

MINUTES
CITY COUNCIL REGULAR MEETING
December 4, 2017
5:00 P.M.

CALL TO ORDER: Mayor Pro-Tem Jason Power called the meeting to order at 5:00 p.m.

ROLL CALL: Present were Mayor Pro-Tem Jason Power, Councilmember Angie Smith, Councilmember Caleb Phillips, Councilmember Mike Sosebee, City Attorney Dana Miles, City Manager Bob Bolz, City Clerk Beverly Banister, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard, Planning Director Casey Majewski, Finance Administrator Hayden Wiggins and Utility Billing Technician Tracy Smith.

INVOCATION AND PLEDGE: Invocation and pledge was led by Mayor Pro-Tem Jason Power.

AGENDA: Motion to amend the agenda by moving item #26 Appoint Acting Mayor and Mayor Appointment Swear In to item #1, moving item #1 Minutes from the special called meeting held November 8, 2017 to item #1A and add under NEW BUSINESS item #16A Certified Local Government Resolution by A. Smith/C. Phillips. Vote carried unanimously in favor.

Motion to approve the agenda as amended by A. Smith/M. Sosebee. Vote carried unanimously in favor.

APPOINT ACTING MAYOR AND MAYOR APPOINTMENT SWEAR IN: Motion to appoint Mike Eason as Acting Mayor by C. Phillips/A. Smith. Vote carried unanimously in favor.

Mike Eason was sworn in to office as Appointed Mayor by City Attorney Dana Miles; he subsequently executed the oath of office. (Exhibit "A")

MINUTES: Motion to approve the minutes of the special called meeting held November 8, 2017 and the minutes of the regular meeting held November 13, 2017 by: J. Power/A. Smith. Vote carried unanimously in favor.

BUSINESS

COMBINED ANNEXATION REDUCTION REQUEST (GOLD CREEK RESIDENTS): Resident Gail Horne who resides at 764 Gold Creek Drive requested to withdrawal the annexation reduction request. Motion to approve the withdrawal of the annexation reduction request by C. Phillips/J. Power. Vote carried unanimously in favor.

REGULATORY FEE UPDATE: City Attorney Dana Miles reviewed the purpose of regulatory fees as set forth in the ordinance. The ordinance states the Council should adopt what the fee should be and the City Clerk is to retain a record of the fee; no evidence of the Council setting the fee can be found in the City's records except for the amount listed on the regulatory license application. Miles said the fee is not to be a revenue source but to cover the administrative cost of regulation; request is for Council to set the regulatory fee. Motion to set the regulatory fee at \$25.00 made by M. Sosebee/J. Power. Vote carried unanimously in favor.

COMPREHENSIVE PLAN ADVISORY BOARD: Planning Director Casey Majewski handed to Council a list of names suggested for the comprehensive plan advisory board and reviewed the purpose of the board. Majewski is requesting Council appoint the members; Council would like to do so at the next meeting to be held on December 18, 2018. Motion to postpone the appointment until December 18, 2018 made by J. Power/A. Smith. Vote carried unanimously in favor.

AUDIT PRESENTATION FY 2016-2017: Bryan St. Pierre, CPA with Alexander, Almand & Bangs, LLP presented the audit report of the City's financial statements of the governmental activities of

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fiscal year July 1, 2016 through June 30, 2017. Mr. St. Pierre reviewed the details of the fund reports throughout the audit stating the City's financial position is very strong.

Motion to accept and approve the audit as presented by M. Sosbee/A. Smith. Vote carried unanimously in favor.

Award Bid: Garbage/Solid Waste Collection RFP 17-01G: Financial Administrator Hayden Wiggins review the garbage bid proposals the City received.

- Red Oak Sanitation - \$10.00 per home per month
- Rakestraw Sanitation - \$9.85 per home per month
- Advanced Disposal - \$9.35 per home per month

Wiggins pointed out the problems associated with our current vendor, Advanced Disposal in which service is not where it should be. Therefore, staff recommendation is for Rakestraw Sanitation based on being the 2nd lowest bid and the issues with the current vendor.

Motion to award bid to Rakestraw Sanitation made by J. Power/A. Smith. Vote carried unanimously in favor.

Dawsonville History Museum (GRHOF) Presentation: David Sosebee reported on the events, growth and accomplishments of the Dawsonville History Museum/GA Racing Hall of Fame in 2017.

Moonshine Distillery Presentation: Bob Suchke reported on the events, growth and accomplishments of the Moonshine Distillery in 2017.

Newly Elected Officials Training: Motion to approve the newly elected officials training and mileage in Athens, GA on February 16-17, 2018 by J. Power/M. Sosebee. Vote carried unanimously in favor.

2018 Council Meetings & Work Session Dates and Times (Amended): Motion to approve council meetings, work sessions with regular meetings, PC, HPC and DDA meeting dates and times as presented by C. Phillips/J. Power. Vote carried unanimously in favor. (Exhibit "B")

2018 Appointments: Appointed Mayor Mike Eason read the list of appointments. Motion to approve the appointments as listed below by J. Power/M. Sosebee. Vote carried unanimously in favor.

- City Manager – Bob Bolz
- City Clerk – Beverly Banister
- Deputy City Clerk – Tracy Smith
- City Attorney – Dana Miles of Miles Hansford & Tallant, LLC
- Auditor- Alexander, Almand and Bangs, LLP
- Engineer – G. Ben Turnipseed Engineers, Inc.
- Municipal Court Judge – Ron Reemsnyder
- Testing of Wastewater – Environmental Management Services
- Geologist – Bob Atkins
- Repair-Installation Water-Sewer Infrastructure – Townley Construction
- Airport Consultant Engineering Services – Lead Edge Design Group

RESOLUTION TO CALL SPECIAL ELECTION FOR OFFICE OF MAYOR: City Attorney Dana Miles read the highlights contained in the resolution. Motion to approve by resolution to call a special election on March 20, 2018 to fill the unexpired term of Mayor James Grogan by C. Phillips/J. Power. Vote carried unanimously in favor. (Exhibit "C")

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ROTARY CHRISTMAS PARTY WITH ALCOHOL CATERING PERMIT: Pepper Pettit spoke on behalf of the Rotary explaining the event; their annual Christmas party to be held on December 7, 2018. Motion to approve the event with alcohol made by C. Phillips/A. Smith. Vote carried unanimously in favor.

SPECIAL EVENT APPLICATION WITH ALCOHOL - GRHOF: Faye Abercrombie spoke on behalf of the GRHOF stating the event is for an awards ceremony to be held January 20, 2018. Motion to approve the event with alcohol made by J. Power/M. Sosebee. Vote carried unanimously in favor.

2018 ALCOHOL LICENSE RENEWALS: Planning Director Casey Majewski informed Council there are currently 12 alcohol licenses for FY2017 and the renewals were due back by 11/30/2017. In time to prepare for this meeting, she is presenting 5 of the applications for 2018 alcohol license renewal approval; they are as follows:

- Circle K Store #2723318 78 Hwy 9 North
- City Liquor 55 Hwy 53 West
- Dawsonville Exxon 236 Hwy 53 West
- Food Lion #2132 59 Main Street
- Gold Creek Market 2131 Hwy 9 North

Majewski reported on an investigation performed by the Dawson County Sheriff's office which resulted in arrests of merchants for distribution to underage individuals. These include City Liquor and Gold Creek Market. The investigation is still pending and subsequent court proceedings will most likely occur; only charges have been filed and no convictions have been made at this time.

Motion to approve the five applications presented for Alcoholic Beverage License renewals for 2018 made by J. Power/M. Sosebee. Vote carried unanimously in favor.

CERTIFIED LOCAL GOVERNMENT RESOLUTION: Councilmember Angie Smith reported on behalf of HPC that the City of Dawsonville's application for Certified Local Government (CLG) has been approved. As a result, the City is now eligible for certain Federal Grants only available for CLGs, our local HPC can participate in National Register of Historic Places and nominations. Also, now accessible to us are training sessions, materials, workshops, and conferences put on by the State and National Register and will assist the HPC in helping property and/or business owners located in the historic district. Motion to approve by resolution the Georgia Certified Local Government agreement made by C. Phillips/J. Power. Vote carried unanimously in favor.

An Ordinance to Amend Section 2.13 of the Charter of the City of Dawsonville so as to Reduce the Compensation of the Mayor; To Clarify Compensation for Meetings Beyond the First Regular Meeting of the Month; to Provide for Future Amendment to the Compensation, Expenses and Reimbursement Paid to the Mayor and City Council Members for Their Service by Ordinance; And for Other Purposes

The public hearing was unanimously opened by J. Power/A. Smith. City Attorney Dana Miles presented the ordinance to amend the charter and conducted the public hearing. No one spoke in favor or opposition. A motion to close public hearing was made by C. Phillips/J. Power. Vote carried 3 in favor (Phillips, Smith and Power) with 1 against (Sosebee).

Miles informed Council the ordinance to amend the charter must be considered twice at two meetings and voted on twice at two meetings. Motion to approve the ordinance to amend Section 2.13 of the Charter of the City of Dawsonville made by C. Phillips/A. Smith. Vote carried 3 in favor (Phillips, Smith and Power) with 1 against (Sosebee)

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An Ordinance to Amend Sections 5.11 and 5.16 of the Charter of the City of Dawsonville so as to Create District Posts for Council Members; To Clarify and Make the Removal Process Consistent with State Law; And for Other Purposes

The public hearing was unanimously opened by A. Smith/J. Power. City Attorney Dana Miles presented the ordinance to amend the charter and conducted the public hearing. No one spoke in favor or opposition. A motion to close public hearing was made by A. Smith/J. Power. Vote carried 3 in favor (Phillips, Smith and Power) with 1 against (Sosebee).

Miles informed Council the ordinance to amend the charter must be considered twice at two meetings and voted on twice at two meetings. Motion to approve the ordinance to amend Sections 5.11 and 5.16 of the Charter of the City of Dawsonville made by C. Phillips/J. Power. Vote carried 3 in favor (Phillips, Smith and Power) with 1 against (Sosebee).

STAFF REPORTS

City Manager Bob Bolz introduced Joel Hanner as the new Georgia Power representative. Bolz reported the City receive a \$1000 wellness promotional grant. He announced the Rotary Club's employee of the year nominee for the City is Jacob Barr; Mayor Pro Tem Jason Power will present the award at the ceremony being held this Thursday evening. Bolz thanked everyone involved for the success of the Christmas tree lighting event. He reminded Council of the Christmas party taking place on this Friday.

City Clerk Beverly Banister reported she is scheduled to attend the Georgia State Mandated Training for Clerks in Jekyll Island on February 4-6, 2018.

Finance Administrator Hayden Wiggins reported on the first 4 months of the fiscal year. He discussed the SPLOST VI expenditures and upcoming projects to be funded by SPLOST VI. Wiggins reported that 4 months into the fiscal year we are at 33% from budget to actual for the general fund, which is exactly where we are supposed to be and revenues are 9% higher than forecasted. The enterprise fund revenues are at 36% and the expenditures are at 35%.

Utilities Director Gary Barr reported on having a pre-construction meeting on well #111 and look to have the project started by the first of the year. The meter replacement project is completely finished and everything is working well; the department is still working out a few software issues which should be resolved shortly. Barr reported on serving 1357 water customers and 831 garbage customers in November.

Public Works Operations Manager Trampas Hansard reported on the completion of the Burt Creek sidewalk; one area is broken but will be fixed. Hansard encourages everyone to look at the sidewalk; he has received a lot of positive feedback. Sidewalk project for Shoal Creek to Rainhill Subdivision has been engineered out and they are currently working on obtaining a couple of easements through a property. Hansard reported on the completion of the detention ponds in the City and grass cutting has slowed down. He spoke about repaving the cemetery parking lot and the back section of City Hall. Perimeter Road Phase 2B sidewalk project is underway and about 50% complete. The department made a request for a crosswalk on Route 53 from the Junior High to the Dairy Queen and the state denied it stating no sight distance. Requirement must be fulfilled of at least 20 pedestrians crossing over per hour for 3 hours to obtain a crosswalk.

Planning Director Casey Majewski reported on sending out all the alcohol license renewal applications, as well as the 200+ business license applications. Business license applications are coming in and being processed as quickly as possible. Majewski said she is working with the water department on negotiations for an MOU between Etowah Water & Sewer and the City regarding service on Route 9 South and Perimeter Road. Majewski has gone out, with Turnipseed Engineers, to inspect a complaint received on the Gold Creek Golf Clubhouse regarding the condition of the

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building. Turnipseed Engineers submitted a letter with recommendations which will be reviewed by City Attorney Dana Miles and then the property owner will be contacted. Majewski reported on a stop-order issued at the Maple Heights Subdivision to Adams Homes; Lot #32 was constructed 13 feet within the front set back. They have requested a variance which will be heard by Planning Commission next week. The department has received a conditional use application for a tattoo shop on Route 9 South in the Historic District and will be presented to Council in January.

EXECUTIVE SESSION

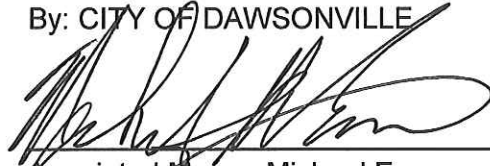
At 6:13 p.m. the Council motioned to close regular session and go into executive session for the purpose of Land Acquisition and Pending and Potential Litigation made by C. Phillips/J. Power. Vote carried unanimously in favor.

At 6:41 p.m. a motion to close executive session and resume Regular Session was made by M. Sosebee/A. Smith

ADJOURNMENT

With there being no further business to attend to, the meeting was adjourned at 6:41 p.m. by motion: J. Power/C. Phillips. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE



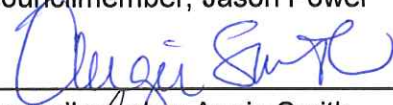
Appointed Mayor, Michael Eason



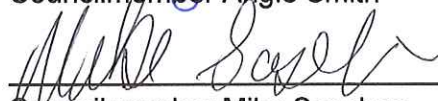
Councilmember Caleb Phillips



Councilmember, Jason Power

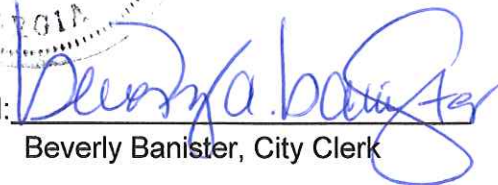


Councilmember Angie Smith



Councilmember Mike Sosebee



Attested: 
Beverly Banister, City Clerk


STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Appointed Mayor Michael Eason, Council Member Jason Power, Council Member Caleb Phillips, Council Member Angie Smith, and Council Member Mike Sosebee; 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 December 4, 2017.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 6¹³ 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(4);
 - 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(6);
 - Other _____ as provided in: _____.

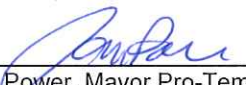
This 4th day of December 2017; By the City of Dawsonville, Mayor and Council:



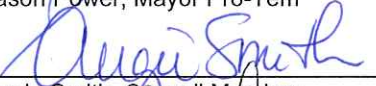
Michael Eason, Appointed Mayor



Caleb Phillips, Council Member



Jason Power, Mayor Pro-Tem

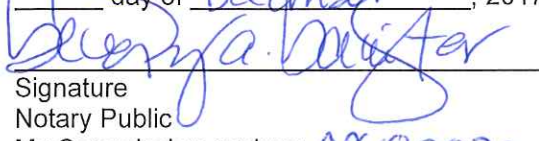


Angie Smith, Council Member



Mike Sosebee, Council Member

Sworn to and subscribed before me this
4 day of December, 2017.



Signature
Notary Public
My Commission expires: 02.18.2020

**BEVERLY A BANISTER
NOTARY PUBLIC
DAWSON COUNTY, GEORGIA
COMMISSION EXPIRES
FEBRUARY 18, 2020**

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Dawsonville, Georgia 30534



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Section 3.16. Oath of officers.

Before a person takes any office in the city government, he or she shall take before an officer of the state authorized to administer oaths the following such oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects observe the provisions of the Charter and ordinances of the City of Dawsonville; and I will faithfully discharge the duties of Appointed Mayor. So help me God."

This 4th day of December 2017

Michael M. Eason, Appointed Mayor

Witness:

Beverly Banister, City Clerk



PUBLIC NOTICE

2018 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:

2018 City Council Regular Meetings at 7:00 pm

JAN 8 FEB 5 MAR 5 APR 9 MAY 7 JUN 4
JUL 9 AUG 6 SEP 10 OCT 8 NOV 5 DEC 3

2018 City Council Work Sessions and Regular Meetings at 7:00 pm

JAN 22 FEB 19 MAR 19 APR 23 MAY 21 JUN 18
JUL 23 AUG 20 SEP 24 OCT 22 NOV 26 DEC 17

2018 Planning Commission Meetings at 5:30 pm

JAN 8 FEB 5 MAR 5 APR 9 MAY 7 JUN 4
JUL 9 AUG 6 SEP 10 OCT 8 NOV 5 DEC 3

2018 Historic Preservation Commission Meetings at 5:30 pm

FEB 19 APR 23 JUN 18 AUG 20 OCT 22 DEC 17

2018 Downtown Development Authority Meetings at 5:30 pm

JAN 22 MAR 19 MAY 21 JUL 23 SEP 24 NOV 26

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.

A RESOLUTION OF THE CITY OF DAWSONVILLE GEORGIA FOR THE PURPOSE OF CALLING A SPECIAL ELECTION ON MARCH 20, 2018 TO FILL THE UNEXPIRED TERM OF MAYOR JAMES GROGAN, WHO WAS REMOVED FROM OFFICE; TO SET DATES FOR QUALIFICATION; TO REQUEST THE CONTINUED ASSISTANCE OF THE DAWSON COUNTY BOARD OF ELECTIONS IN CONDUCTING THE SPECIAL ELECTION ON MARCH 20, 2018; AND FOR OTHER PURPOSES.

WHEREAS, on Tuesday, November 3, 2015, the registered voters of the City of Dawsonville, Georgia elected James Grogan to a four-year term as Mayor beginning January 1, 2016 through December 31, 2019;

WHEREAS, on May 15, 2017, the City Council of the City of Dawsonville voted to remove James Grogan from the office of Mayor for violation of the Charter and Ordinances of the City;

WHEREAS, James Grogan appealed his removal from the office of Mayor to the Superior Court of Dawson County, Georgia;

WHEREAS, the Superior Court of Dawson County, Georgia dismissed James Grogan's appeal by order entered on October 9, 2017;

WHEREAS, due to the aforesaid removal from office, a vacancy is created in the office of Mayor for the City of Dawsonville which, in accordance with the City Charter and state law, must be filled by a Special Election for the remaining terms of office;

WHEREAS, the City of Dawsonville has an agreement in place with the Dawson County Board of Elections to conduct City of Dawsonville Municipal Elections pursuant to Article 9, § 3, Paragraph 1, of the Georgia Constitution;

WHEREAS, the date of March 20, 2018 is authorized by the Georgia Secretary of State as an official voting date for municipal special elections in Georgia;

WHEREAS, in accord with the City Charter and Ordinances, state law and as authorized by the Georgia Secretary of State, qualification dates for the Special Election to fill the unexpired term of James Grogan as Mayor should be set for January 8-11, 2018 and the qualifying fee shall be \$720.00;

AND WHEREAS, notice of this Resolution for Calling for a Special Election to fill the unexpired terms of Mayor Grogan will be advertised in the legal organ of the City of Dawsonville as required by Georgia law.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Dawsonville, Georgia, as follows:

Section 1. A Special Election is hereby called for March 20, 2018 to fill the unexpired term of James Grogan as Mayor of Dawsonville. The individual elected at the Special Election will be sworn in as Mayor of Dawsonville on April 9, 2018 at the regularly scheduled monthly Council meeting and will serve until December 31, 2019 or until his/her successor is duly elected and sworn into office.

Section 2. Qualification dates for the Special Election for Mayor are set for January 8, 2018 beginning at 9:00 a.m. through 4:30 p.m. each day, concluding on January 11, 2018 at 4:30 p.m. at the Office of the Dawson County Board of Elections, located at 96 Academy Avenue, Dawsonville, Georgia 30534. The Qualification fee for the office of Mayor shall be \$720.00 made payable by check or money order to the City of Dawsonville.

Section 3. In accord with the existing Intergovernmental Agreement, the assistance of the Dawson County Board of Elections is requested to conduct this Special Election and all costs or charges related solely to the expense of the Special Election shall be paid by the City of Dawsonville.

Section 4. All prior resolutions or actions of the City in conflict with this Resolution are hereby repealed.

Section 5. This Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 4th day of December, 2017.

CITY OF DAWSONVILLE, GEORGIA

By:



Jason Power, Mayor Pro Tem & Council Member



Caleb Phillips, Council Member



Angie Smith, Council Member



Mike Sosebee, Council Member

ATTESTED TO BY:


Beverly Banister, City Clerk