

**MINUTES
CITY COUNCIL REGULAR MEETING
MAY 1, 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 Bonnie Warne, Utilities Billing Beverly Banister, Utilities Director Gary Barr and Public Works Manager Trampas Hansard. Absent Mayor W. James Grogan

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

AGENDA: Request to add #14A Ethics Complaint to the agenda by City Manager Bob Bolz. Motion to approve the amended agenda by: A. Smith/M. Sosebee. Vote carried unanimously in favor.

MINUTES: Motion to approve the both sets of minutes: the regular meeting April 3, 2017 and the work session April 17, 2017 by: C. Phillips/M. Sosebee. Vote carried unanimously in favor.

BUSINESS:

Planning Commission Vacancy: Motion to appoint John Walden to the Planning Commission by: C. Phillips/M. Sosebee. Vote carried unanimously in favor.

Chamber of Commerce Agreement FY 2017-2018: Motion to approve FY 2017-18 agreement by: M. Sosebee/C. Phillips. Vote carried unanimously in favor.

DDA Budget FY 2017-18: Motion to approve DDA Budget FY 2017-18 at \$15,000 as itemized minus the grant funds by: A. Smith/C. Phillips. Vote carried unanimously in favor.

Levy Tax/Rollback Millage Rate for FY 2017-2018 (For Budget Purposes): Discussion was unanimous not levy a city tax.

Airport Consultant Report: City Manager Bob Bolz informed Council that the consulting agreement with Lead Edge was received then reviewed by Attorney Miles instructed the city manager that he can sign the agreement because it doesn't obligate any amount, which is terminable at will. The next step is to receive a scope of work and proposed cost.

Resolution: Setting a Deadline for Agenda Items and Submission of Documents: Attorney Miles read over the resolution to set an agenda submittal deadline for the Council, its authorities and its commissions. Motion to approve the resolution by: M. Sosebee/A. Smith. Vote carried unanimously in favor. (Exhibit "A")

Proclamation: Mountain Lake Church Dawson: Mayor Pro-Tem Jason Power read the proclamation into the minutes and presented it to Mountain Lake Church Dawson Pastor Brian Haas.

Proclamation: Municipal Clerks Week May 7-13, 2017: Mayor Pro-Tem Jason Power read the proclamation for Municipal Clerks into the minutes.

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Water Department Write-Offs JAN-MAR 2017: Motion to approve the write-offs of \$168.36 by: M. Sosebee/C. Phillips. Vote carried unanimously in favor. (Exhibit "B")

Budget Amendment from Enterprise Fund Reserves for Repairs to Well 110 and Aerators: Motion to approve the budget amendment from Enterprise Fund Reserves of \$33,557.71 by: C. Phillips/M. Sosebee. Vote carried unanimously in favor.

Discuss July 3, 2017 City Council Meeting: Motion to change the regular city council meeting from Monday, July 3rd at 5 pm to Monday, July 10th at 6 pm at same location by: A. Smith/C. Phillips. 3 in favor / 1 opposed (M. Sosebee). Vote carried in favor.

Report from Attorney Abbott Hayes: Attorney Abbott Hayes handed out a written report of the findings of the investigation of violations of the code of ordinances and charter as requested by the Council. The report of finding lists 6 headings which each are found to be violations of the code of ordinances section 2-110, and section 2.13A and section 5.15 of the charter. Attorney Miles informed Council that there are 2 options: do nothing or begin the process to remove the mayor from office per section 5.16 of the charter, which needs Councils vote. Motion per section 5.16 of the charter to begin removal of the mayor from office from evidence and report by Abbott Hayes on 5-1-2017 and have the hearing on May 15th, 2017 at 3 pm by: C. Phillips/A. Smith. Motion carried unanimously in favor. (Exhibit "C")

Ethics Complaint: City Manager Bob Bolz spoke on the complaint he received on April 27th from a County resident about an appointed member of the DDA which reads as an ethics complaint. Attorney Miles stated that per the ordinance, an ethics committee will need to be appointed to investigate. Motion to postpone until the June 5th Council meeting by: A. Smith/M. Sosebee. Vote carried unanimously in favor.

PUBLIC HEARING:

ZA-2017-C7-00120: Len Reeves has requested to amend/modify the existing zoning stipulations/conditions for TMP D02-001 located at 280 Maple Street South; current zoning is R6 (Residential Multi-Family) with stipulations. (1st Reading by Planning Commission 4/10/2017 and 2nd Reading by City Council 5/1/2017)

ZA-2017-C7-00121: Len Reeves has requested to amend/modify the existing zoning stipulations/conditions for TMP 083-038-082 located at 0 Maple Street South; current zoning is R6 (Residential Multi-Family) with stipulations. (1st Reading by Planning Commission 4/10/2017 and 2nd Reading by City Council 5/1/2017)

The public hearing was unanimously opened for both rezoning applications by: A. Smith/C. Phillips. Attorney Dana Miles presented the applications. Len Reeves spoke in favor. Shon Geddes spoke in opposition requesting a buffer. The public hearing was unanimously closed by: A. Smith/C. Phillips. Motion to table both applications until June 5th for a traffic study by an engineer of choice by: C. Phillips/A. Smith. Vote carried unanimously in favor.

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Annexation Ordinance Amendment: An Ordinance For The Purpose Of Setting An Application Fee For Annexations And Changing The Fees For Rezonings; To Provide For Repealer; To Provide An Effective Date; And For Other Purposes. (1st Reading)

After discussion, motion to table until the June 5th Council meeting and to schedule a work session on May 22nd at 5 pm for budget and discussion on annexations including Gold Creek by: C. Phillips/A. Smith.

Alcohol Ordinance Amendment: After discussion, motion that no action be taken on the alcohol ordinance was unanimously approved by: A. Smith/M. Sosebee.

Alcoholic Beverage License Application: Ripalben Patel of Discount Package Store has applied for the issuance of a license for a retail package for wine and distilled spirits at the following premises: 2131 Hwy 9 N Suite 200, Dawsonville, GA 30534. Motion to approve the retail package of wine & distilled spirits alcohol license by: M. Sosebee/C. Phillips. Vote carried unanimously in favor.

REPORTS:

City Manager Bob Bolz updated the Council on: 3 new employees (Casey Majewski, Tracy Smith, Westin Lee), Nalita Copeland has been promoted to Zoning Administrator, P&Z Dept moved upstairs, the phone message system has been fix that stated that we had a full mailbox, an office has been set up for the Council to use upstairs, the AMP Open House is scheduled for 5/13/2017 9 am – close, and there was a theft of equipment at the maintenance shop.

City Clerk Bonnie Warne reported on the March 2017 financial report, stating that the bank statements are all balanced with no discrepancies, and that the L.O.S.T., S.P.L.O.S.T. VI revenue has increased, and the revenue and expenditures are mostly within budget.

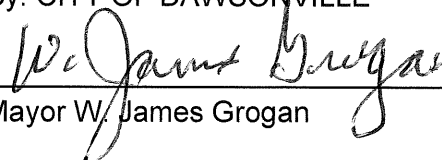
Utilities Director Gary Barr reported that the Treatment Plant upgrades are about done and will probably take a month to get situated where the sampling in the new pond is working properly – all the aerators work good and stir it up. Well 110 water sampling got messed up and had to retest it so the results will be in within 2 weeks then we'll have the results and recommendation from the engineer on what to do with the well.

Public Works Operations Manager, Trampas Hansard reported that the sidewalks from the high school to Farmington Woods is 95% complete and the bid is due June 8th for sidewalks from Shoal Creek to Red Hawk and grass season is in.

Planning Director Casey Majewski introduced herself to the Council.

ADJOURNMENT: With there being no further business to attend to the meeting closed and adjourned at 6:37 p.m. by: A. Smith/M. Sosebee. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE

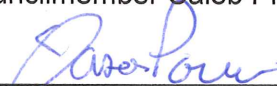


Mayor W. James Grogan

MINUTES
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5:00 P.M.



Councilmember Caleb Phillips



Councilmember Jason Power



Councilmember Angie Smith



Councilmember Mike Sosebee

Attested:



Bonnie Warne, City Clerk

A RESOLUTION FOR THE PURPOSE OF SETTING A DEADLINE FOR PREPARING AGENDAS AND SUBMISSION OF DOCUMENTS IN SUPPORT OF OR OPPOSITION TO AGENDA ITEMS FOR ALL REGULAR COUNCIL, AUTHORITY AND COMMISSION MEETINGS

WHEREAS, the City of Dawsonville has via ordinance created certain commissions and authorities, including but not limited to the Planning Commission, the Historic Preservation Commission and the Downtown Development Authority; and

WHEREAS, in conjunction with agenda items for consideration by the City Council, its authorities and commissions, members of the public may desire to submit documents in support or opposition to an agenda item; and

WHEREAS, the City's decision makers need sufficient time in order to review the supporting/opposing documentation related to upcoming agenda items and to ask questions so as to be adequately prepared for their meetings and to efficiently run City business;

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

All proposed agendas for the Council, its authorities and its commissions shall be prepared, posted at City Hall and sent out at least five (5) business days prior to any regular meeting of the City Council, any Work Session of the City Council, and all meetings of Commissions and Authorities of the City of Dawsonville, including but not limited to the Planning Commission, the Historic Preservation Commission and the Downtown Development Authority. Thus, for example, the agenda for a Monday meeting will be prepared, posted at City Hall and sent out to the respective body with the documentation available at that time no later than the close of business on the prior Monday. Any member of the public who desires to submit additional documentation in support of or in opposition to proposed agenda items shall submit the same to the Clerk not less than three (3) business days prior to the meeting in order to be considered at the meeting. Thus, for example, after the agenda has been prepared and sent out, any additional documentation must be submitted to the City by close of business on Wednesday for a Monday meeting in order to be considered at that meeting. By majority vote of the body, an exception can be made allowing the submittal of supporting documents or opposing documents less than three (3) business days prior to the meeting when the body finds that it was not reasonably possible to submit the documents in advance or other special circumstances exist.

The deadlines set forth hereinabove shall not apply to items that are added to the agenda after it has been prepared, posted at City Hall and sent out to the Council, its authorities and/or commissions.

SO RESOLVED this 1 day of May, 2017.

By: CITY OF DAWSONVILLE

W. James Grogan
Mayor W. James Grogan

Caleb Phillips
Councilmember Caleb Phillips

Jason Power
Councilmember Jason Power

Angie Smith
Councilmember Angie Smith

Mike Sosebee
Councilmember Mike Sosebee

(SEAL)

Attested: Bonnie Warne
Bonnie Warne, City Clerk

90 DAY UNCOLLECTED FUNDS TO BE WRITTEN OFF					January 1, 2017 - March 31, 2017
Account #	Name	Address	Owner/Renter	Due Date	Amount
1470-0	Jimmy Castleberry	643 Hwy 9 S	Owner	1/15/2017	\$ 42.01
2678-1	Tina Shirley	65 Pearl Chambers Dr	Renter	1/15/2017	\$ 8.97
4309-0	Jennie Hamilton	16 Bernard Long St, Ste 100	Renter	2/15/2017	\$ 117.38

Account #	Notes
1470-0	Deceased. Wife refuses to pay balance stating the tenant owes the money for it.
2678-1	Spoke with Tina; she is out of work and cannot pay the balance. Said to send it to collections.
4309-0	Customer will not return calls; she closed her shop without any notice or termination. Multiple bills have been mailed and emailed.


Total amount to be written off \$ 168.36

Approved by City Council:	
City Council Meeting Date:	

COLLECTED FUNDS FROM PREVIOUSLY WRITTEN OFF ACCOUNTS				
Account #	Name	Address	Written Off	Amount
Total amount collected; previously written off				\$ -

REPORT TO DAWSONVILLE CITY COUNCIL ON 5-1-17

Rezoning Fees

At a City Council meeting on 9-9-13, the Council approved rezoning applications, following annexation, by Karen McCord and Curtis Anderson for property located at 796 Highway 53 East and also by Karen and Harold McCord for property located at 2120 Perimeter Road. Both properties were rezoned to R-1. Section 2-110 of the City Code provides for a \$250 fee for R-1 rezoning applications. The applicants were charged \$200 each, and documents relating to the applications, as well as interviews of City staff, show that the reduced fees were approved by Mayor Grogan without approval of the City Council. In an interview of Mayor Grogan on 4-26-17, he stated he had no recollection of the fees charged regarding the McCord/Anderson rezoning applications.

At a City Council meeting on 1-5-15, the Council approved rezoning applications, following annexation, by Jon and Susan Steiner for property located at 67 Nugget Lane, by Kenneth and Barbara Vermillion for property located at 23 Gold Bullion Drive East, and also by David and Beverly James for property located at 119 Gold Bullion Drive West. The properties were rezoned to R-2. Section 2-110 of the City Code provides for a \$250 fee for R-2 rezoning applications. The Steiners were charged \$83.34, and the Vermillions and James were charged \$83.33. Documents relating to the applications, as well as interviews of City staff, show that the reduced fees were approved by Mayor Grogan without approval of the City Council. In an interview of Mayor Grogan on 4-26-17, he stated that he believed it was unclear at the time as to what fees should have been charged because there was no annexation fee set forth in the Code. He stated that it was a "misunderstanding" and that the fee for the Steiner, Vermillion, and James applications should have been \$250.

Section 5.15 of the City Charter provides that the mayor "shall be subject to removal from office for any one or more of the following causes: (1) Incompetence, misfeasance, or malfeasance in office; (5) Abandonment of office or neglect to perform the duties thereof; or (6) Failure for any other cause to perform the duties of office as required by this Charter or by law." Mayor Grogan's unilateral decision to reduce the fees charged relating to the aforementioned rezoning applications, without approval of the City Council, constituted a violation of the City Code and Charter.

Water rates

On or about 4-10-15, Kevin Tanner, on behalf of Tanco Investments, LLC, made application to the City for water/sewer/garbage for property located at 67 Howard Avenue,

which property was to be used for non-residential purposes in a building formerly occupied by a barbershop. The City charges a higher rate for commercial water/sewer users than for residential water/sewer users. According to Utilities Director Gary Barr, Mr. Tanner approached him and stated that the commercial rate was too high and that he wanted to pay the residential rate. Council member Angie Smith stated that Mr. Tanner complained to her as well. Betty McGee, a former City employee in the Utilities department, also stated that Mr. Tanner told her that the commercial rates were excessive when he brought in his application. Ms. McGee told Mr. Tanner that he would need to direct those concerns to Mr. Barr and/or Mayor Grogan. A few weeks later, Mayor Grogan instructed Ms. McGee to mark the Tanco application as "residential," which she did. Since May 2015, Tanco has paid residential rates. In an interview of Mayor Grogan on 4-26-17, he stated that he believed the property utilized by Tanco was not being used as a commercial business, so the residential rate was "more appropriate."

Section 5.15 of the City Charter provides that the mayor "shall be subject to removal from office for any one or more of the following causes: (1) Incompetence, misfeasance, or malfeasance in office; (5) Abandonment of office or neglect to perform the duties thereof; or (6) Failure for any other cause to perform the duties of office as required by this Charter or by law." Mayor Grogan's unilateral decision to reduce the rates charged to Tanco, without approval of the City Council, constituted a violation of the City Code and Charter.

Charitable donations

Between 2013 and the middle part of 2015, Mayor Grogan approved a number of donations by the City to nonprofit organizations. It appears that the previous Mayor, Joe Lane Cox, also approved charitable donations. In putting together the budget each year prior to mid-2015, City Clerk Bonnie Warne included an amount for charitable donations, as she was carrying forward the practice of Mayor Cox into Mayor Grogan's time in office. Ms. Warne stated that Mayor Grogan increased donations beyond what typically had been done by Mayor Cox, and that Mayor Grogan approved payment to nonprofit organizations for golf tournaments in which Mayor Grogan participated as a player. When an invoice was presented by Mayor Grogan for payment in mid-2015 for entry into the Dawson County Chamber of Commerce golf tournament, it was brought to the attention of the City attorney, who advised City staff and elected officials that donations to nonprofit organizations by the City violated the gratuities clause found in the Georgia Constitution. Since receiving the advice from the City attorney, the City has ceased making charitable donations. In an interview of Mayor Grogan on 4-26-17, he stated that he did not realize that donations were inappropriate or wrong and saw the donations as a way to promote the City.

Section 5.15 of the City Charter provides that the mayor "shall be subject to removal from office for any one or more of the following causes: (1) Incompetence, misfeasance, or malfeasance in office; (5) Abandonment of office or neglect to perform the duties thereof; or (6) Failure for any other cause to perform the duties of office as required by this Charter or by law." Section 2.15(c) of the City Charter provides, "No elected official ... shall use property owned by such government for personal benefit ..., except in accordance with policies promulgated by the city council or the governing body of such agency or entity." Mayor Grogan's approval of charitable donations and use of City funds to pay for his playing golf constituted a violation of the City Code and Charter.

Credit card usage

Between 2011 and 2015, Mayor Grogan possessed a City issued credit card. The City's practice was to allow elected officials, including the Mayor, to use the card for food, but not alcohol, purchased while traveling on City business. The City also paid for mileage incurred by elected officials while traveling on City business. Section 2.13(b) of the City Charter allows elected officials to be "reimbursed for all necessary expenses incurred for travel, lodging, and meals as may be authorized by city council." Between 2011 and 2015, Mayor Grogan used the card for alcohol while traveling on City business. Mayor Grogan also used the card to purchase gas while traveling on City business. When issuing mileage checks to Mayor Grogan between 2011 and 2015, City employee Sara Beacham deducted from the Mayor's mileage checks charges placed by Mayor Grogan on the City credit card for alcohol and gas. In an interview of Mayor Grogan on 4-26-17, he stated that he probably should not have used the card for alcohol and gas, but that he knew the charges would be taken off of his mileage checks.

Section 5.15 of the City Charter provides that the mayor "shall be subject to removal from office for any one or more of the following causes: (1) Incompetence, misfeasance, or malfeasance in office; (5) Abandonment of office or neglect to perform the duties thereof; or (6) Failure for any other cause to perform the duties of office as required by this Charter or by law." Section 2.15(c) of the City Charter provides, "No elected official ... shall use property owned by such government for personal benefit, [or] convenience ..., except in accordance with policies promulgated by the city council or the governing body of such agency or entity." Mayor Grogan's use of the City credit card for alcohol and gas constituted a violation of the City Code and Charter.

Payment for meetings

Section 2.13(a) of the City Charter provides that the mayor shall be paid, in addition to monthly compensation of \$2,000, \$100 "for each specially called city council meeting, work session or other meeting that has been pre-approved for compensation by the council that they

attend other than the regular monthly city council meeting." In 2013 and 2014, Mayor Grogan submitted and approved payments of \$100 each for meetings that were not pre-approved for compensation by the council.

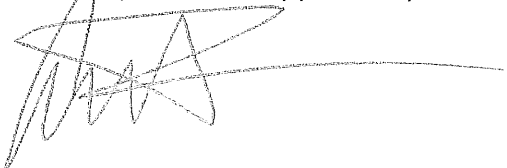
Section 5.15 of the City Charter provides that the mayor "shall be subject to removal from office for any one or more of the following causes: (1) Incompetence, misfeasance, or malfeasance in office; (5) Abandonment of office or neglect to perform the duties thereof; or (6) Failure for any other cause to perform the duties of office as required by this Charter or by law." Section 2.15(c) of the City Charter provides, "No elected official ... shall use property owned by such government for personal benefit, [or] ... profit ..., except in accordance with policies promulgated by the city council or the governing body of such agency or entity." Mayor Grogan's authorization for payment to himself of \$100 fees for meetings not pre-approved by council constituted a violation of the City Code and Charter.

Purchase of alcohol for door prizes at GMRC meeting

On November 20, 2014, Mayor Grogan instructed City employee Sara Beacham to travel to City Liquor of Dawsonville and use a City credit card to purchase four (4) bottles of alcohol for the Mayor to take to use for door prizes at a regional government dinner. Ms. Beacham complied with the request. In an interview of Mayor Grogan on 4-26-17, he stated that he did not seek or obtain council approval for the purchase but that he should have done so.

Section 5.15 of the City Charter provides that the mayor "shall be subject to removal from office for any one or more of the following causes: (1) Incompetence, misfeasance, or malfeasance in office; (5) Abandonment of office or neglect to perform the duties thereof; or (6) Failure for any other cause to perform the duties of office as required by this Charter or by law." Mayor Grogan's unilateral decision to purchase alcohol for use as door prizes at a regional government dinner, without approval of the City Council, constituted a violation of the City Code and Charter.

Thank you for the opportunity to serve the City of Dawsonville.



Abbott S. Hayes, Jr.

Hulsey, Oliver & Mahar, LLP