located at 135 Main Street from PUD (Planned Unit Development) to INST (Institutional).

Motion to open the public hearing made by C. Phillips/J. Power. Vote carried unanimously in favor. Zoning Administrator Copeland presented the rezone; Planning Commission recommended approval of the rezoning request earlier this evening. Mayor Eason conducted the public hearing; no one spoke in favor or opposition of the request. Motion to close the public hearing made by S. Tolson/J. Power. Vote carried unanimously in favor. Item will be voted on during the July 23, 2018 City Council meeting.

4. **ZA C8-00149:** City of Dawsonville has requested a rezone of the 0.75 acre tract known as TMP D03 032, located at 124 ALLEN ST from R-1 (Single Family Residential) to INST (Institutional).

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CITY COUNCIL REGULAR MEETING
July 9, 2018
7:00 P.M.

Motion to open the public hearing made by J. Power/S. Tolson. Vote carried unanimously in favor. Zoning Administrator Copeland presented the rezoning request; Planning Commission recommended approval of the rezoning request earlier this evening. Mayor Eason conducted the public hearing; no one spoke in favor or opposition of the request. Motion to close the public hearing made by M. French/C. Phillips. Vote carried unanimously in favor. Item will be voted on during the July 23, 2018 City Council meeting

5. **ZA C8-00148**: City of Dawsonville has requested a rezone of the 1 acre tract known as TMP D03 033, located at 82 ALLEN ST from PUD (Planned Unit Development) to INST (Institutional).

Motion to open the public hearing made by J. Power/M. French. Vote carried unanimously in favor. Zoning Administrator Copeland presented the rezone; Planning Commission recommended approval of the rezoning request earlier this evening. Mayor Eason conducted the public hearing; no one spoke in favor or opposition of the request. Motion to close the public hearing made by M. French/J. Power. Vote carried unanimously in favor. Item will be voted on during the July 23, 2018 City Council meeting.

SECOND/FINAL READING OF ANNEXATIONS/REZONINGS

6. **ANX C8-00110 and ZA C8-00110**: John and Dayle Ann DeLong have petitioned to annex into the city limits of Dawsonville the 0.587 acre tract known as TMP 090 063, located at 74 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD/R2 (Planned Unit Development/Single Family Residential). Public Hearing Dates: Planning Commission on June 4, 2018 and City Council on June 18, 2018. City Council Agenda for a decision on July 9, 2018.

Annexation and rezone presented by Nalita Copeland. Motion to approve both the annexation and rezone made by C. Phillips/M. French. Vote carried unanimously in favor.

BUSINESS

7. **FARMER'S MARKET BIDS – DEMOLITION AND CLEARING**: Motion to approve the low bid from Drew Allen Construction for both the demolition and clearing of the future farmer's market site and to approve the Mayor or the Mayor Pro-Tem to execute the contract made by C. Phillips/M. French. Vote carried unanimously in favor.

STAFF REPORTS

8. **CITY MANAGER, BOB BOLZ**
- i. Bolz and Attorney Miles met with Dawson County regarding the Service Delivery Strategy Agreement (SDSA); another meeting is scheduled for later this month. The City has been asked to submit the first draft.
 - ii. The Planning Director position has been advertised and interviews have started and will be completed by tomorrow morning.
 - iii. Main Street Park is under construction; the contractor should receive their 7-day permit this week.
 - iv. Met with GDOT engineer regarding crosswalk and traffic issues; she had an interest in pursuing solutions at Dairy Queen on Hwy 53 considering all the crash data.

MINUTES
CITY COUNCIL REGULAR MEETING
July 9, 2018
7:00 P.M.

- v. Second Food Truck night was successful despite the initial rain; approximately 400 - 500 people in attendance. Vendors and citizens were pleased with the event. The next one will be held in August.
- vi. The server at City Hall has been replaced due to a recent crash and outdated hardware.
- vii. Approached by the Visitor's Information Channel who will be adding a segment on the City of Dawsonville and Dawson County to their channel.

9. CITY CLERK, BEVERLY BANISTER

- i. Working with IT issues. Assisted with the replacement of the server, developed a scope of work to assess our needs and met with some different IT providers.
- ii. Assisted the water department with the submittal of the Consumer Confidence Report and certification of the distribution of the report to our residents.
- iii. Continued to work on the organization of files.

10. FINANCE ADMINISTRATOR, HAYDEN WIGGINS

- i. Successfully processed the fiscal year end close and currently operating in the new fiscal year.
- ii. Preparing for the upcoming audit which will start in about one month.

11. UTILITIES DIRECTOR, GARY BARR

- i. 7,1025,000 gallons of water was produced, 4,584,000 gallons of sewer was treated, 750,000 gallons of water was purchased, 1,384 customers served, 1,391 meters read, 14 disconnects, 16 new services, 20 lock offs due to non-payment, 74 work orders, 230 late notices sent out, 876 garbage customers served with 11 new customers and one can needed to be replaced and zero repaired.
- ii. The meter replacement project is not yet complete. Four of the wells have new meters installed; the factory must come out and wire them and then be wired into SCADA but they are currently being used on the four wells. Waiting to install meters on wells #108 and #111 until they are complete.
- iii. Development of Well #111 is moving along quickly. They finished the cement block; the trusses and roof are next. The pump will be installed this week and the filters have been set into the block. He anticipates operation to begin in late September.

12. PUBLIC WORKS OPERATIONS MANAGER, TRAMPAS HANSARD

- i. Completing projects within City Hall. All the lights have been replaced with LED and working on moving all IT components to the IT room upstairs.
- ii. Working with Georgia Power on getting a camera system in the cemetery due to the vandalism.
- iii. Continue to work on the parking issues in the City's streets.

13. ZONING ADMINISTRATOR, NALITA COPELAND

- i. Business License renewal process is complete. One new business license issued for Cozy Little Country Store and three home businesses.
- ii. This month 16 building permits have been issued, 4 projects in plan review, 50 residential permits are open and 11 commercial permits are open.
- iii. The department has 2 new contracted inspectors who are working out well. They have done 47 residential inspections and 2 commercial inspections.
- iv. The department has 10 applications in process for annexations and rezones.
- v. A Comprehensive Plan meeting is scheduled for 07/18/2018.

MINUTES
CITY COUNCIL REGULAR MEETING
July 9, 2018
7:00 P.M.

- vi. Zoning map updates have been submitted to GMRC with approximately 55 changes. Once the updates are verified it will come to City Council for approval.

13a. CITY ATTORNEY, DANA MILES

- i. The City is one of many local governments engaged in the class action lawsuit against the opioid drug manufacturers. Our counsel, Andy Davis, has informed Mr. Miles the Georgia case will likely combine with other states to form multi district litigation. A multi district litigation federal judge has already been assigned and the cases will consolidate in the near future and then move forward in litigation. No action is required at this time.

MAYOR/COUNCIL REPORTS

Councilmember Tolson reported on attending open houses for the local businesses and commended the Chamber of Commerce on their marketing of the City.

Councilmember French reported he has almost completed his research on implementing a public comment forum at City Council meetings and would like to have the item placed on the agenda at the upcoming Work Session to present a proposed policy.

Councilmember Power reported on his upcoming attendance at the Board of Health meeting in the morning. He also spoke on his trip to Savannah for the GMA Convention and the classes he attended.

EXECUTVE SESSION

At 7:33 p.m. the Council motioned to close regular session and go into executive session for the purpose of Pending or Potential Litigation and Personnel made by J. Power/M. French. Vote carried unanimously in favor.

At 8:24 p.m. a motion to close executive session and resume regular session was made by S. Tolson/J. Power. Vote carried unanimously in favor.

14. GOLD CREEK CLUBHOUSE: Motion made by C. Phillips to:

- Send the City Engineer, Lamar Rogers, to inspect the work on the dilapidated structure violation to certify it has been completed and to supply a letter certifying the satisfaction of the violation
- If not completed, it must be completed within five business days or fines begin on the fifth day
- Once the dilapidated structure violation has been satisfied, they must apply for a building permit within 30 days to do the remodeling.

Second by M. French. Mayor Eason remarked they are having an independent party verify the work to be sure every facet of the dilapidated structure violation is satisfied. Councilmember French remarked it will be the same engineers who originally inspected the property on the City's behalf at the onset of the complaint. Vote carried unanimously in favor.

- 15. IGA WITH EWSA FOR THUNDER RIDGE: Motion to approve the IGA as previously approved but with the removal of item #3g made by C. Phillips/J. Power. Vote carried unanimously in favor. (Exhibit "A")**

MINUTES
CITY COUNCIL REGULAR MEETING
July 9, 2018
7:00 P.M.

ADJOURNMENT

With there being no further business to attend to, a motion was made to adjourn the meeting at 8:28 p.m. by J. Power/C. Phillips. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE

Michael Eason, Mayor

Caleb Phillips, Councilmember

Jason Power, Councilmember/Mayor Pro-Tem

Stephen Tolson, Councilmember

Mark French, Councilmember

Attested: _____
Beverly Banister, City Clerk

STATE OF GEORGIA
COUNTY OF DAWSON

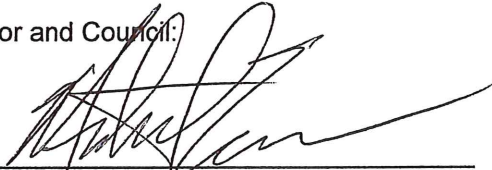
AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor Michael Eason, Councilmember Mayor Pro-Tem Jason Power, Councilmember Caleb Phillips, Councilmember Stephen Tolson, 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 the July 9, 2018.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 7³³ 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: _____.

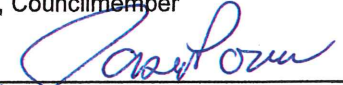
This 9th day of July 2018; By the City of Dawsonville, Mayor and Council:



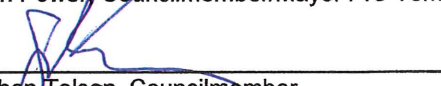
Michael Eason, Mayor




Caleb Phillips, Councilmember



Jason Power, Councilmember/Mayor Pro-Tem

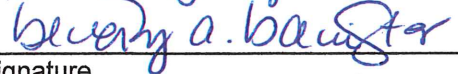


Stephen Tolson, Councilmember



Mark French, Councilmember

Sworn to and subscribed before me this 9th day of July, 2018.



Signature

Notary Public
My Commission expires:
07.18.2020



Beverly A. Banister
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
February 18, 2020

**INTERGOVERNMENTAL AGREEMENT REGARDING WATER AND SEWER SERVICES TO
THUNDER RIDGE SUBDIVISION**

This Intergovernmental Agreement ("IGA") is hereby made this 10th day of July 2018 by and between the City of Dawsonville, Georgia ("City"), a municipal corporation of the State of Georgia, and Etowah Water and Sewer Authority (hereafter "the Authority"), a political subdivision of the State of Georgia.

WHEREAS, the City and the Authority provide and distribute water to the citizens and entities within their respective jurisdictions pursuant to previously negotiated agreements; and

WHEREAS, the City and the Authority also provide sewerage disposal and treatment services and systems to the citizens and entities within their respective jurisdictions pursuant to previously negotiated agreements; and

WHEREAS, the Developer of an approximate 280 lot subdivision (to be known as "Thunder Ridge") seeks to develop property located at Highway 9 South near the intersection of said Highway and JC Burt Road (Tax Parcels 084-003 and 094-046); and

WHEREAS, the City owns, operates and maintains a gravity sewer system and sewer treatment facility located proximate to Thunder Ridge and at the discharge point of a force main and sanitary sewer lift station to be owned, operated and maintained by the Authority; and

WHEREAS, the City and the Authority are authorized by law to enter into intergovernmental agreements for the provision of water and sewer services;

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party, the City and the Authority hereby agree as follows:

1. Term. The term of this IGA shall be coterminous with the existing Water and Sewer Agreements between the City and the Authority and shall expire on October 1, 2034 unless earlier terminated in accord with paragraph 6 hereinbelow.
2. Obligations of the City.

The City of Dawsonville shall have the following obligations:

- a) It will set aside and provide sewer capacity and disposal services to the Thunder Ridge subdivision in exchange for the payments set forth in this IGA;
- b) It will own, operate, and maintain the gravity sewer from and including the manhole to be constructed by the Authority at GPS Coordinates Lat 34.408946 Long 84.121184 (the "New Manhole") to the existing connection point (the "Connection Point") in the City's sewer system located at GPS Coordinates Lat 34.411105 Long -84.121056;
- c) It will allow the Authority to pump sewage from the Thunder Ridge subdivision to the discharge point for disposal and treatment in the City's wastewater treatment plant;
- d) It will charge the Authority the City's Inside Residential Sewer Rates based upon the City's tiered scale, as the same may be changed from time to time, based on the volume of metered water consumption per month per active account within the Thunder Ridge subdivision.

3. Obligations of the Authority.

Etowah Water and Sewer Authority shall have the following obligations:

- a) It shall install and maintain, at no cost to the City, the appropriate individual metering equipment to measure the quantity of water used by the active account holders in the Thunder Ridge subdivision, which monthly consumption quantity of water, using the City's Inside Residential Sewer Rates tiered rate structure, will provide the basis for the amount that the Authority will pay to the City for sewage treatment, disposal and account management;
- b) It will set up an account in the name of the Authority with the City for sewer services to Thunder Ridge; and
- c) It will pay to the City any sewer tap fee charged for residential accounts within 30 days of the earlier of the receipt of the tap fee by the Authority or the establishment of any new residential account with the Authority; and

- d) Based on the monthly meter gallonage readings referenced above, the Authority will timely pay to the City the City's Inside Residential Sewer Rates based upon the City's tiered scale, as the same may be changed from time to time, on its account with the City; and
- e) It will adjust any of the foregoing meter readings to account for any customer water leak adjustments approved and credited to the customer by the Authority; and
- f) As per previous jurisdictional agreements, it will provide water services to Thunder Ridge; and
- g) It will manage and administer the individual water and sewer accounts for such services; and
- h) It will read all Thunder Ridge meters and bill its customers accordingly for both water and sewer services; and
- i) It will install at no expense to the City, own, operate, and maintain the sanitary lift station and its force main to the manhole ("New Manhole") for gravity sewer to be constructed by the Authority at GPS Coordinates Lat 34.408946 Long -84.121184. It will install at no expense to the City a new gravity sewer line from the New Manhole to the existing City gravity sewer connection point located at GPS Coordinates Lat 34.411105 Long -84.121056. The City will own, operate and maintain the New Manhole and the gravity sewer line from it to the connection point after the same is constructed by the Authority.

4. Consideration.

The parties hereto acknowledge, consent and agree that the terms hereof have been entered into in exchange for good and valuable consideration between the parties.

5. Representations and Warranties.

The parties hereto represent and warrant that each party has full power, authority and legal right to execute and perform this contract and agreement and has taken all necessary actions to authorize the execution and performance of this contract and agreement. This contract and agreement accurately references the legal, valid and binding obligations of each party.

Each party shall act in good faith to give effect to the intent of this agreement and shall take actions necessary or convenient to consummate the purpose and subject matter of this agreement.

6. Termination and Modification.

Either party may terminate this agreement if the other party fails to rectify a material breach of the terms hereof within ninety (90) days of receipt by the breaching party of written notice of such breach from the non-breaching party. The non-breaching party shall be entitled, without further notice, to cancel that party's obligations pursuant to the contract and agreement without prejudice to any claim for damages, breach of contract or otherwise. The failure or termination of any portion of this agreement shall not be a basis for terminating other severable obligations or provisions of this contract and agreement unless the failure or breach is such that the entire contract or agreement may no longer be performed.

The parties hereto acknowledge, consent, and agree that if the Authority can reasonably treat wastewater from the Thunder Ridge subdivision at any time during the term of this Agreement and upon 90 days written notice to the City, this Agreement shall terminate, the Authority shall provide sewer service to Thunder Ridge and both parties shall be released from the terms hereof. This Agreement may otherwise be modified by a written instrument executed by both parties hereto.

7. Notice.

Any notice or communication required or permitted in accord with the terms hereof shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address listed herein or to such other address as a party may furnish in writing. The notice shall be deemed received when delivered or signed for or on the third day after mailing if not signed as received.

City of Dawsonville:

Mayor and City Council of Dawsonville
ATTN: City Manager
415 Highway 53 East
Dawsonville, GA 30534

Etowah Water and Sewer Authority:

Etowah Water and Sewer Authority
ATTN: General Manager
1162 Highway 53 East
Dawsonville, GA 30534

8. Assignment.

Neither party may assign or transfer this agreement without prior written consent of the other party.

9. Entire Agreement.

The contents hereof contain the entire agreement between the parties regarding the subject matter of this

10. Governing Law and Severability.

This IGA shall be construed and interpreted in accordance with Georgia law. If any sentence, phrase, provision, portion or clause of this IGA should at any time be declared or adjudged invalid, unlawful, unconstitutional or unenforceable for any reason, said adjudication or declaration shall in no manner or way effect the other sentences, phrases, provisions, portion of clauses hereof, and all remaining portions shall remain in full force and effect.

11. Non-Waiver.

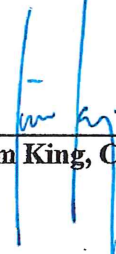
The failure of either party to enforce any provision of this IGA and contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this IGA.

This 10th day of July 2018.

City of Dawsonville, Georgia


Etowah Water and Sewer Authority

By: 
Jason Power, Mayor Pro-Tem

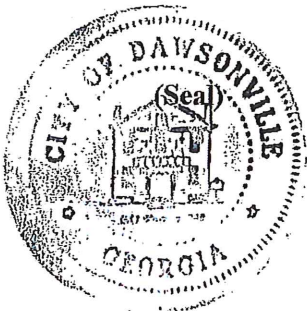
By: 
Jim King, Chairman

ATTEST:

ATTEST:

By: 
Beverly Banister, Clerk

By: 
Linda Townley, Secretary



(Seal)



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 2

SUBJECT: ZA C8-00162

DATE(s): 7/23/18 WORK SESSION _____ CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST: *Public Hearing + Vote*

2ND Reading and decision for:

ZA C8-00162: David Blount has requested a zoning amendment for TMP 091 002 001, located at 2807 Hwy 9 North, consisting of 3.83 acres, from RA (Restricted Agriculture) to NB (Neighborhood Business). **Public Hearing** Dates: Planning Commission - July 9, 2018 and City Council - **July 23, 2018.**

HISTORY/ FACTS / ISSUES

The property is on Hwy 9 North just past the Intersection of Hwy 9 and Hwy 136.

The entire 30 acre property was rezoned in 2012 to RA and also received a Special Exception Variance to allow a limited number of pigs and chickens.

This request is for the 3.83 Acres in Tract 2 where the main house sits.

It should also be noted that just NE of tract 1 is a County parcel that has a commercial zoning.

There will be no business signage / only a flag.

There will be very little customer traffic (a few customers a year come by to pick up their order). No large distribution or delivery trucks.

All employee parking is in the rear.

The look and character will remain the same as if it were a residential home.

Planning Commission recommended approval of this request on 7/9/18.

OPTIONS:

Approve

Approve with conditions

Deny

Table

RECOMMENDED SAMPLE MOTION:

DEPARTMENT: PLANNING

REQUESTED BY: Nalita Copeland



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3266

Zoning Amendment
 Application

Request # ZA-08-00162 Date: Jun 7, 2018

Applicant Name(s): DAVID BLOUNT

Address: 564 FERN PARK DR City: DAWSONVILLE State: GA Zip: 30534

Phone: 706-216-88-22 Cell Phone: 706-265-0927

E-Mail: FLAGS.GEORGIA@AOL.COM

Property Address: 2807 HWY 9 N, DAWSONVILLE, GA 30534

Tax Map # 091 Parcel # 002-001 ^{TRACT} 2 Current Zoning***: RA

Land Lot(s): 133 District: 13th Section: 1

Subdivision Name: N/A Lot # N/A

Acres: 3.83 Current Use of Property: VACANT RESIDENTIAL

Has a past Request of Rezone of this property been made before? Y If yes, provide ZA # ZA-04-12
30 Acres to RA (2012)

The applicant request:

Rezoning to zoning category: NB ^{Amended - Per written request 6-11-18} Special Use permit for: N/A

Proposed use of property if rezoned: OFFICES + INVENTORY FOR MAIL ORDER BUSINESS

If Residential: # of lots proposed N/A Minimum lot size proposed N/A (Include Concept Plan)

Is an Amenity area proposed _____, if yes, what _____

If Commercial: Total Building area proposed EXISTING 3 BLDG - 5,600 (Include Concept Plan)

Existing Utilities: (readily available at road frontage) Water Sewer Electric Natural Gas

Proposed Utilities: (developer intends to provide) Water Sewer Electric Natural Gas

Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: Hwy 9 N Type of Surface: ASPHALT PAVED

- ◆ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ◆ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

DB

Signature of Applicant

6/7/18

Date

Office Use Only: Amended zoning Reg 6/11/18

Date Completed Application Rec'd: 6/7/18 Amount Paid \$ 719⁶⁸ Check # 1781 /Cash

Date of Planning Commission Meeting: 7/19/18 Dates Advertised: 6/20/18 + 6/27/18

Date of City Council Meeting: 7/23/18 Dates Advertised: " " "

Postponed: YES NO Date: _____ Rescheduled for next Meeting: _____

Approved by Planning Commission: YES NO Approved by City Council: YES NO

Advertised as NB



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Zoning Amendment
 Authorization**

Property Owner Authorization

I/We DAVID BLOUNT hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 2807 Hwy 9 N,
DAWSONVILLE, GA 30534 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent DAVID BLOUNT
 Signature of Applicant or Agent [Signature] Date 6/7/18
 Mailing Address 564 FERN PARK DR,
 City DAWSONVILLE State GA Zip 30534
 Telephone Number 706-265-0927

Printed Name of Owner(s) DAVID BLOUNT
 Signature of Owner(s) [Signature] Date 6/7/18
 Date _____

Sworn to and subscribed before me
 this 7 day of June 2018.

[Signature]
 Notary Public, State of Georgia

My Commission Expires: 8-30-2021



(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

Nalita Copeland

From: flagsgeorgia@aol.com
Sent: Monday, June 11, 2018 11:46 AM
To: Nalita Copeland
Subject: Re-zoning 2807 Hwy 9 N

Nalita,

After our discussion this morning, I would like to adjust my re-zoning request as follows.

I initially chose the O (office) zoning because it was less intrusive to the neighborhood, but it had the restriction of no retail sales which would have necessitated a conditional use permit or variance.

I would like to change the requested zoning to NB, Neighborhood Business since it allows retail sales and also includes the same office and professional use as the Office district. Also, the NB zoning allows single family residences which would allow the home that I own to revert back to a residential use in the future if that use was ever needed.

I would be OK with the re-zoning to either Office or Neighborhood Business District, and will rely on the City Council to make the decision after public input.

Dave Blount
General Manager
Flags Georgia
800-552-4382

ZONING APPLICATION – DAVID BLOUNT, 2807 HWY 9 N, DAWSONVILLE, GEORGIA
30534

LETTER OF INTENT

The purpose of this rezoning is to be able to lease the subject property to my solely owned business, Flags Georgia LLC. The buildings on the property will be used as offices for the staff and also used for displaying, picking and packing the items that we sell via the Internet.

Flags Georgia has been in business since October 1999. The company operates eight company owned web sites and is also a third party seller on Amazon.com, eBay.com and Walmart.com. Currently we have six full time employees and two part employees. Our normal business hours are Monday – Friday 8 am to 4:30 pm. We do not work on major holidays or weekends.

The company has operated for the past 15 years in leased space at 67 American Way, Dawsonville. I have excellent employees that have been with the company for multiple years. Moving to 2807 Hwy 9 N, with its nicely landscaped grounds, privacy, perfect one story floorplan and ideal location close to town will create a more relaxed and quiet environment for the staff than the industrial park that we have been in since 2003.

I have opted to apply for the Office rezoning instead of a more commercialized CBD, NB or HB rezoning in order to maintain the rural setting that is around the subject property on Hwy 9. There are only two homes that can be seen from the property and they are both over 500' away from the main building. We will not be making any modifications to the property other than adding 8 parking places behind the main building (that will increase the total parking to 15 including a handicap parking space). That new parking area will not be visible from any homes and also will not be visible from Highway 9.

Our goal is to keep the grounds looking more like a park than a business operation. We also will not have a sign identifying the property as a business although we will have a flagpole in the front yard with an American Flag. We will not be advertising for local walk-in business. The truck traffic to the business will be standard delivery vehicles used by Fedex, UPS, DHL or the US Postal service. No tractor trailers will have access to the property.

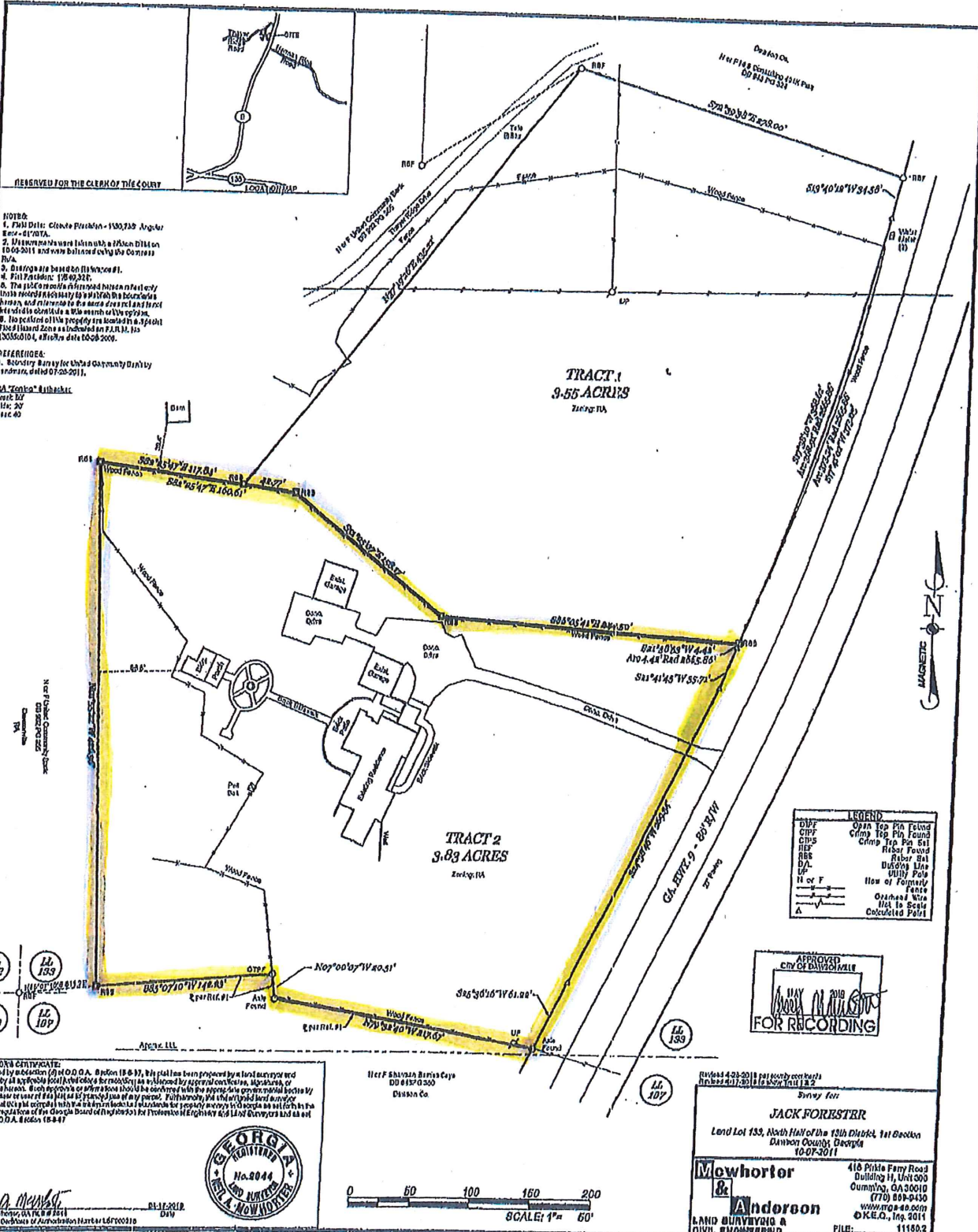
Variance needed -- The Office zoning regulations stipulate that no retail sales of any kind will be allowed. We have local businesses and organizations come to our current location to pick up flags for their businesses and organizations. We also sometimes have Atlanta area schools and churches come to Dawsonville to pick up the orders for their organizations. Local businesses include the City of Dawsonville, Dawson County, North Georgia Premium Outlets, Chik-fil-a, Byrd's mini storage and others. Over the course of a year we average **less than one sale a day** from walk in customers. The purpose of the variance is to continue to allow customers to pick up their flag orders as they have for years.

I am available most days to meet anyone at the property to see the setting and the privacy that will not change if we are approved for this zoning request. I can be reached on my cell phone at 706-265-0927 and can answer any questions or meet anyone at the property prior to the final decision being made on this request.

Sincerely,



David Blount
General Manager/Owner
Flags Georgia LLC



PLATYONS CERTIFICATE:
 As required by Section 47-0-10 of the Official Code of Georgia Annotated (O.C.G.A.), this plat has been prepared by a land surveyor and approved by the appropriate authority for recording. It is hereby certified that the survey was conducted in accordance with the provisions of the Georgia Code and that the plat is a true and correct representation of the land surveyed and that the same is in accordance with the provisions of the Georgia Code and that the same is in accordance with the provisions of the Georgia Code and that the same is in accordance with the provisions of the Georgia Code.



111 F SHILOH BIRDS CAYS
 DD 8137-0300
 DANVILLE GA

Survey for:
JACK FORESTER
 Lot 133, North Half of the 13th District, 1st Section
 Danville County, Georgia
 10-07-2011

Mowhorter & Anderson
 LAND SURVEYING & CIVIL ENGINEERING
 418 Dixie Ferry Road
 Building H, Unit 200
 Cumming, GA 30008
 (770) 898-9430
 www.moa-ae.com
 O.K.E.G., Inc. 2011
 FILE: 111602



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 3,4,5,6

SUBJECT: ZA C8-00146, C8-00147, C8-00149, C8-00148

CITY COUNCIL MEETING DATE: 07/23/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

REQUEST TO APPROVE ZA #'s C8-00146, C8-00147, C8-00149, C8-00148

HISTORY/ FACTS / ISSUES

These are City initiated zonings for City owned properties so the uses are appropriate to the zoning district. C8-00146 (City Hall Complex) and C8-00147 (Main Street Park) are titled in DDA name.

C8-00149 (124 Allen Street) and C8-00148 (82 Allen Street) are titled in City of Dawsonville name. Both of these will be the location of the City Farmer's Market.

- **06/14/2018 – Tabled by Planning Commission until 07/09/2018 at 5:30 pm**
- **06/18/2018 – Tabled by City Council: Public Hearing to be held 07/09 & Final Decision 07/23**

OPTIONS:

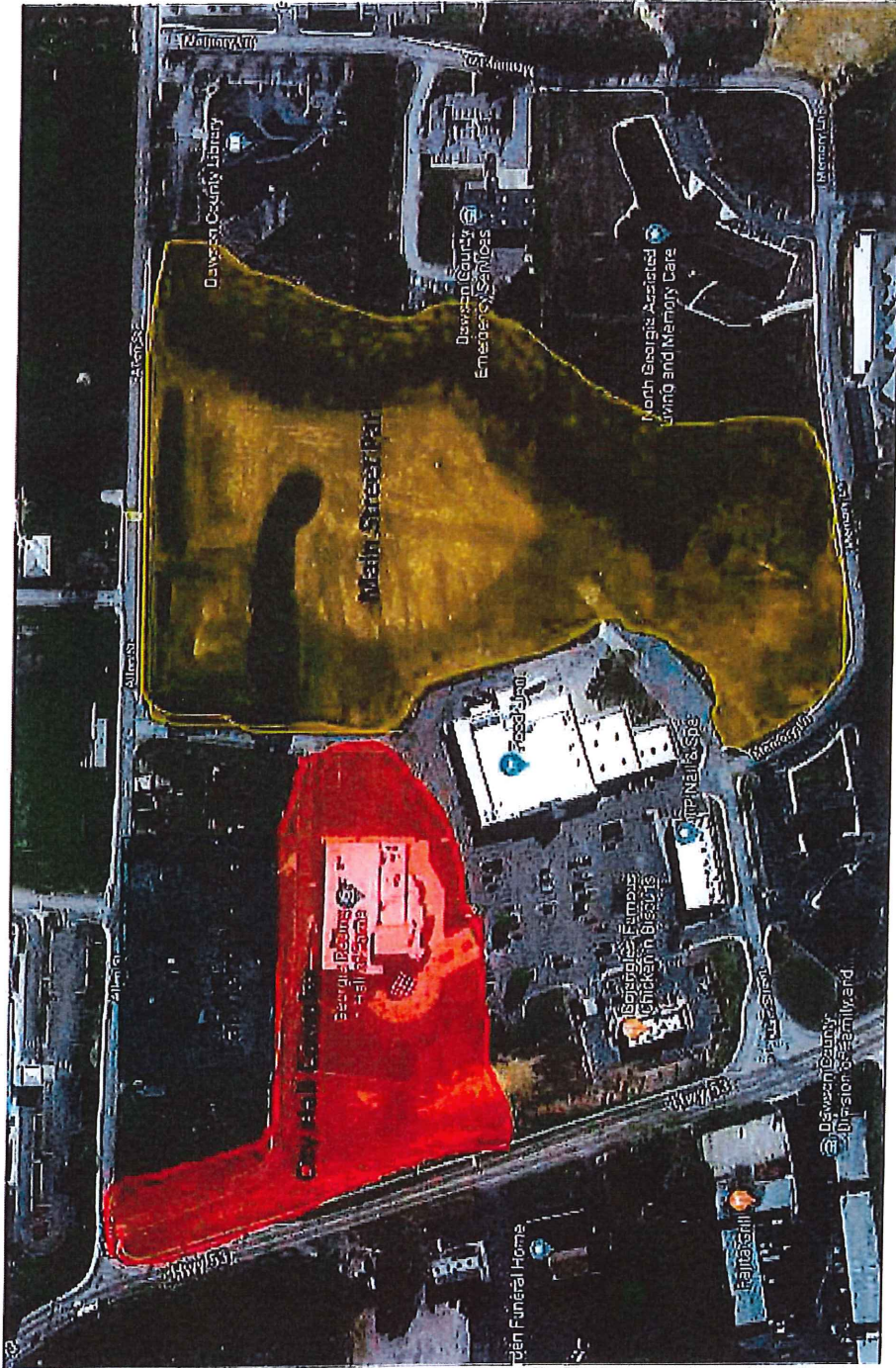
APPROVE, TABLE OR DENY

RECOMMENDED SAMPLE MOTION:

DEPARTMENT: Planning and Zoning

REQUESTED BY: Nalita Copeland

Overview of 4 Properties to be rezoned

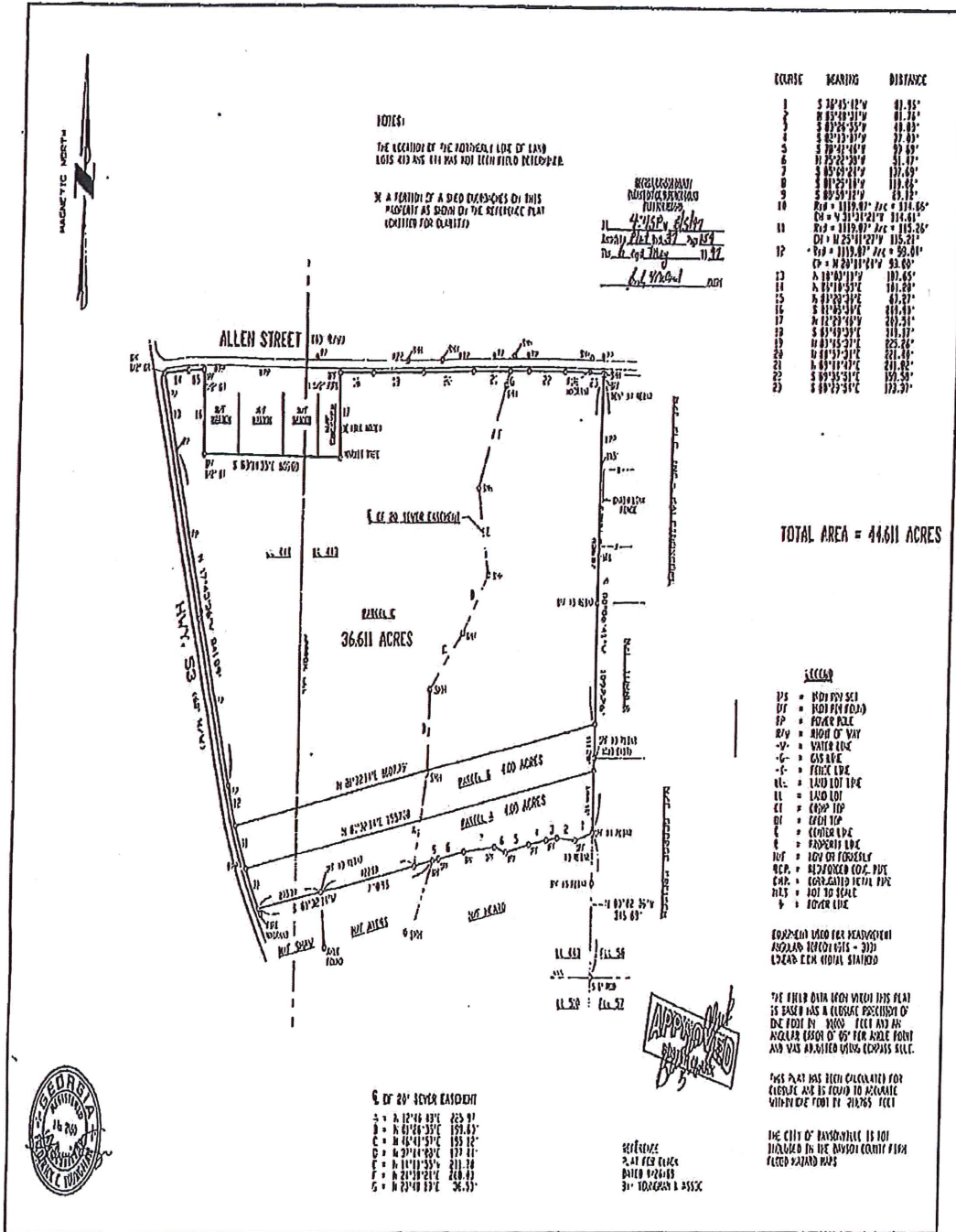


City Hall Complex
ZA-08-00146

City Park
ZA-08-00147

Farmer's Market
ZA 08-00148 +
ZA 08-00149
(Allen Street Properties(2))


Recorded Survey - 1997



<p>0 200 400 600 Feet</p>	<p>DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF DAWSONVILLE</p>	<p>DATE: 02/28/97 BY: TERRY L. BASS</p>	<p>Yarman Surveying, Inc. 2501 E. 1st St. Dawsonville, GA 30258 (706) 285-8888</p>
--	--	--	--

City Hall Bldg.

DDA

	<p align="center">City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256</p>	<p align="center">Zoning Amendment Application</p>
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Request # ZA- 08-00146 Date: 5/23/18

Applicant Name(s): Downtown Development Authority / Keith Stone DDA Chair

Address: 415 Hwy 53 East City: Dawsonville State: GA Zip: 30534

Phone: 706-265-3256 Cell Phone: _____

E-Mail _____

Property Address: 415 Hwy 53 East

Tax Map # D04 020 001 Parcel # _____ Current Zoning** : PUD

Land Lot(s): 441, 442, 443 District: 4 Section: 1

Subdivision Name: N/A Lot # _____

Acres: 12.15 Current Use of Property: Institutional / Government

Has a past Request of Rezone of this property been made before? Yes If yes, provide ZA # 9-05-1172

The applicant request:

Rezoning to zoning category: INST Special Use permit for: _____

Proposed use of property if rezoned : Same

If Residential: # of lots proposed _____ Minimum lot size proposed _____ (Include Concept Plan)

Is an Amenity area proposed _____, if yes, what _____

If Commercial: Total Building area proposed _____ (Include Concept Plan)

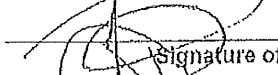
Existing Utilities: (readily available at road frontage) _____ Water _____ Sewer _____ Electric _____ Natural Gas

Proposed Utilities: (developer intends to provide) _____ Water _____ Sewer _____ Electric _____ Natural Gas


Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: _____ Type of Surface: _____

- ♦ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ♦ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

 _____ Date 6-2-18

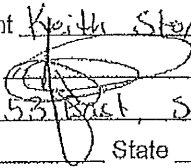
Office Use Only	Fee Waived	City Application
Date Completed Application Rec'd _____	Amount Paid \$ _____	Check # _____ / Cash _____
Date of Planning Commission Meeting: <u>6/15/18</u>	Dates Advertised: <u>5/30/18</u>	<u>6/16/18</u>
Date of City Council Meeting: <u>6/18/18</u>	Dates Advertised: <u>5/23/18</u>	<u>6/15/18</u>
Postponed: YES NO Date: _____	Rescheduled for next Meeting: _____	
Approved by Planning Commission: YES NO	Approved by City Council: YES NO	

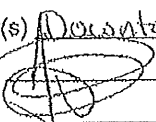
	<p align="center"> City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30634 Phone: (706) 265-3256 </p>	<p align="center"> Zoning Amendment Authorization </p>
---	--	--

Property Owner Authorization

I/We Keith Stone, DDA Chair hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) 415 Hwy 53 East as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Keith Stone, DDA Chair
Signature of Applicant or Agent  Date 6-8-16
Mailing Address 415 Hwy 53 East, Ste 100
City Dawsonville State GA Zip 30634
Telephone Number 706-265-3256

Printed Name of Owner(s) Downtown Development Authority / Keith Stone DDA Chair
Signature of Owner(s)  Date 6-8-16
Date _____

Sworn to and subscribed before me
this 8 day of June 2018.

Nailta Y. Copeland
Notary Public, State of Georgia

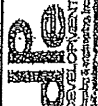


Nailta Y. Copeland
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
May 15, 2019

My Commission Expires: May 15, 2019 Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet polarized also.)

Survey for City Hall property



PROFESSIONAL
CITY OF
DUNWOODY

PROJECT NAME
THUNDER ROAD,
USA

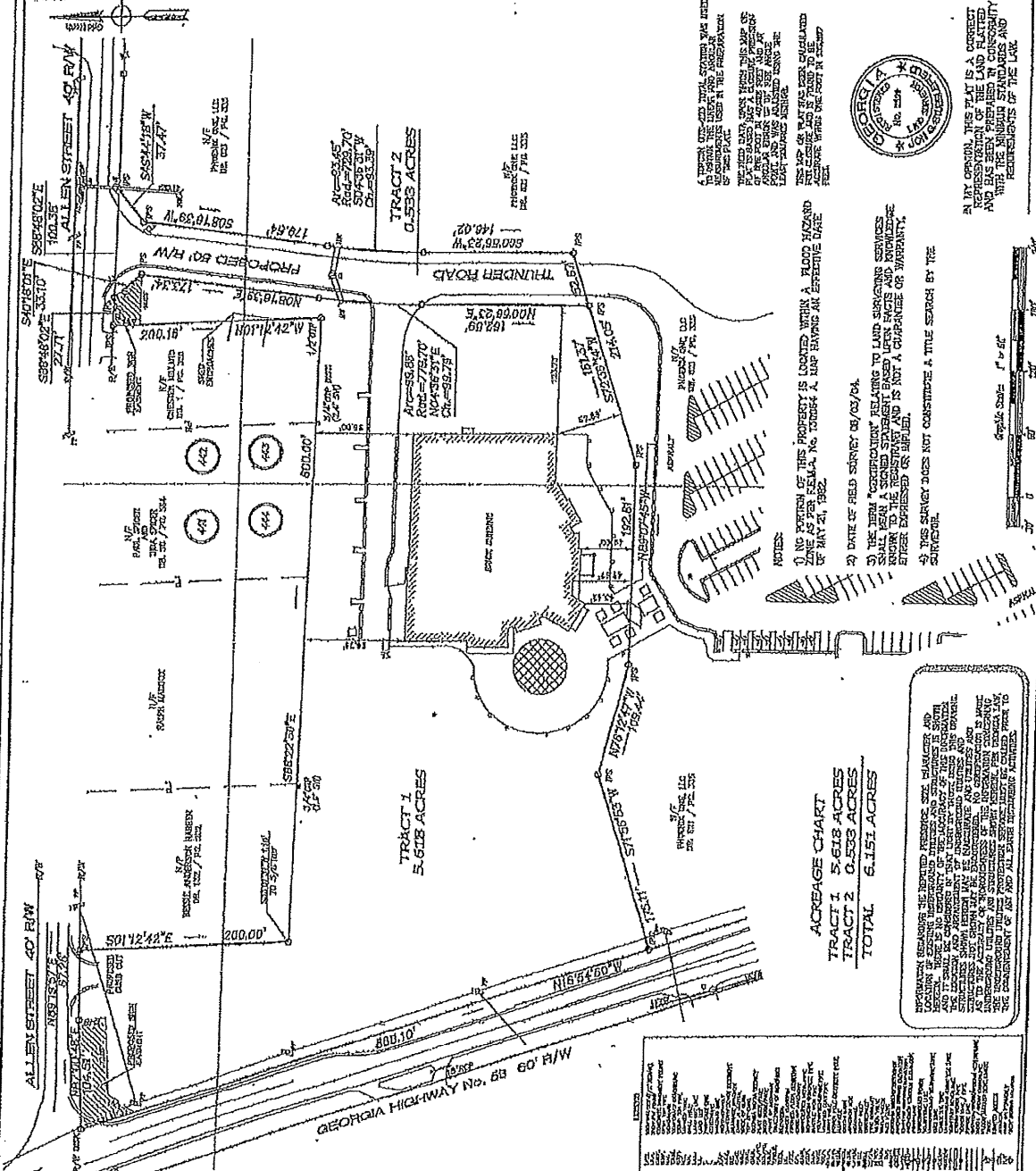
TAX
BOUNDARY SURVEY

PREPARED BY
DATE

APPROVED BY
DATE

SCALE
DATE

1 of 1



IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Georgia, this 21st day of May, 1982.



IN MY OPINION, THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.


- NOTES:
- 1) NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD ZONE AS PER FEMA MAP NO. 10084-A, MAP DATED AN ESTIMATED DATE OF MAY 21, 1982.
 - 2) DATE OF FIELD SURVEY 08/03/84.
 - 3) THE TERM "CONTRIBUTION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A CONTRIBUTION OF SKILL, KNOWLEDGE AND KNOWLEDGE EITHER EXPRESSED OR IMPLIED.
 - 4) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Georgia, this 21st day of May, 1982.

STATE OF GEORGIA
COUNTY OF DEKALB
I, [Name], Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client, and that the same has been compared with the original and found to be correct.

City Park

DDA

	<p align="center">City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256</p>	<p align="center">Zoning Amendment Application</p>
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Request # ZA-18-00147 Date: 5/25/18

Applicant Name(s): Downtown Development Authority / Keith Stone DDA Chair

Address: 415 Hwy 53 East City: Dawsonville State: GA Zip: 30534

Phone: 706-265-3256 Cell Phone: _____

E-Mail: _____

Property Address: 135 Main Street

Tax Map # DD04-020 Parcel # _____ Current Zoning** : PUO

Land Lot(s): 441, 442, 443 District: 4 Section: 1

Subdivision Name: N/A Lot # _____

Acres: _____ Current Use of Property: _____

Has a past Request of Rezone of this property been made before? _____ If yes, provide ZA # _____

The applicant request:

Rezoning to zoning category: INST. Special Use permit for: _____

Proposed use of property if rezoned: Same / City Park

If Residential: # of lots proposed _____ Minimum lot size proposed _____ (Include Concept Plan)

Is an Amenity area proposed _____, if yes, what _____

If Commercial: Total Building area proposed _____ (Include Concept Plan)

Existing Utilities: (readily available at road frontage) _____ Water _____ Sewer _____ Electric _____ Natural Gas

Proposed Utilities: (developer intends to provide) _____ Water _____ Sewer _____ Electric _____ Natural Gas


Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: _____ Type of Surface: _____

- ♦ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ♦ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

 _____ Date: 6-8-18

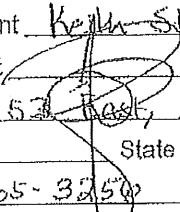
Office Use Only		Fees Collected - City (optional)	
Date Completed Application Rec'd: <u>5/25/18</u>	Amount Paid: _____	Check # _____	Cash _____
Date of Planning Commission Meeting: <u>6/11/18</u>	Dates Advertised: <u>5/20/18</u>	<u>6/16/18</u>	
Date of City Council Meeting: <u>6/18/18</u>	Dates Advertised: <u>5/30/18</u>	<u>6/12/18</u>	
Postponed: YES NO Date: _____	Rescheduled for next Meeting: _____		
Approved by Planning Commission: YES NO	Approved by City Council: YES NO		

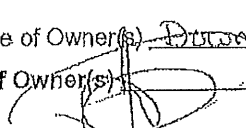
	<p align="center"> City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256 </p>	<p align="center"> Zoning Amendment Authorization </p>
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Property Owner Authorization

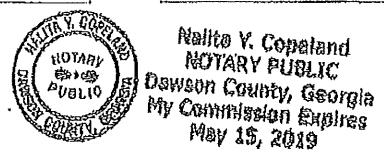
I/We Keith Stone, DDA Chair hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) 135 Main Street as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Keith Stone, DDA Chair
Signature of Applicant or Agent  Date 6/8/18
Mailing Address 415 Hwy 53 East, Ste 100
City Dawsonville State GA Zip 30534
Telephone Number 706-265-3256

Printed Name of Owner(s) Dawson Development Authority/Keith Stone DDA Chair
Signature of Owner(s)  Date 6/8/18
Date _____

Sworn to and subscribed before me
this 8 day of June 2018.




Nalito V. Copeland
Notary Public/State of Georgia
My Commission Expires: May 15, 2019 Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)



Carter House

City

	<p align="center">City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256</p>	<p align="center">Zoning Amendment Application</p>
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Request # ZA-08-00148 Date: 5/25/18

Applicant Name(s): City of Dawsonville

Address: 415 Hwy 53 E City: Dawsonville State: GA Zip: 30534

Phone: 706-265-3256 Cell Phone: _____

E-Mail _____

Property Address: 82 Allen Street

Tax Map # D03 033 Parcel # _____ Current Zoning**: PUD

Land Lot(s): 441, 442, 443 District: 4 Section: 1

Subdivision Name: N/A Lot # _____

Acres: 1 Current Use of Property: Residential

Has a past Request of Rezone of this property been made before? Yes If yes, provide ZA # 7-07-1580
(R3 - PUD)

The applicant request:

Rezoning to zoning category: INST Special Use permit for: _____

Proposed use of property if rezoned: City Farmers Market

If Residential: # of lots proposed _____ Minimum lot size proposed _____ (Include Concept Plan)

Is an Amenity area proposed Yes, if yes, what Picnic/Playground Area (45' x 45')

If Commercial: Total Building area proposed 7500/1250 (Include Concept Plan)

Existing Utilities: (readily available at road frontage) Water Sewer Electric Natural Gas

Proposed Utilities: (developer intends to provide) _____ Water _____ Sewer _____ Electric _____ Natural Gas


Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: Allen Street Type of Surface: Asphalt

- ♦ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ♦ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

Signature of Applicant Date: 06/08/18

Office Use Only:	Fees Saved / City Property
Date Completed Application Rec'd: <u>5/25/18</u>	Amount Paid \$ _____ Check # _____ / Cash
Date of Planning Commission Meeting: <u>6/14/18</u>	Dates Advised: <u>5/30/18</u> <u>6/6/18</u>
Date of City Council Meeting: <u>6/25/18</u>	Dates Advised: <u>5/30/18</u> <u>6/6/18</u>
Postponed: YES NO Date _____	Rescheduled for next Meeting: _____
Approved by Planning Commission: YES NO	Approved by City Council: YES NO

	<p align="center"> City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256 </p>	<p align="center"> Zoning Amendment Authorization </p>
---	--	--

Property Owner Authorization

I / We Bob Boltz, for City of Dawsonville hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 82 Allen Street, as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Bob Boltz City Mgr.
Signature of Applicant or Agent [Signature] Date 06/08/18
Mailing Address 415 Hwy 53 East, Ste 100
City Dawsonville State GA Zip 30534
Telephone Number 706-265-3256

Printed Name of Owner(s) City of Dawsonville
Signature of Owner(s) [Signature] Date 06/08/18
Date _____

Sworn to and subscribed before me
this 9th day of June 2018
[Signature]
Notary Public, State of Georgia



Beverly A. Banister
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
February 18, 2020

My Commission Expires: 02.18.2020 Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

82 Allen Street - Survey pending (Former's Mlt property)



Legend
□ Parcels
— Roads

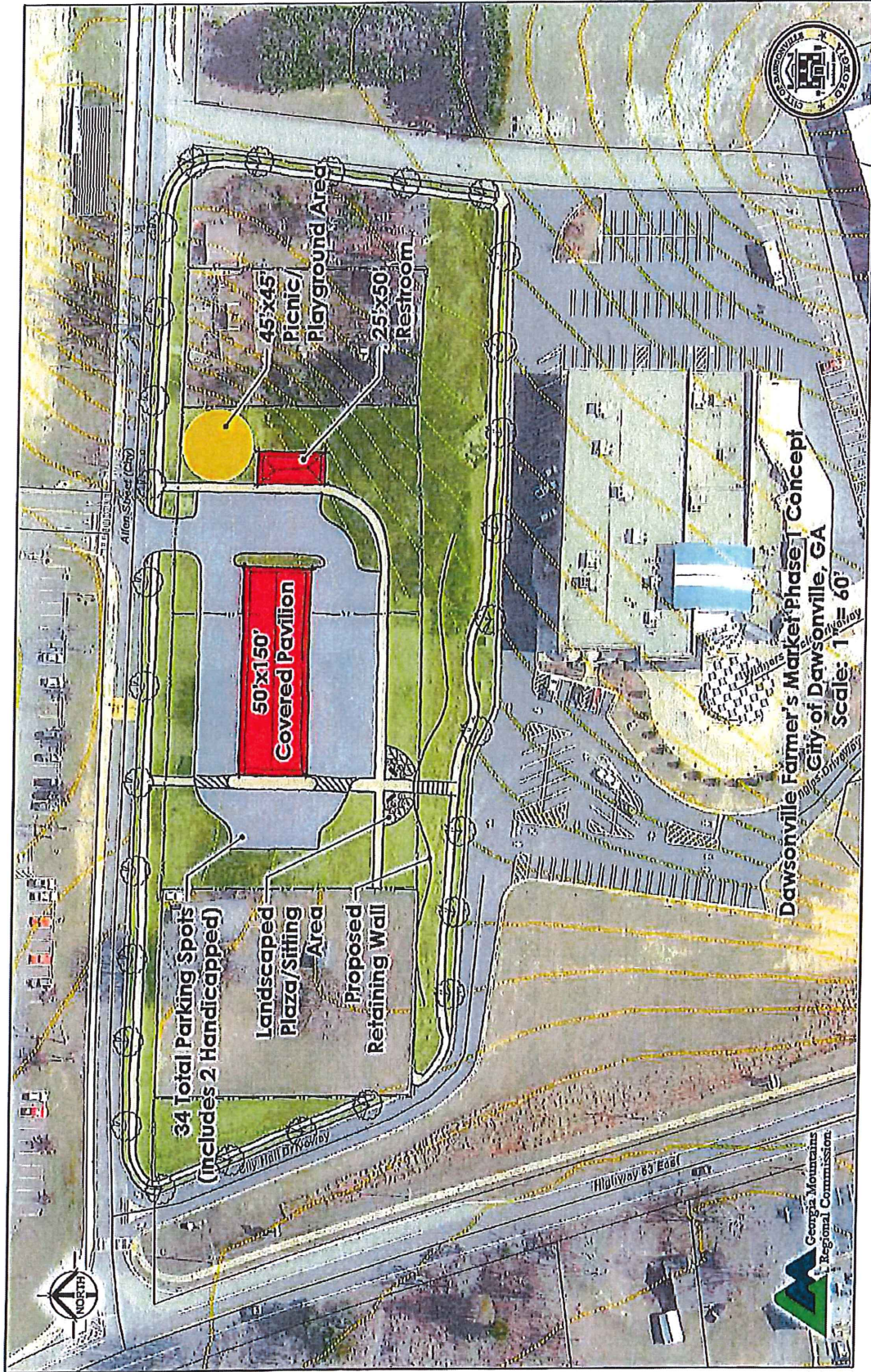
Parcel ID	D03 032	Owner	CITY OF DAWSONVILLE	Last 2 Sales			
Class Code	Exempt		P O BOX 6	Date	Price	Reason	Qual
Taxing District	DAWSONVILLE		DAWSONVILLE GA 30534	5/5/2015	0	TS	U
	DAWSONVILLE	Physical Address	124 ALLEN ST	6/6/1986	\$25000	FM	Q
Acres	0.75	Assessed Value	Value \$58169				

(Note: Not to be used on legal documents)

Date created: 6/12/2018
Last Data Uploaded: 6/8/2018 12:40:44 PM

Developed by






Dawsonville Farmer's Market Phase 1 Concept
 City of Dawsonville, GA
 Scale: 1" = 60'

Georgia Mountains
 Regional Commission

Spicer House

City

	<p>City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256</p>	<p>Zoning Amendment Application</p>
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Request # ZA- 18-00149 Date: 5/25/18
 Applicant Name(s): City of Dawsonville / Bob Botz, City Mgr.
 Address: 415 Hwy 53 E City: Dawsonville State: GA Zip: 30534
 Phone: 706-265-3256 Cell Phone: _____
 E-Mail: _____

Property Address: 124 Allen Street
 Tax Map # D03 032 Parcel # _____ Current Zoning** : R1
 Land Lot(s): 441, 442, 443 District: 4 Section: 1
 Subdivision Name: N/A Lot # _____
 Acres: 0.75 Current Use of Property: Vacant house - (uninhabitable)
 Has a past Request of Rezone of this property been made before? NO If yes, provide ZA # _____

The applicant request:

Rezoning to zoning category: INST Special Use permit for: _____

Proposed use of property if rezoned: City Farmers Market

If Residential: # of lots proposed _____ Minimum lot size proposed _____ (Include Concept Plan)

Is an Amenity area proposed Yes, if yes, what Picnic / Playground Area (45' x 45')

If Commercial: Total Building area proposed 7500 / 1250 (Include Concept Plan)

Existing Utilities: (readily available at road frontage) Water Sewer Electric Natural Gas

Proposed Utilities: (developer intends to provide) _____ Water _____ Sewer _____ Electric _____ Natural Gas

Road Access/Proposed Access: (Access to the development/area will be provided from)


Road name: Allen Street Type of Surface: Asphalt

- ◆ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ◆ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

Robert Botz
Signature of Applicant

06/08/18
Date

Office Use Only:		Fees: <u>None</u> City-owned Property	
Date Completed Application Rec'd:	<u>5/25/18</u>	Amount Paid:	<u>Check</u>
Date of Planning Commission Meeting:	<u>6/14/18</u>	Dates Advertised:	<u>5/30/18 - 6/16/18</u>
Date of City Council Meeting:	<u>6/18/18</u>	Dates Advertised:	<u>5/20/18 - 6/16/18</u>
Postponed: YES NO	Date: _____	Rescheduled for next Meeting:	_____
Approved by Planning Commission:	YES NO	Approved by City Council:	YES NO

	<p align="center">City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256</p>	<p align="center">Zoning Amendment Authorization</p>
---	---	---

Property Owner Authorization

I/We Bob Bolz For City of Dawsonville hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) 124 Allen Street as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(les) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Bob Bolz, City Mgr.
 Signature of Applicant or Agent [Signature] Date _____
 Mailing Address 415 Hwy 53 East, Ste 100
 City Dawsonville State GA Zip 30534
 Telephone Number 706-265-3256

Printed Name of Owner(s) City of Dawsonville
 Signature of Owner(s) [Signature] Date 6/10/18
 Date _____

Sworn to and subscribed before me
 this 8th day of June 2018.
[Signature]
 Notary Public, State of Georgia

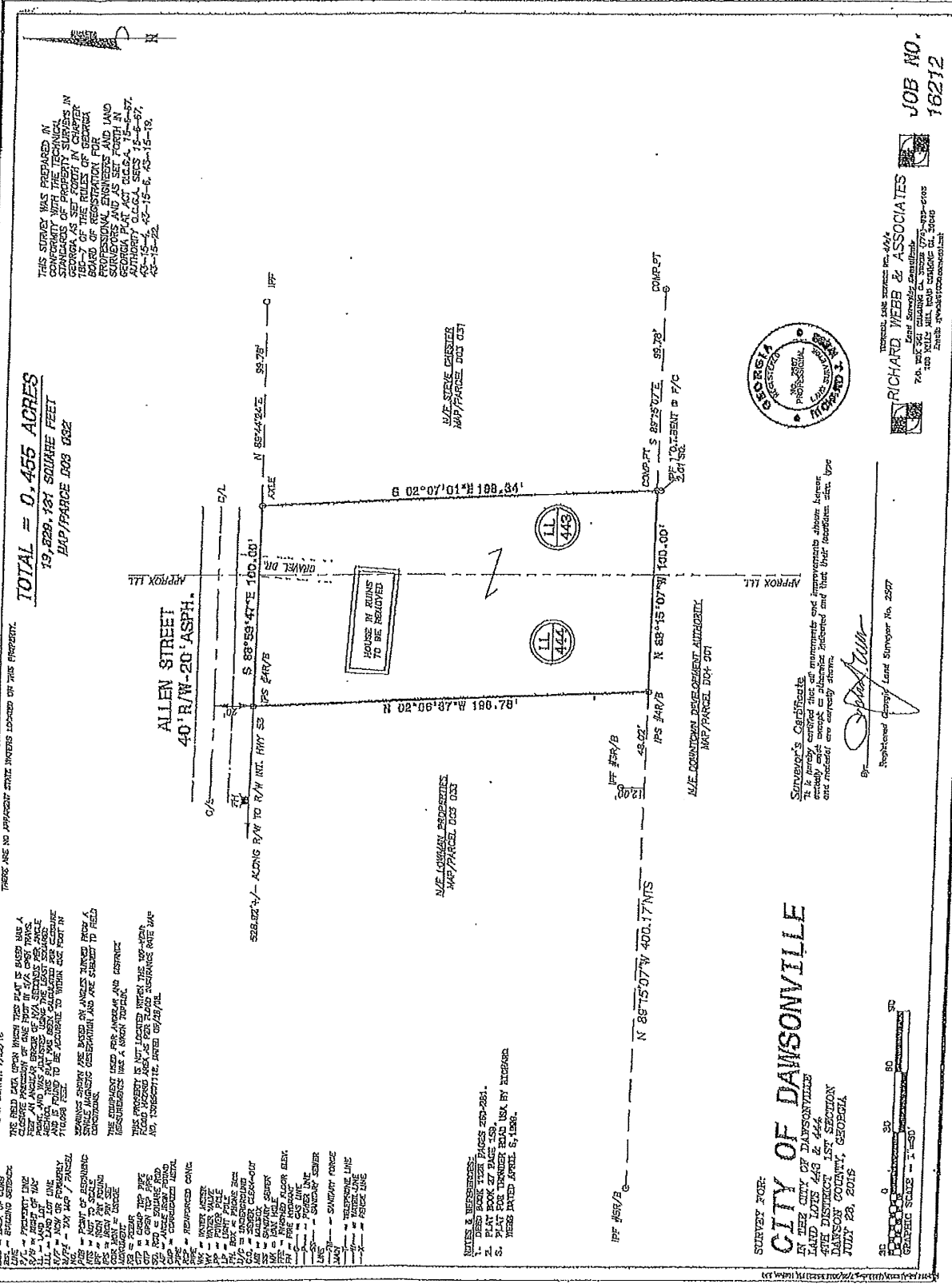


Beverly A. Benister
 NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 February 18, 2020

My Commission Expires: 02.18.2020 Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

Survey 124 Allen Street (Farmer's Mt. property)



TOTAL = 0.455 ACRES
 19,888,731 SQUARE FEET
 MAP/PARCEL D03 032

THESE ARE NO APPLICANT STATE OWNERS LOCATED ON THIS PROPERTY.

DATE OF SURVEY 7/22/12
 THE READ DATA OPEN WHEN THIS IS A BURN HAS A CLEAR PROVISION OF ONE FOOT IN SIX INCHES FROM THE CENTER LINE OF THE ROAD TO THE CENTER LINE OF THE ROAD. THIS PLAT WAS PREPARED FOR THE CITY OF DAWSONVILLE AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION. THE ENGINEER HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION. THE ENGINEER HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION. THE ENGINEER HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.

- NOTES & REFERENCES:**
1. SEE BOOK THIS PAGES 259-261.
 2. PLAT FOR RECORDATION BY MEX BY HUBBARD.
 3. THESE DATED APRIL 5, 1988.

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PROFESSIONAL SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 47 OF THE RULES OF GEORGIA BOARD OF PROFESSIONAL SURVEYORS AND AS SET FORTH IN GEORGIA PLAT ACT O.C.G.A. 47-15-6, 47-15-8, 47-15-10, 47-15-12, 47-15-14, 47-15-16, 47-15-18, 47-15-20.



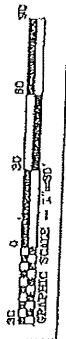
JOB NO. 16212

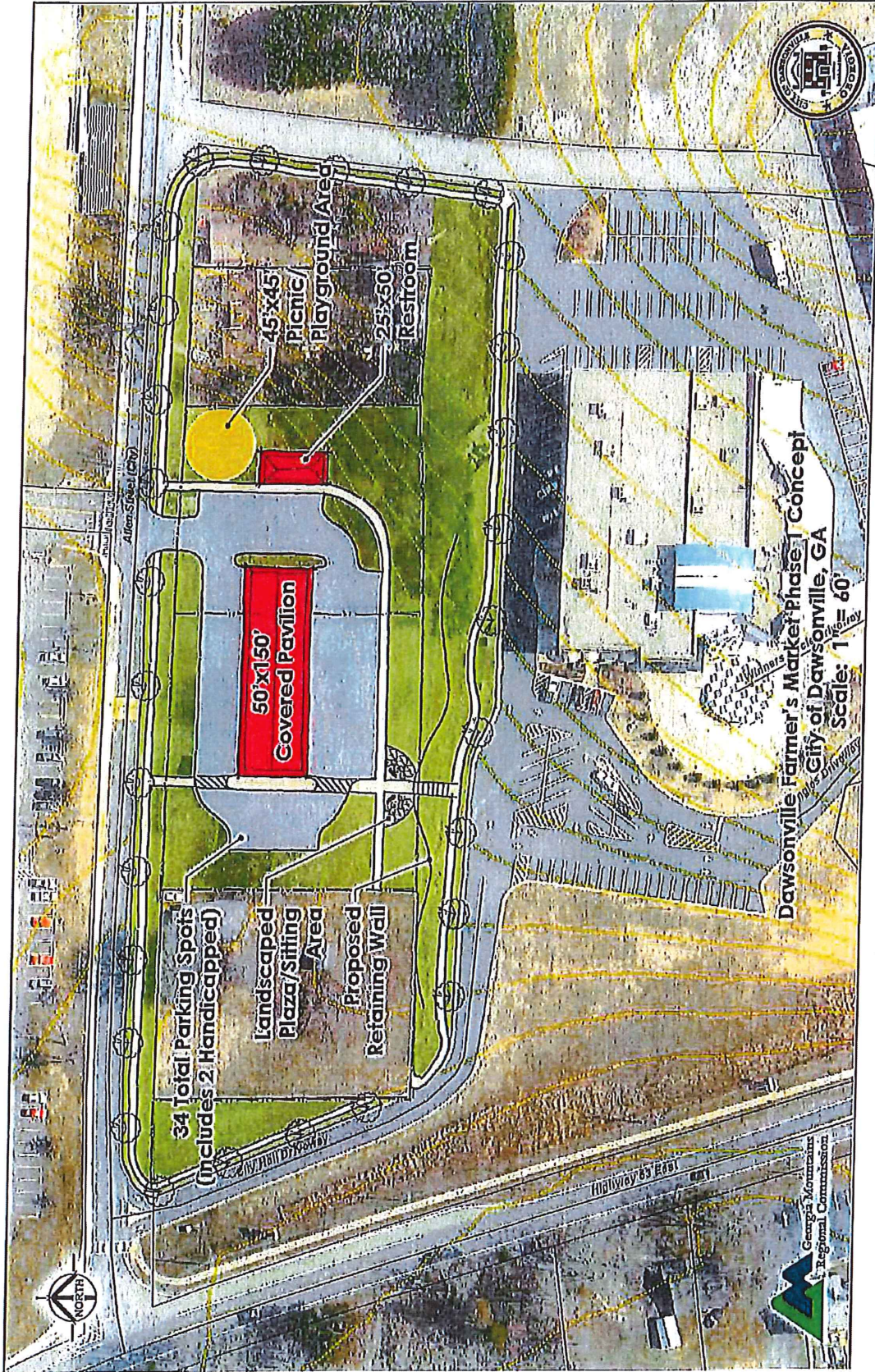
RICHARD WEBB & ASSOCIATES
 704 W. 2nd St. Dawsonville, GA 30288-2000
 706-845-1111 FAX 706-845-1112
 www.rwebbsurvey.com

Surveyor's Certificate
 I, the undersigned, do hereby certify that the above described plat and improvements shown hereon were prepared and reduced to scale and that the location, area, and other data are correctly shown.

Richard Webb
 Registered Geomatics Land Surveyor No. 2597

CITY OF DAWSONVILLE
 IN THE CITY OF DAWSONVILLE
 LAND LOTS 442 & 443
 4TH DISTRICT 1ST SECTION
 DAWSON COUNTY, GEORGIA
 JULY 23, 2012





34 Total Parking Spots
(Includes 2 Handicapped)

Landscaped
Plaza/Sitting
Area

Proposed
Retaining Wall

50'x150'
Covered Pavilion

45'x45'
Picnic/
Playground Area

25'x50'
Restroom

Alton Street (SR70)

Highway 83 East



Dawsonville Farmer's Market Phase 1 Concept
City of Dawsonville, GA
Scale: 1" = 60'





**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7**

SUBJECT: STREET PARKING ORDINANCE

CITY COUNCIL MEETING DATE: 07/23/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO DISCUSS PROPOSED STREET PARKING ORDINANCE

HISTORY/ FACTS / ISSUES:

**06/04/2018 – PARKING ISSUES PRESENTED TO COUNCIL BY TRAMPAS HANSARD;
COUNCIL INSTRUCTED ATTORNEY MILES TO DRAFT AN ORDINANCE**

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Trampas Hansard/Dana Miles

FIRST READING _____

SECOND READING _____

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING THE AREAS IN WHICH MOTOR VEHICLES MAY BE PARKED IN CITY STREETS; TO PROVIDE TIME LIMITATIONS FOR VEHICLES PARKED IN CITY STREETS; TO PROVIDE ENFORCEMENT MECHANISMS AND PENALTIES FOR VIOLATION OF STREET PARKING ORDINANCE; TO PROVIDE UPDATES FOR FINES ASSOCIATED WITH CERTAIN VIOLATIONS OF CITY ORDINANCES; TO PROVIDE FOR REPEALER; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Dawsonville is aware of the periodic necessity and preference for operators of motor vehicles to park said vehicles in City streets;

WHEREAS, the City is cognizant of the convenience of parking motor vehicles in City streets;

WHEREAS, the City recognizes that rules and regulations regarding the manner in which motor vehicles are permissibly parked in City streets are required in order to promote safety, emergency vehicle access and uniformity with regard to parking on City streets;

WHEREAS, the City seeks to establish city-wide rules, regulations, and enforcement of motor vehicle parking in order to allow parking in City streets so as to promote safety, emergency vehicle access and uniformity;

WHEREAS, the City intends through this Ordinance to exercise the authority bestowed upon it by the City Charter by implementing rules and regulations pertaining to motor vehicle parking on City streets so as to promote the safety of the citizens of the City and to ensure the efficient operation of motor vehicles on City streets;

WHEREAS, the City seeks to amend and revise certain fines imposed resulting from violations of the Code of Ordinances for the City of Dawsonville;

NOW THEREFORE, the Council for the City of Dawsonville hereby ordains as follows:

Section 1.

Chapter 13 of the Code of Ordinances for the City of Dawsonville is amended by adding a new Section 13-3 to read as follows:

Sec. 13-3 - "Park" or "Parking" and "Motor Vehicle" Defined.

As used in this Chapter, the terms “park” or “parking” shall mean the standing of a motor vehicle, whether accompanied or not, other than temporarily for the purpose of and while actually engaged in, loading or unloading passengers. For the purpose of this Chapter 13, “motor vehicle” shall be defined as set forth in O.C.G.A. §40-1-1 and shall also include any trailer attached to the motor vehicle or capable of being attached to a motor vehicle.

Section 2.

Chapter 13 of the Code of Ordinances for the City of Dawsonville is amended by adding a new Section 13-4 to read as follows:

Sec. 13-4 – Parking Motor Vehicles on City Streets.

- (a) Operators of motor vehicles within the City are permitted to park said motor vehicles on City Streets, subject to the following:
1. Motor vehicles may only be parked on the side of the city street on which there is no fire hydrant within ~~fiftythree hundred~~ (3050) feet;
 2. No motor vehicle may be parked on a city street within one hundred ~~fifty~~ (1500) feet of an intersection with an arterial road or within fifty (50) feet of an intersection within a subdivision that is not an arterial road;
 3. No motor vehicle may be parked on a city street for a period of more than ~~fivesix~~ (56) consecutive hours unless at a City authorized event;
 4. Overnight parking on city streets is prohibited unless at a City authorized event or necessitated by a temporary vehicular failure and in the latter case is limited to one (1) night;
 5. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ~~twelve~~ (12) feet of the width of the roadway for free movement of vehicular traffic;
 6. No trailer, whether attached to a motor vehicle or not, may be parked on a city street for a period of longer than 2 hours and when actually engaged in loading or unloading unless at a City authorized event;
 7. Unless at a City authorized event, nNo person shall park any commercial vehicle, recreational vehicle, motor home, truck or bus with a body more than either eight (8) feet wide, thirty (30) feet long or ten (10) feet high on any street or public place for a period longer than 2 hours and when actually engaged in loading or unloading and at all times while so parked the driver thereof must actually be present and in charge thereof; and

8. No person shall park a vehicle upon any city street for the principal purpose of displaying said vehicle for sale, for the purpose of advertising or for the purpose of washing, greasing, or repairing such vehicle except repairs necessitated by emergency.
- (b) In addition to the limitations set forth in subsection (a), it shall be unlawful for any person to park any vehicle on any city street where such street or place of such parking bears a yellow or no parking line, or where the city has erected a sign, or signs, prohibiting or limiting parking on said street or in said place. [The City Director of Public Works or his designee is authorized to post such signs and line off no parking areas on any city street where the Director deems it to be a hazard to public safety to allow parking in said areas.](#)
- (c) Every person convicted of a violation of this Section 13-4 shall be punished by a fine to be determined by the City Judge based upon the schedule set by the City Council from time to time and codified in Chapter II, Article IV, Sec. 2-110 of the Code of Ordinances for the City of Dawsonville. All officers possessing the authority to enforce provisions of the Code of Ordinances for the City of Dawsonville shall enforce the provisions of this Section and shall be empowered to issue written citations requiring the accused to appear and answer the charge in the Municipal Court of the City of Dawsonville.
1. The operator of a motor vehicle who receives a citation pursuant to this Section, upon his or her first conviction, will be fined in the amount of Fifty Dollars (\$50.00);
 2. The operator of a motor vehicle who receives a citation pursuant to this Section, upon his or her second conviction in a period of one hundred eighty (180) days, will be fined in the amount of One Hundred Dollars (\$100.00); and
 3. The operator of a motor vehicle who receives a citation pursuant to this Section, upon his or her third and subsequent convictions in a period of one hundred eighty (180) days, will be fined in the amount of Two Hundred Fifty dollars (\$250.00) per violation.
 4. The foregoing provisions of subsection (c) notwithstanding, any officer possessing the authority to enforce the provisions of the Code of Ordinances for the City of Dawsonville, in his or her sole discretion, may cause any vehicle parked in violation of this Section to be towed or immobilized by a private contractor, and the owner of the vehicle shall pay all fees in connection therewith in addition to any applicable fine set forth hereinabove.

Section 3.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by deleting the line “Driving in sidewalk space - \$25.00” and adding a new line “Driving in sidewalk space - \$50.00.”

Section 4.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by deleting the line “Parking on sidewalk space - \$25.00” and adding a new line “Parking on sidewalk space - \$50.00.”

Section 5.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by deleting the line “Obstruction of private driveway - \$25.00” and adding a new line “Obstruction of private driveway - \$50.00.”

Section 6.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by adding the line “Street parking violation (first) - \$50.00.”

Section 7.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by adding the line “Street parking violation (second in 180 days) - \$100.00.”

Section 8.

Chapter 2, Section 2-110 of the Code of Ordinances for the City of Dawsonville is amended by adding the line “Street parking violation (third and subsequent violations in 180 days) - \$250.00.”

Section 9. Repealer and Restatement.

All ordinances and resolutions and parts thereof in conflict herewith are repealed. However, to the extent not in conflict, all remaining ordinances, resolutions, or parts thereof shall not be amended or repealed and shall remain in full force and effect, except as expressly stated in this ordinance.

Section 10. Effective Date.

This ordinance shall take effect and be in force from and after its adoption.

SO ADOPTED this ____ day of _____, 2018.

Mike Eason
Mayor

Attested: _____ (seal)
Beverly Banister
City Clerk

Caleb Phillips
Council Member

Stephen Tolson
Council Member

Jason Power
Council Member

Mark French
Council Member



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 8**

SUBJECT: PUBLIC COMMENT PROCEDURES

CITY COUNCIL MEETING DATE: 07/23/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO DISCUSS PROPOSED PUBLIC COMMENT POLICY

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mark French, Councilmember

"Proposed" City of Dawsonville Public Comment Policy -

Section 1. Declaration of public comment policy.

It is the intent of the City of Dawsonville to recognize public participation in government business is the bedrock of American local government and should be protected, permitted, and not discouraged. The City further recognizes citizens should have the right to petition their elected representatives. Allowing time for public comments at meetings maintains elected officials' accessibility and communicates the desirability and value of citizen input.

At the same time, the City recognizes some forms of comments that slander, defame, libel, disparage, or smear individuals are neither germane to public business and are inappropriate to the decorum of meetings involving the public business of the City.

The City, therefore, shall set reasonable ground rules for public participation within its Council meetings and, within any other meetings of any board or commission of the City or its agencies or authorities.

Section 2. Definitions.

For the purpose of these rules, the following definitions shall prevail:

(1) A "meeting" is a gathering of a quorum of the membership of the Council, or any board or commission of the City or its agencies or authorities for the purpose of receiving information relating to public business, or for discussion of public business, or for official action upon a proposition related to public business.

(2) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by the Council or any board or commission of

the City or its agencies or authorities to enact ordinances and resolutions, conduct public hearings, or otherwise discuss or act upon matters of public interest.

(3) A "special meeting" is any meeting other than a regular meeting held by the Council or any board or commission of the City or its agencies or authorities. A special meeting is held for the purpose of addressing matters requiring immediate attention or for the purpose of addressing matters which the City has determined are best addressed at a special meeting. When a special meeting is called, the presiding officer of the Council or any board or commission of the City or its agencies or authorities shall specifically state the purpose of the meeting and only the matters for which the meeting was called may be addressed.

(4) The "presiding officer" shall mean, in the terms of the Council, the Mayor or Mayor Pro-Tem, and in all other cases shall be the Chairman or Vice Chairman of any board or commission of the City or its agencies or authorities.

Section 3. Meetings.

(1) Location. All meetings of the Council shall be held in City Hall, unless the Council indicates another location, and shall be open to the public as required by law. All meetings of any board or commission of the City or its agencies or authorities shall be held in a suitable location within the city limits of Dawsonville, and shall be open to the public as required by law. The only exception to the requirement that meetings be open to the public shall be any executive session scheduled for those purposes expressly recognized by law.

(2) Regular Meetings. The Council and any board or commission of the City or its agencies or authorities shall hold regular meetings as

designated by the Council or any board or commission of the City or its agencies or authorities.

Section 4. Conduct of Meetings.

(1) The presiding officer shall preserve order and decorum at all meetings.

(2) During any meeting, the Council and members of any board or commission of the City or its agencies or authorities shall maintain order and decorum.

(3) City staff and citizens must be recognized by the presiding officer before speaking. The purpose of this requirement is ensure there is order and so recording equipment will properly record all comments made by individuals wishing to speak.

(4) All comments must be made from the podium which is located at the front of the Council's chamber or by other reasonable accommodations in any other location in which the Council or any board or commission of the City or its agencies or authorities is being held. Individuals that appear before the Council and any board or commission of the City or its agencies or authorities are required to state their legal name and address for the public record. The purpose of this requirement is to ensure they are properly recorded in the minutes of the Council or any board or commission of the City or its agencies or authorities' and are available for future reference.

(5) Members of the public shall be given a reasonable opportunity to be heard. Members of the public shall be limited to five (5) minutes per person.

Section 5. Public Participation and Comment.

The City of Dawsonville encourages its citizens to contact the City Manager's office to redress issues which involve the City. In cases where Council involvement is required, these matters are typically taken before the Council as an agenda item. The Council believes this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical. In addition to public hearings, designated times shall be set aside at all meetings of the Council or any board or commission of the City or its agencies or authorities for the purpose of receiving comments from members of the public. All comments made during any public comment period shall be subject to the following procedures:

(1) A period of twenty (20) minutes shall be reserved prior to the Council or any board or commission of the City or its agencies or authorities taking action upon an item appearing in the regular session portion of the meeting's agenda to allow for public comment. Such comments must be agenda specific. The presiding officer will divide the time equally between those wishing to speak; but in no case may a citizen speak longer than five (5) minutes. The presiding officer may permit additional time to be given to a speaker on a case by case basis.

(2) A period of twenty (20) minutes shall be reserved prior to the adjournment of any meeting of the Council or any board or commission of the City or its agencies or authorities to allow for public comment. Such comments may be general in nature and are not limited to items appearing upon the meeting's agenda.

(3) Speakers will be acknowledged by the presiding officer. Speakers shall address the Council or any board or commission of the City or its agencies or authorities from the podium. Speakers will begin their

statement by first stating their legal name and address.

(4) Statements are to be directed to the Council or any board or commission of the City or its agencies or authorities as a whole, and not to individuals. Public comment is not intended to require a response be provided to the speaker. Discussions between speakers and members of the public will not be allowed.

(5) Speakers will be courteous in their language and presentation.

(6) Only one speaker will be allowed at a time. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson shall be designated by the group to express the group's concerns.

(7) Any action on items brought up during the public comment periods will be at the discretion of the Council or any board or commission of the City or its agencies or authorities.

(8) In addition to the Council these same rules shall apply to all boards or commissions of the City and its agencies or authorities.

Section 6. Decorum.

The presiding officer shall preserve strict order and decorum at all meetings.

(1) In conducting the public's business, the Council and any board or commission of the City and its agencies or authorities shall be committed to the principals of civility, honor, and dignity. Individuals appearing before the Council or any board or commission of the City or its agencies or authorities are requested to observe the same principals when

addressing the Council or any board or commission of the City or its agencies or authorities.

(2) Staff members and citizens are required to use proper language when addressing the Council or any board or commission of the City or its agencies or authorities. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the Council or any board or commission of the City or its agencies or authorities or other participants. All comments are to be directed to the Council or board or commission of the City or its agencies or authorities as a whole and not to individual members of the Council or board or commission of the City or its agencies or authorities. No verbal attacks toward any individual will be allowed during the conduct of any meeting. The presiding officer may have individuals removed from the podium of the meeting chamber if such conduct persists after a warning has been issued.

(3) All members of the Council or board or commission of the City or its agencies or authorities shall accord the utmost courtesy to each other, the City's employees and the members of the public appearing and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives or personalities.

(4) The Council or any board or commission of the City or its agencies or authorities may request the City Manager have a uniformed certified law enforcement officer present at its meetings.

(5) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the meeting chambers, the following steps shall be taken:

(A) The presiding officer shall declare a recess.

(B) The person shall be approached by a uniformed certified law enforcement officer and advised that he/she has been ordered expelled.

Section 7. Waiver of rules.

The Council or any board or commission of the City or its agencies or authorities may, at any time waive all or a portion of these rules of procedure during the course of a meeting. Provided, however, any such waiver shall only be done upon a motion and majority approval of the waiver by the members of the Council or any board or commission of the City or its agencies or authorities present and voting. Such waivers shall only be granted to ensure the protection of the right of members of the public to be given reasonable opportunity to be heard before official action is taken on a proposition by the Council or any board or commission of the City or its agencies or authorities.



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 9

SUBJECT: FIREWORKS

CITY COUNCIL MEETING DATE: 07/23/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO DISCUSS THE USE OF FIREWORKS WITHIN THE CITY LIMITS

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor



Model Guidance on Fireworks Legislation – HB 419

SUMMARY

Governor Nathan Deal signed House Bill 419 into law on May 3, 2018. HB 419 amends the state laws governing use or ignition of consumer fireworks and represents another step in recouping some local control over the use of fireworks in Georgia.

The legislation alters the times during which local control through the enforcement of noise ordinances can be utilized on the use of fireworks, amends the dates by which such local control will not be allowed, provides the Governor with certain powers in times of drought, sets forth in the law the process for adopting a noise ordinance that seeks to be enforceable against the use of fireworks, and provides for specific notices to be posted by licensed distributors of consumer fireworks.

This model guidance will provide an analysis and explanation to each of these new provisions. It is important to note that the effective date for HB 419 is July 1, 2018.

PLEASE NOTE: IF YOUR CITY WISHES TO HAVE FULL LOCAL CONTROL ON OR AFTER JULY 1, 2018, ON THE USE OR IGNITION OF CONSUMER FIREWORKS, YOUR CITY WILL NEED TO ENACT OR RE-ENACT A NOISE ORDINANCE COMPLIANT WITH THE PROVISIONS OF HB 419

TIMES OF USE

Prior to July 1, 2018, the law specifically allowed consumer fireworks to be used or ignited at the following times:

- (1) Any day beginning at 10:00 a.m. and ending at 9:00 p.m.;
- (2) Any day from 9:00 p.m. to 11:59 p.m. if such use or ignition was lawful pursuant to the local noise ordinance in effect in that jurisdiction;
- (3) The enforcement of a noise ordinance as provided in (2) would not be effective on January 1st, July 3rd, July 4th, and December 31st during such 9:00 p.m. to 11:59 p.m. time period; and
- (4) The enforcement of a noise ordinance or any other ordinance preventing use or ignition of consumer fireworks would not be effective on January 1st from 12:00 a.m. (midnight) to 1:00 a.m.

On and after July 1, 2018, the law will be changed to allow consumer fireworks to be used or ignited at the following times:

- (1) Any day beginning at 10:00 a.m. and ending at 11:59 p.m. unless such use or ignition during such times is not in compliance with the local noise ordinance in effect in that jurisdiction;
- (2) The enforcement of a noise ordinance as provided in (1) would not be effective on January 1st, the last Saturday and Sunday in May (before Memorial Day), July 3rd, July 4th, the first Monday in September (Labor Day), and December 31st during such 10:00 a.m. to 11:59 p.m. time period; and
- (3) The enforcement of a noise ordinance or any other ordinance preventing use or ignition of consumer fireworks would not be effective on January 1st from 12:00 a.m. (midnight) to 1:00 a.m.

Effectively, the new law, HB 419 traded some local control on specific holidays or holiday weekends for far more local control on other days of the year. However, it is important to note that the enforcement of a noise ordinance on the use or ignition of fireworks under the framework created in HB 419 requires the enactment or re-enactment of a noise ordinance.

ENACTMENT OF A NOISE ORDINANCE

HB 419 is very clear that in order for a noise ordinance to have an effect on the use or ignition of fireworks between 10:00 a.m. and ending at 11:59 p.m. on or after July 1, 2018, the noise ordinance will have to be enacted or re-enacted on or after July 1, 2018.

It is important to remember that July 3rd and July 4th are not dates by which such a noise ordinance can have an effect. July 1, 2018, also happens to be a Sunday, making it unlikely that a city council will schedule a meeting to adopt or re-adopt such an ordinance on the first such available date. It is also unlikely that a city would be able to adopt or re-adopt such an ordinance on July 2, 2018, a Monday, and have the ordinance available for enforcement for that entire day. (Such an act would require the meeting to be held before 10:00 a.m., which is possible, but somewhat unlikely in most jurisdictions.) Effectively, in most cases, if adoption or re-adoption occurs on July 2, 2018, the first full day of enforcement on the use or ignition of fireworks would not be until July 5, 2018.

Before enacting or re-enacting a noise ordinance that seeks to be enforceable against the use or ignition of fireworks, HB 419 requires that notice of the meeting in which such noise ordinance is to be adopted be published in the legal organ of the county one time at least 15 days in advance of such meeting. Additionally, HB 419 requires notice of such meeting to be posted for at least 72 hours (3 full days) at least 15 days in advance of the meeting on the city's official website. Strangely, the law is silent as to how such notice is to be accomplished in jurisdictions which do not have an official website. Both of these notices are required to state the date, time, and place of the meeting and are required to state that the noise ordinance will affect the use of consumer fireworks in the jurisdiction.

Finally, the noise ordinance cannot only address fireworks but has to be a general noise ordinance concerning all manners of noises. This actually may help in the adoption of an ordinance because the city and city attorney will not have to craft language specifically addressing fireworks but instead should be able to re-use a current noise ordinance by re-adopting such ordinance.

Noise ordinances typically come in two major types, noises by the decibel, or noises by the reasonable man standard. GMA will not provide legal advice on the effectiveness of one type of ordinance over another and recommends that city officials consult with their city attorney to determine which type of noise ordinance is best for the community and passes and legal hurdles that may be presented.

DISTRIBUTOR NOTICES

In addition to powers granted to local governments in the enforcement of noise ordinances, HB 419 also creates requirements for licensed distributors selling consumer fireworks. These distributors will be required to have at least one sign that is at least 22 inches by 28 inches in size and printed in at least 40 point boldface in plain sight that provides the following information:

'PLEASE CHECK YOUR LOCAL ORDINANCES PRIOR TO USING ORIGNITING CONSUMER FIREWORKS';

'PLEASE USE CONSUMER FIREWORKS IN ACCORDANCE WITH THEIR AFFIXED CAUTION AND WARNING LABELS'; and

'PLEASE BE A GOOD NEIGHBOR AND BE MINDFUL THAT UNANNOUNCED IGNITION NEAR SOME MILITARY VETERANS AND OTHER PERSONS AND NEAR SOME PETS CAN BE TRAUMATIC'.

DROUGHT

Finally, HB 419 also grants powers to the Governor as to enacting further regulations and restrictions on the use and ignition of consumer fireworks in areas suffering from a drought which reaches a level of 700 or above in the Keetch-Byram Drought Index. The Governor would be required to consult with the State Forestry Commission and Department of Natural Resources in enacting any further regulations or restrictions. There would be no restrictions as to date of the year for these restrictions but they would stand repealed by law if the Index goes below 700.