

AGENDA
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, January 7, 2019
5:30 P.M.

1. Call to Order – **5:30 pm**
2. Roll Call
3. Invocation and Pledge
4. Announcements – **5:32 pm**
5. Approval of the Agenda
6. Public Input
7. Consent Agenda
 - a. Approve the Minutes
 - Work Session and Regular Meeting – December 17, 2018
 - b. Appoint Temporary City Clerk for February 4, 2019 Meeting

BUSINESS

8. Appointments to Planning Commission and Historic Preservation Commission - **5:33 pm**
9. Red Oak Sanitation Contract – **5:37 pm**
10. 2019 Renewal of Professional Services – **5:38 pm**
11. Set Qualifying Fees for 2019 Election – **5:43 pm**
12. Introduction and First Reading of Charter Amendment Ordinance – **5:44 pm**

An Ordinance To Amend The Charter Of The City Of Dawsonville So As To Amend Article II Through VI Of The City Charter So As To Provide Consistency Concerning District Posts; To Provide A Consistent Oath Of Office; To Establish Provisions Related To Conflict Of Interest And The Ethics Code; To Provide For City Council Regular Meetings And Work Sessions And For Means Of Providing Notice Of The Same; To Increase The Compensation Of The Mayor And City Council Members; To Designate A Codification System; To Clarify The Prohibition On Holding Multiple Offices, The Timing Of The City Council Organizational Meeting And Appointment Of A Mayor Pro Tempore, The Process For Calling Special And Emergency Meetings, Roles Of The City Clerk, City Attorney, City Manager And City Judge; To Clarify Provisions Related To The City Court And Political Activities Of Officers And Employees; To Provide Clarification For Elections And Terms, The Grounds And Procedure For Removal Of An Officer, Franchises And Other Agreements That The City Council May Grant, Utility Service Charges The City Council May Assess And/Or Collect; And For Other Purposes. (Second Reading and Public Hearing: January 22, 2019; Third Reading and Public Hearing: February 4, 2019)

13. An Ordinance Establishing A Uniform Procedure For Appointments By The City Council To Boards, Commissions, And Authorities Of The City Of Dawsonville; And For Other Purposes. (First Reading: December 17, 2018; Second Reading: January 7, 2019) – **5:52 pm**
14. An Ordinance Of The City Of Dawsonville, Georgia To Regulate The Parking Of Vehicles; To Impose Time Limits On Vehicles Parked On Public Property; To Provide For The Removal Of Vehicles That Are Parked Beyond Time Limits Or For An Unauthorized Purpose; To Provide For Regulations As To Use Of Parking Facilities; To Provide For An Effective Date; And For Other Purposes. (First Reading: January 7, 2019; Second Reading: January 22, 2019) – **5:54 pm**

EXECUTIVE SESSION IF NEEDED: Pending or Potential Litigation, Real Estate Acquisition and/or Personnel

ADJOURNMENT – 5:55 pm

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4. Announcements
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6. Public Input
7. Consent Agenda
 - a. Approve the Minutes
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 - b. Appoint Temporary City Clerk for February 4, 2019 Meeting

BUSINESS

8. Appointments to Planning Commission and Historic Preservation Commission
9. Red Oak Sanitation Contract
10. 2019 Renewal of Professional Services
11. Set Qualifying Fees for 2019 Election
12. Introduction and First Reading of Charter Amendment Ordinance

An Ordinance To Amend The Charter Of The City Of Dawsonville So As To Amend Article Ii Through Vi Of The City Charter So As To Provide Consistency Concerning District Posts; To Provide A Consistent Oath Of Office; To Establish Provisions Related To Conflict Of Interest And The Ethics Code; To Provide For City Council Regular Meetings And Work Sessions And For Means Of Providing Notice Of The Same; To Increase The Compensation Of The Mayor And City Council Members; To Designate A Codification System; To Clarify The Prohibition On Holding Multiple Offices, The Timing Of The City Council Organizational Meeting And Appointment Of A Mayor Pro Tempore, The Process For Calling Special And Emergency Meetings, Roles Of The City Clerk, City Attorney, City Manager And City Judge; To Clarify Provisions Related To The City Court And Political Activities Of Officers And Employees; To Provide Clarification For Elections And Terms, The Grounds And Procedure For Removal Of An Officer, Franchises And Other Agreements That The City Council May Grant, Utility Service Charges The City Council May Assess And/Or Collect; And For Other Purposes. (Second Reading and Public Hearing: January 22, 2019; Third Reading and Public Hearing: February 4, 2019)

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EXECUTIVE SESSION IF NEEDED: Pending or Potential Litigation, Real Estate Acquisition and/or Personnel

ADJOURNMENT



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7

SUBJECT: CONSENT AGENDA

CITY COUNCIL MEETING DATE: 01/07/2019

PURPOSE FOR REQUEST:

CONSIDERATION AND APPROVAL OF ITEMS A AND B; SEE ATTACHED SUPPORTING DOCUMENTS

- a. Approve the Minutes
 - Work Session and Regular Meeting– December 17, 2018
 - b. Appoint Temporary City Clerk for February 4, 2019 Meeting
-



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7a

SUBJECT: APPROVE THE MINUTES

CITY COUNCIL MEETING DATE: 01/07/2019

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:

- **WORK SESSION AND REGULAR MEETING – DECEMBER 17, 2018**
-

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, December 17, 2018
7:00 P.M.

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 7:00 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Kevin Tallant, Attorney Alex Myers, City Manager Bob Bolz, City Clerk Beverly Banister, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard, Planning Director Robbie Irvin, Finance Administrator Hayden Wiggins and Human Resource Manager Donna Blanton.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Power.
4. **ANNOUNCEMENTS:** No announcements were made
5. **APPROVAL OF THE AGENDA:** Motion made by French to remove item #7c Approve Update to Financial Policy off of the consent agenda and add as item #20 on the regular agenda.

Motion to approve the agenda as amended made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** No comments from the public.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a, b, d, e) made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
 - a. Approve the Minutes – **passed 4-0**
 - Regular Meeting and Executive Session – December 3, 2018
 - b. Approve 2019 Alcoholic Beverage License Renewals – **passed 4-0**
 - d. Approve Telecommunications and Right of Way Management Contract – **passed 4-0**
 - e. Approve 2019 Election Intergovernmental Agreement (IGA) – **passed 4-0**
8. **EMPLOYEE OF THE MONTH, QUARTER AND YEAR AND SERVICE AWARDS:** The Mayor and Council presented the November Employee of the Month Award to Jon Davis, the December Employee of the Month Award to Jacob Barr, the Employee of the Fourth Quarter Award to Beverly Banister, Employee of the Year Award to Stacy Harris and a one-year service award to Stacy Harris.
9. **ZA C8-00221:** Fall Leaf Residential LLC has requested a PUD site plan change for TMP 093048 and 093 049, located at 2364 Perimeter Road, consisting of 32.6 acres. Hearing Dates: Planning Commission – November 5, 2018 and City Council – December 3, 2018.

Motion to table item to the January 22, 2019 City Council meeting made by S. Tolson; second by C. Phillips. Vote carried unanimously in favor.
10. An Ordinance Of The City Council Of The City Of Dawsonville To Amend The Stormwater Management Ordinance; To Prohibiting Illicit Discharge And Illegal Connection To The City Of Dawsonville Storm Sewer System; To Repeal Conflicting Ordinances; And For Other Purposes. (First Reading: December 3, 2018; Second Reading: December 17, 2018)

The second reading of the ordinance amendment was read by Planning Director Irvin.

Motion to approve the ordinance as presented made by C. Phillips; second by J. Power. Vote carried unanimously in favor. (Exhibit "A")
11. An Ordinance Establishing A Uniform Procedure For Appointments By The City Council To Boards, Commissions, And Authorities Of The City Of Dawsonville; And For Other Purposes. (First Reading: December 17, 2018; Second Reading: January 7, 2019)

Mayor Eason read the first reading of the ordinance. A second reading and vote will be on the January 7, 2019 meeting.
12. **PRESENTATIONS – DAWSONVILLE HISTORY MUSEUM AND MOONSHINE DISTILLERY:** Robert Suchke from the Dawsonville Moonshine Distillery reported on the events, growth and

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accomplishments of their business in 2018. No one spoke on behalf of the Dawsonville History Museum.

- 13. IMPACT FEE STUDY PRESENTATION – ROSS AND ASSOCIATES:** Bill Ross presented a general overview of impact fees and how they are developed and implemented. Mayor and Council asked Mr. Ross various questions regarding the impact fees to gather a better understanding of them before they move forward. Christie Haynes-Moore from the Dawson County Chamber of Commerce addressed the Council expressing her concerns in opposition of the impact fees. Local property owner, Michael Turner also addressed the Council and spoke out in opposition of the fees as well.
- 14. CHARTER UPDATE:** Mayor Eason announced he has been working with the City Attorney to update the City Charter and is asking Council to send their feedback and comments to him for consideration.
- 15. SPEED TABLES DISCUSSION:** Public Works Operations Manager Trampas Hansard reported on the request from three subdivisions (Stonewall, Creekstone and Maple Heights) to have speed humps placed on their roads within the subdivisions. He stated Maple Heights will not be ready to have them installed until after building is completed and their roads are paved, Creekstone will not be ready until building is completed but Stonewall is ready now. He further stated since Stonewall doesn't have an HOA the City would send letters to the property owners asking them to vote; if a majority of the property owners vote "yes" then the City will move forward with installation. Hansard recommends a total of four speed humps; two on the main street and two on the side streets. Approximate cost would be \$4,000.00 and installation would be done by our Public Works department.

Councilmember Tolson recused himself. Motion to authorize staff to survey the property owners in the Stonewall Subdivision to vote on installing speed humps made by M. French; second by C. Phillips. Vote carried three in favor (French, Phillips, Power) and one recused (Tolson).

Mayor Eason spoke about installing concrete speed tables on Academy Avenue, however, no motion was made to move forward.
- 16. ABANDONED VEHICLES/OVERNIGHT PARKING ORDINANCE DISCUSSION:** The Mayor and Council directed the City Attorney to draft an ordinance on the handling of abandoned and/or overnight parking on City property.
- 17. OPEN ANNEXATION DISCUSSION:** Motion to authorize unannexed properties to annex into the City at no charge for a period of 120 days for the purpose of cleaning up the islands made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
- 18. CITY MANAGER, BOB BOLZ:**
 - i. Well #108 has been completed with the exception of a small punch list but is up and running
 - ii. Well #111 has been completed and is up and running; the City has not had to purchase water from EWSA for over a month.
 - iii. Water meter replacement project is almost complete; some meters had to be replaced through the warranty.
 - iv. Bolz had Planning Director Irvin report on the Main Street Park change orders. He does not have the hard data for each change order; it is being compiled. He reported we are approximately 124 tons of gravel over the original estimate; one area still needs to be tested.
- 19. FINANCE ADMINISTRATOR, HAYDEN WIGGINS:** No comments or questions.
- 20. APPROVE UPDATE TO FINANCIAL POLICY:** Councilmember French made a motion to table this item to the January meeting; motion died for lack of a second.

Motion to approve the update to the financial policy, Section IX. (5), to read December instead of January made by J. Power; second by S. Tolson. Vote carried three in favor (Tolson, Power, Phillips) and one opposed (French).

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
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7:00 P.M.

MAYOR AND COUNCIL REPORTS: Mayor Eason reported he attended a lot of meetings and events throughout the month. Councilmember Tolson reported on an organization named Next Generation who is a good resource for teenagers with any number of issues. Councilmember French reported on a few accomplishments throughout the year which support public disclosure and transparency such as public input at meetings, live streaming, and the agenda packet being available to residents ahead of time.

ADJOURNMENT

At 8:46 p.m. a motion to adjourn the meeting was made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE

Michael Eason, Mayor

Caleb Phillips, Councilmember Post 1

Stephen Tolson, Councilmember Post 2

Jason Power, Councilmember Post 3

Mark French, Councilmember Post 4

Attested: _____
Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7b

SUBJECT: APPOINT TEMPORARY CITY CLERK FOR FEBRUARY 4, 2019 MEETING

CITY COUNCIL MEETING DATE: 01/07/2019

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 REQUEST APPOINTMENT OF SARA BEACHAM AS THE TEMPORARY CITY CLERK FOR THE FEBRUARY 4, 2019 CITY COUNCIL MEETING

HISTORY/ FACTS / ISSUES:

CITY CLERK AND DEPUTY CITY CLERK WILL BOTH BE ATTENDING CLERK TRAINING IN JEKYLL ISLAND ON FEBRUARY 3 – FEBRUARY 5, 2019. A CLERK WILL NEED TO BE PRESENT DURING THE FEBRUARY 4TH CITY COUNCIL MEETING.

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR AGENDA ITEM # 8

SUBJECT: APPOINTMENTS TO PC AND HPC

CITY COUNCIL MEETING DATE: 01/07/2019

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 APPOINT MEMBERS TO THE PLANNING COMMISSION AND THE HISTORICAL PRESERVATION COMMISSION AS NOMINATED BELOW:

PLANNING COMMISSION			
Post	Nominee	Nominated By	Term
1	Troy Lindsey	Jason Power	01/01/2019 – 12/31/2021
2	Ken Goines	Stephen Tolson	01/01/2019 – 12/31/2021
3	John Walden	Jason Power	01/01/2019 – 12/31/2020
4	Anna Tobolski	Mike Eason	01/01/2019 – 12/31/2020
4	Steve Sanvi	Mark French	01/01/2019 – 12/31/2020
At Large	Elizabeth "Beth" Duncan	Mark French	01/01/2019 – 12/31/2021

Note: There are two (2) nominations for Post 4

HISTORIC PRESERVATION COMMISSION		
Nominee	Nominated By	Term
Shannon Gibson	Mike Eason	12/01/2018 – 11/30/2021

HISTORY/FACTS/ISSUES:

VETTING PROCESS IS COMPLETE

OPTIONS:

VOTE - APPROVE, DENY OR TABLE

REQUESTED BY: Donna Blanton, Human Resource Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 9

SUBJECT: RED OAK SANITATION CONTRACT

CITY COUNCIL MEETING DATE: 01/07/2019

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 MADE BY STUB LUCE, PRESIDENT OF RED OAK SANITATION, FOR CONSIDERATION OF INCREASING HIS COST OF SERVICE BY .50 CENTS PER CAN DUE TO THE IMPACT OF THE CITY'S GARBAGE HAULER LICENSE FEE.

HISTORY/ FACTS / ISSUES:

- **HE MISINTERPRETED THE CITY'S GARBAGE HAULER LICENSE FEE TO BE ONE (1) CUSTOMER, NAMELY THE CITY OF DAWSONVILLE, INSTEAD OF EACH RESIDENTIAL CUSTOMER WHICH WOULD CURRENTLY TOTAL APPROXIMATELY \$5600.00 (\$6.00 ANNUALLY FOR EACH RESIDENTIAL/COMMERCIAL CUSTOMER).**
- **HE DID NOT ACCOUNT FOR THIS COST IN HIS BID PRICING (A TOTAL OF \$12.00):**
 - i. **\$10.00 PER CAN PER MONTH FOR 1X PER WEEK PICK UP**
 - ii. **\$2.00 FOR ONCE PER MONTH YARD DEBRIS REMOVAL**

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Stub Luce, President of Red Oak Sanitation



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 10**

SUBJECT: 2019 RENEWAL OF PROFESSIONAL SERVICES

CITY COUNCIL MEETING DATE: 01/07/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

TO CONSIDER APPROVAL FOR RENEWAL OF PROFESSIONAL SERVICES FOR 2019

HISTORY/ FACTS / ISSUES:

SEE ATTACHED LIST OF 2018 PROFESSIONAL SERVICES

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Administration



City of Dawsonville Professional Services for 2018

- 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



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 11**

SUBJECT: SET QUALIFYING FEES FOR 2019 ELECTION

CITY COUNCIL MEETING DATE: 01/07/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

TO SET QUALIFYING FEES FOR COUNCILMEMBER AND MAYOR FOR 2019 ELECTION

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Administration



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12**

SUBJECT: INTRODUCTION AND FIRST READING OF CHARTER AMENDMENT ORDINANCE

CITY COUNCIL MEETING DATE: 01/07/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

TO INTRODUCE AND READ THE FIRST READING OF THE CHARTER AMENDMENT ORDINANCE

An Ordinance To Amend The Charter Of The City Of Dawsonville So As To Amend Article II Through VI Of The City Charter So As To Provide Consistency Concerning District Posts; To Provide A Consistent Oath Of Office; To Establish Provisions Related To Conflict Of Interest And The Ethics Code; To Provide For City Council Regular Meetings And Work Sessions And For Means Of Providing Notice Of The Same; To Increase The Compensation Of The Mayor And City Council Members; To Designate A Codification System; To Clarify The Prohibition On Holding Multiple Offices, The Timing Of The City Council Organizational Meeting And Appointment Of A Mayor Pro Tempore, The Process For Calling Special And Emergency Meetings, Roles Of The City Clerk, City Attorney, City Manager And City Judge; To Clarify Provisions Related To The City Court And Political Activities Of Officers And Employees; To Provide Clarification For Elections And Terms, The Grounds And Procedure For Removal Of An Officer, Franchises And Other Agreements That The City Council May Grant, Utility Service Charges The City Council May Assess And/Or Collect; And For Other Purposes.

Second Reading, Public Hearing and Adoption: January 22, 2019

Third Reading, Public Hearing and Adoption: February 4, 2019

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

First Reading: _____
Second Reading: _____
Third Reading: _____

Publication Dates: _____

Filed with Dawson County Clerk of Court (publication version): _____

Filed with Dawson County Clerk of Court (adopted version): _____

Filed with Georgia Secretary of State: _____

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF DAWSONVILLE SO AS TO AMEND ARTICLE II THROUGH VI OF THE CITY CHARTER SO AS TO PROVIDE CONSISTENCY CONCERNING DISTRICT POSTS; TO PROVIDE A CONSISTENT OATH OF OFFICE; TO ESTABLISH PROVISIONS RELATED TO CONFLICT OF INTEREST AND THE ETHICS CODE; TO PROVIDE FOR CITY COUNCIL REGULAR MEETINGS AND WORK SESSIONS AND FOR MEANS OF PROVIDING NOTICE OF THE SAME; TO INCREASE THE COMPENSATION OF THE MAYOR AND CITY COUNCIL MEMBERS; TO DESIGNATE A CODIFICATION SYSTEM; TO CLARIFY THE PROHIBITION ON HOLDING MULTIPLE OFFICES, THE TIMING OF THE CITY COUNCIL ORGANIZATIONAL MEETING AND APPOINTMENT OF A MAYOR PRO TEMPORE, THE PROCESS FOR CALLING SPECIAL AND EMERGENCY MEETINGS, ROLES OF THE CITY CLERK, CITY ATTORNEY, CITY MANAGER AND CITY JUDGE; TO CLARIFY PROVISIONS RELATED TO THE CITY COURT AND POLITICAL ACTIVITIES OF OFFICERS AND EMPLOYEES; TO PROVIDE CLARIFICATION FOR ELECTIONS AND TERMS, THE GROUNDS AND PROCEDURE FOR REMOVAL OF AN OFFICER, FRANCHISES AND OTHER AGREEMENTS THAT THE CITY COUNCIL MAY GRANT, UTILITY SERVICE CHARGES THE CITY COUNCIL MAY ASSESS AND/OR COLLECT; AND FOR OTHER PURPOSES.

WHEREAS, an Act was passed in the Georgia Legislature in April of 1996 providing a new Charter for the City of Dawsonville and for other purposes; and

WHEREAS, the Charter of the City of Dawsonville has not been substantially updated or revised since its passage in the Georgia Legislature in April of 1996; and

WHEREAS, the City of Dawsonville and its general public are best served by an efficient city council and city government; and

WHEREAS, the modernization, clarification, and updating of the City Charter will provide for the efficient administration of government and operation of the city council in the City of Dawsonville; and

WHEREAS, the Mayor and City Council have undertaken a project to substantially update, in the interest of consistency and uniformity, the City Charter and all ordinances of the City of Dawsonville; and

WHEREAS, the City of Dawsonville now desires to amend its City Charter to provide for the modernization, clarification, and updating of its Charter provisions.

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

SECTION 1.

Section 2.10 of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing section 2.10 in its entirety and replacing it with a new section 2.10 as follows:

Section 2.10. - City council created; composition; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and four councilmembers. The city council shall be a successor to and continuation of the city governing authority under prior law. The mayor shall be elected at-large and the four councilmembers shall be elected at-large by district post as further provided in article V of this Charter.

SECTION 2.

Section 2.11 of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing section 2.11 in its entirety and replacing it with a new section 2.11 as follows:

Section 2.11. - Terms and qualifications of office.

The members of the council shall serve for terms of four years and until their respective successors are qualified and elected. The mayor shall serve for a term of four years and until his or her successor is qualified and elected. No person shall be eligible to serve as mayor unless he or she: (1) has been a resident of the city for a period of at least one year immediately prior to the date of election; (2) continues to reside within the city during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dawsonville; and (4) meets any applicable requirements imposed under Article 14, Chapter 2, of the "Georgia Election Code." No person shall be eligible to serve as a council member unless he or she: (1) has been a resident of the city and the applicable district post for a period of at least one year immediately prior to the date of election; (2) continues to reside within the city and applicable district post during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dawsonville; and (4) meets any applicable requirements imposed under Article 14, Chapter 2, of the "Georgia Election Code."

SECTION 3.

Subsection (a) of **Section 2.13** of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing subsection (a) in its entirety and replacing it with a new section subsection (a) as follows:

(a) The compensation of the mayor shall be \$1000.00 per month and the compensation of each council member shall be \$600.00 per month, until such time as the compensation of the mayor and/or council are amended by ordinance adding to or amending the City's Code of Ordinances in accordance with subsection (c). In addition to this monthly compensation, the mayor and council members shall also be paid \$150.00 per individual for each city council meeting and for any other meeting that has been pre-approved for compensation by the council that they attend other than the first regular city council meeting of the month.

SECTION 4.

Sections 2.14 through 2.15 of Article II of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 2.14 through 2.15 in their entirety and replacing them with new sections 2.14 through 2.15 as follows:

Section 2.14. – Holding other offices.

Except as authorized by law, neither the mayor nor any member of the council shall hold any other elected office or municipal employment in the City of Dawsonville during the term for which he or she is elected.

Section 2.15. – Code of Ethics; Conflict of interest.

No elected official, appointed officer, or employee of the city or any commission, authority or agency of the city shall knowingly violate the city's Code of Ethics ordinance or any state law of ethics prohibiting conflicts of interest applicable to the city. A violation shall subject the offender to such penalty as proscribed by the Code of Ethics.

SECTION 5.

Sections 2.19 through 2.23 of Article II of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 2.19 through 2.22 in their entirety and replacing them with new sections 2.19 through 2.22 as follows:

Section 2.19. - Organization meeting.

Following each regular election, the newly elected council shall meet for organization as the last item of business during the last regular meeting in December. The oath of office as set forth in Section 3.16 of the Charter shall be administered to all newly elected officials of the city.

Section 2.20. - Mayor pro tempore.

At the last regular meeting in December, the council shall elect one of its members to serve as mayor pro tempore for the upcoming year who shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability, or disqualification of the mayor and during any vacancy in the office of mayor; provided, that his or her rights and duties as councilmember shall remain unimpaired, including, but not limited to, the right to vote on all matters properly before the council.

Section 2.21. - Regular and special meetings.

- (a) The regular monthly meetings and work sessions of the City Council of the City of Dawsonville shall be established by setting and approving a calendar for the subsequent year no later than the last meeting of the City Council in December of the preceding year. In the event that a meeting calendar is not set and approved by the City Council by said December meeting prior to the coming year, meetings shall be held on the first Monday of each month beginning at 5:30 p.m. at the Dawsonville City Hall.
- (b) Special meetings of the council may be held on call of the mayor. In the alternative, a special meeting may be held on the call of the mayor pro tempore and two councilmembers. Notice of such special meetings shall be provided in accordance with section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable state laws as are or may hereafter be enacted. However, at a minimum written notice of a special meeting shall be posted for at least 24 hours prior to the start of the special meeting at city hall. Further, notice of such special meetings shall be served on the mayor and all council members personally at least 24 hours in advance of the meeting or by telephone personally at least 24 hours in advance of the meeting or by email or other electronic means that evidences an acknowledgement of receipt at least 24 hours in advance of the meeting or shall be left at their residence at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor and all councilmembers are present when the special meeting is called or convened. Such notice of any special meeting may be waived by a councilmember in writing before or after such meeting, and attendance at the meeting shall also constitute a waiver of notice of the meeting and of any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting except by unanimous consent of all members present. With such consent, any business which may be transacted in a regular meeting may be conducted at the special meeting.
- (c) To meet a public emergency affecting life, health, property, or public peace, the city council may convene for an emergency meeting on call of the mayor or on the call of the mayor pro tempore or on the call of two councilmembers and at such emergency meeting promptly adopt an emergency ordinance, but such ordinance may not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except for loans to be repaid within 30 days. Notice as provided in subsection (b) above of an emergency meeting shall be provided as soon as

reasonably possible after the call and shall be at least one hour before the meeting. An emergency ordinance shall be introduced in the form prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

Section 2.22. - Rules of procedure; minutes.

The council shall adopt its rules of procedure by ordinance or resolution and order of business consistent with the provisions of this Charter and shall provide for the keeping of minutes of its proceedings, which shall be a public record.

Section 2.23. - Quorum; voting.

(a) Three councilmembers and the mayor or mayor pro tempore shall constitute a quorum and shall be authorized to transact business of the council. Assuming a quorum is otherwise physically present, the mayor or any councilmember may attend as if present up to two regular or special meetings per year by teleconferencing technology means as provided by state law with the full right to participate and vote on all matters properly before the Council at said meeting. The mayor or a councilmember may participate via teleconferencing technology due to illness or physical absence from the City of Dawsonville. The mayor or councilmember participating via teleconferencing technology shall not count toward the satisfaction of the quorum requirement for a regular or special meeting.

(b) An emergency meeting held pursuant to Section 2.21(c) of the City Charter may be conducted entirely through teleconferencing technology and the mayor and/or councilmembers using such teleconferencing technology to participate may be counted to satisfy the quorum requirement for said meeting, so long as the requirements of section 50-14-1 of the Official Code of Georgia Annotated or such other applicable state laws as are or may hereafter be enacted are satisfied.

(c) Voting on the adoption of ordinances shall be taken by a recorded vote of the council and shall be entered upon the minutes. Any member of the council shall have the right to request a roll-call vote. The affirmative vote of a majority of the council present shall be required for the adoption of any ordinance, resolution, or motion except as otherwise provided in this Charter.

SECTION 6.

Section 2.27 of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing section 2.27 in its entirety and replacing it with a new section 2.27 as follows:

Section 2.27. - Signing; authenticating; recording; codifying; printing of ordinances.

(a) The city clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(b) Municipal Code Corporation (Municode) is the official codification system for the City of Dawsonville and its Charter and Ordinances, along with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation

shall be known and cited officially as the "Code of the City of Dawsonville, Georgia." Copies of the code are available for free to the general public and all officers through the publisher Municode on its online platform. This codification shall have the full force and effect of law. The city council shall cause each ordinance and each amendment to this Charter to be published promptly on Municode following its adoption.

SECTION 7.

Sections 3.13 through 3.17 of Article III of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 3.13 through 3.17 in their entirety and replacing them with new sections 3.13 through 3.17 as follows:

Section 3.13. - City clerk.

The council may appoint a city clerk, who may also serve as the city treasurer, with such compensation as shall be determined by the council. The city clerk shall keep the minutes of the proceedings of the city council, maintain in a safe place all records and documents pertaining to the affairs of the city, and perform such other duties as may be required by law or as the council may direct.

Section 3.14. - City manager; appointment; qualifications; compensation.

The city council may appoint a city manager for an indefinite term and fix his or her compensation. The manager shall be appointed on the basis of his or her executive and administrative qualifications. The city manager shall serve at the pleasure of the council. The city manager shall be the chief administrative officer of the government of the City of Dawsonville and shall have such powers and duties as are vested in him or her by ordinance or as otherwise provided by the council.

Section 3.15. - City attorney.

The council may appoint a city attorney and provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for representing and/or directing all litigation in which the city is a party; shall attend the meetings of the mayor and/or council as directed; shall advise the council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be requested by the mayor, council or city manager.

Section 3.16. - Oath of officers.

Before a person takes any elected 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 do solemnly swear or affirm that I will faithfully perform the duties of _____ of this city, that I will in all respects observe the provisions of the Charter, the Code of Ethics and ordinances of the City of Dawsonville; and that I will support and defend the Charter thereof, as well as the Constitution of the United States and of the State of Georgia. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of the State of Georgia. I have been a resident of [my district and] the City of Dawsonville for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Dawsonville to the best of my ability without fear, favor, affection, reward, or expectation thereof. So help me God."

Section 3.17. - Candidacy of employees and appointed officials.

No appointive officer of the city shall continue in such employment upon qualifying as a candidate for election to any public office. No employee of the city shall continue in the employment of the city upon qualifying as a candidate for election to any city, county, or state elected office that is inconsistent, incompatible or in conflict with the duties of the city employee. Such determination shall be made by the mayor and council either upon qualification, upon election or at any time such conflict may arise.

SECTION 8.

Sections 4.1 through 4.8 of Article V of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 4.1 through 4.8 in their entirety and replacing them with new sections 4.10 through 4.14 as follows:

Section 4.10. - Creation of municipal court; name.

There shall be a court created to be known as the "Municipal Court of the City of Dawsonville."

Section 4.11. - Appointment of judge of the municipal court by mayor and council.

The mayor and council may appoint an individual to serve as judge of the municipal court pursuant to O.C.G.A. § 36-32-2 and delegate to him or her all duties and authority of that office as provided in O.C.G.A. § 36-32-1 *et seq.* In the event of the appointment of a judge of the municipal court as provided in this section, the compensation of such judge shall be as determined by the mayor and council and the judge shall serve a one year term or until his/her replacement is appointed by the mayor and council.

Section 4.12. - Jurisdiction and powers of municipal court.

The municipal court shall have the jurisdiction and powers set forth in O.C.G.A. § 36-32-1 *et seq.*, or such other applicable state laws as are or may hereafter be enacted, and under the ordinances of the City of Dawsonville as amended from time to time.

Section 4.13. - Municipal Court procedures; personnel; punishment for code violations; fees and fines.

The mayor and council may set forth the procedures for convening and/or suspending the Municipal Court, set procedures for staffing the Municipal Court, define punishment for code violations, establish fees and fines, set courtroom procedures, set procedures for appointing indigent defense counsel, and provide for other necessary operational and practical matters of the Municipal Court through the City of Dawsonville's ordinances as may be amended from time to time.

Section 4.14. - Appeal.

The mayor and council may establish by ordinance procedures for appeal from decisions of the Municipal Court in accordance with state law.

SECTION 9.

Sections 5.10 through 5.16 of Article V of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 5.10 through 5.16 in their entirety and replacing them with new sections 5.10 through 5.15 as follows:

Section 5.10. - Applicability of general law.

All elections and the procedure and requirements for the election of all elected officials of the City of Dawsonville, as to special and general elections, shall be held and conducted in conformity with state law.

Section 5.11. - Regular elections.

- (a) The general municipal election for the city shall be conducted on the Tuesday following the first Monday in November, in the odd numbered years, and on such day biennially thereafter.
- (b) Successors to the mayor and each councilmember shall be elected at the general municipal election immediately preceding the expiration of such terms and shall take office on the first day of January immediately following that election for terms of office of four years each and until their respective successors are qualified and elected. Persons so elected shall take the oath of office as provided in section 3.16 of this Charter.
- (c) The mayor and each council member shall be elected by the electors voting in the entire city at large. The mayor may reside in any district of the city as set forth in subsection (e) below. Each council member must reside in the district as set forth in subsection (e) below that they qualify for both at the time of qualification for that district post and throughout their elected service in that position. Each elector shall be entitled to vote for one candidate for each municipal office which is to be filled at any election. At the general municipal election conducted in 2019 and every four years thereafter, the candidates who receive the highest number of votes cast for the office of mayor and council member posts 1 and 3 shall be the persons elected to those offices. At the general municipal election conducted in 2021 and every four years thereafter, the candidates who receive the highest number of votes cast for council member posts 2 and 4 shall be the persons elected to those offices.
- (d) Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party labels.
- (e) There shall be four council member districts of approximately equal populations that shall be created and modified by ordinance as required by this Charter, state and federal law. In drawing district lines to achieve similar populations in each district, the Council shall take into account neighborhoods, roads and other landmarks or land divisions that provide appropriate lines between districts. The four districts shall be each be represented by one council member who shall run for and be elected to that district post. The four district posts shall be known as Post 1, Post 2, Post 3 and Post 4. Any candidate for a council member position shall qualify only for the post of the district in which they reside and shall designate the post which the candidate is seeking when qualifying. The designation shall be entered upon the ballot in such manner so that in the ensuing election such candidate shall only oppose the other candidate or candidates, if any, designating the same specific district post.

Section 5.12. - Special elections; vacancies.

In the event of a vacancy in the office of the mayor or council member, the mayor and council shall appoint a qualified person to fill such vacancy until a special election is held as set forth below. If a tie vote by the mayor and council to fill a vacancy is unbroken for 15 days, the mayor, or mayor pro tempore in case of a vacancy in the office of mayor, shall appoint a qualified person to fill the vacancy. Once a vacancy is filled by appointment, a special election shall be called and held to fill the balance of the unexpired term. Notwithstanding the foregoing, if such vacancy occurs within 180 days prior to a regular election for the vacant office of the mayor or council member, the appointee shall serve until the election, the vacancy shall be filled at the regular election, and in such event, no special election shall be held. Special elections shall be called and held according to the next applicable special election date after a vacancy is created. In all other respects, special elections shall be conducted in accordance with the applicable provisions of this Charter and state law.

Section 5.13. - Rules and regulations for elections.

Except as otherwise provided by this Charter, the city council shall by ordinance prescribe such rules and regulations for elections as it deems appropriate to fulfill any options and duties under state law.

Section 5.14. - Removal of officers.

The mayor or any councilmember shall be subject to removal from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
- (4) Willful violation of any express prohibition of this Charter or City of Dawsonville ordinances or policies;
- (5) Willful violation of or disregard for their oath of office;
- (6) Abandonment of office or neglect to perform the duties thereof; or
- (7) Failure to perform the duties of office as required by this Charter or by law.

Section 5.15. - Procedure for removal.

- (a) Removal of an elected officer from office may be accomplished by one of the following methods:
 - (1) By action of two-thirds vote of the entire membership of the council. In the event an elected officer is sought to be removed by the action of the council, such officer shall be entitled to a written notice specifying the ground for removal and to a public hearing which shall be held not less than ten days from the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held in accordance with due process. Any elected officer sought to be removed from office as provided in this chapter shall have the right to appeal the decision of the council to the Superior Court of Dawson County by writ of certiorari in accordance with state law; or
 - (2) By an order of the Superior Court of Dawson County following a hearing on a complaint seeking such removal brought by at least three residents of the City of Dawsonville; or
 - (3) By an order of the Superior Court of Dawson County following a hearing on a complaint seeking such removal brought by the Ethics Board of the City of Dawsonville, as provided for in the City of Dawsonville Code of Ethics.
- (b) Once an elected officer has been removed from office pursuant to subsections (a)(1), (a)(2) or (a)(3) above, said individual shall not be eligible to run for any city office in any election for a period of four years from the date of removal. In the event an individual has been removed from office pursuant to subsection (a)(1), (a)(2) or (a)(3) above and said individual appeals the removal, said individual shall only be eligible to run for election to a city office if the individual posts a bond with the Superior Court of Dawson County in an amount equal to the estimated cost to the City of Dawsonville of conducting the election. If the appeal is denied and the removal is affirmed, then the bond amount shall be paid to the city. If the appeal is granted and the removal is reversed, then the bond shall be terminated and of no further force or effect.

Sections 6.14 through 6.15 of Article VI of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 6.14 through 6.15 in their entirety and replacing them with new sections 6.14 through 6.15 as follows:

Section 6.14. - Franchises.

The city council shall have the power to grant franchises, contracts, or easements for the use of this city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises.

Section 6.15. - Utility charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for utility services rendered both inside and outside the corporate limits of the city. If unpaid, said utility service charge shall be collected as provided in section 6.18 of this Charter.

SECTION 12.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 13.

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

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this ____ day of _____, 2019.

MAYOR AND DAWSONVILLE CITY COUNCIL

By:

Mike Eason, Mayor

Caleb Phillips, Council Member Post 1

Stephen Tolson, Council Member Post 2

Jason Power, Council Member Post 3

Mark French, Council Member Post 4

ATTESTED TO BY:

Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 13

SUBJECT: MEETINGS CLARIFICATION ORDINANCE

CITY COUNCIL MEETING DATE(S): 01/07/2019

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: **SECOND READING AND VOTE**

An Ordinance Establishing A Uniform Procedure For Appointments By The City Council To Boards, Commissions, And Authorities Of The City Of Dawsonville; And For Other Purposes. (First Reading: December 17, 2018; **Second Reading: January 7, 2019**)

HISTORY/ FACTS / ISSUES:

FIRST READING – DECEMBER 17, 2018

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Administration

First Reading: 12/17/2018
Second Reading: 01/07/2019
Passed: _____

AN ORDINANCE ESTABLISHING A UNIFORM PROCEDURE FOR APPOINTMENTS BY THE CITY COUNCIL TO BOARDS, COMMISSIONS, AND AUTHORITIES OF THE CITY OF DAWSONVILLE; AND FOR OTHER PURPOSES.

WHEREAS, appointees to City of Dawsonville Boards, Commissions, and Authorities provide the City Council with valuable recommendations for city action; and

WHEREAS, the general public would be better served by a uniform method of insuring proper qualification and evaluation of all appointees to City of Dawsonville Boards, Commissions, and Authorities.

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

SECTION 1.

Article VI, Division 1 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing the existing Section 2-160 in its entirety and adopting a new Section 2-160 and a new Section 2-161 as follows:

Sec. 2-160. - Attendance policy.

All commissions and authorities of the City of Dawsonville, including but not limited to the Planning Commission, Historic Preservation Commission and the Downtown Development Authority shall be required to attend at least 75 percent of the meetings during any calendar year in which the member is serving. If a commission or authority member serves for less than a calendar year due to the time of their appointment, said newly appointed member shall attend at least 75 percent of the meetings from the date of their appointment until the end of the calendar year. Failure to attend the minimum number of meetings during a calendar year or a partial calendar year in the case of a newly appointed member may constitute due cause for removal from the appointed position on the commission or authority.

Section 2-161. – Procedure for appointments to commissions and authorities.

Upon submission of a name for appointment to a commission or authority of the City of Dawsonville, the following process shall be followed to qualify the proposed candidate for appointment to the commission or authority:

(a) The city manager or designee shall meet with and perform an investigation as set forth herein on the candidate submitted for appointment.

(b) The city staff manager or designee shall ensure that the candidate meets all minimum requirements necessary to hold such position. Said requirements include qualifications for the position under state and local law, residency requirements, professional requirements, educational requirements, an interest in the community, and other requirements as may be deemed appropriate by the city council or state law. The city manager or designee shall gather information from the candidate to determine said candidate's background that is favorable or adverse to their service as a member of the commission or authority of the City of Dawsonville for which they are being considered. The city manager or designee shall meet with the candidate to discuss and explain all requirements and responsibilities of service on the commission or authority of the City of Dawsonville for which they are being considered, including any training or attendance requirements to maintain their position on said commission or authority. The city manager or designee shall provide all information described above to the city councilmembers by a written report or a form developed by the city for such purpose.

(c) A minimum of two city councilmembers shall meet with the candidate to discuss what said individual would bring to the commission or authority for which they are being considered if they were appointed. The councilmembers should also discuss any other information gleaned from the city staff report on the candidate that may be favorable or adverse to the candidate's service on the commission or authority of the City of Dawsonville for which they are being considered.

(d) The city manager or designee shall discuss the candidate and his or her qualifications with the current chairperson of the applicable commission or authority of the City of Dawsonville.

(e) When the appointment of the candidate comes up for a vote with the city council, the city manager or designee who wrote the report on the candidate shall make a recommendation on the appointment of the candidate to the commission or authority for which they are being considered. The candidate should be present at the meeting during which they are to be appointed.

SECTION 2.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3.

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

SO ORDAINED THIS _____ DAY OF JANUARY, 2019.

Mike Eason, Mayor

Caleb Phillips, Councilmember Post #1

Stephen Tolson, Councilmember Post #2

Jason Power, Councilmember Post #3

Mark French. Councilmember Post #4

Attested: _____
Beverly A. Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 14

SUBJECT: PARKING/ABANDONED VEHICLES ORDINANCE

CITY COUNCIL MEETING DATE(S): 01/07/2019

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: **FIRST READING**

An Ordinance Of The City Of Dawsonville, Georgia To Regulate The Parking Of Vehicles; To Impose Time Limits On Vehicles Parked On Public Property; To Provide For The Removal Of Vehicles That Are Parked Beyond Time Limits Or For An Unauthorized Purpose; To Provide For Regulations As To Use Of Parking Facilities; To Provide For An Effective Date; And For Other Purposes. (**First Reading: January 7, 2019**; Second Reading: January 22, 2019)

HISTORY/ FACTS / ISSUES:

SECOND READING AND VOTE WILL BE HELD ON JANUARY 22, 2019

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Administration

First reading: 01/07/2019
Second reading: 01/22/2019
Passed: _____

AN ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA TO REGULATE THE PARKING OF VEHICLES; TO IMPOSE TIME LIMITS ON VEHICLES PARKED ON PUBLIC PROPERTY; TO PROVIDE FOR THE REMOVAL OF VEHICLES THAT ARE PARKED BEYOND TIME LIMITS OR FOR AN UNAUTHORIZED PURPOSE; TO PROVIDE FOR REGULATIONS AS TO USE OF PARKING FACILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City owns various parking lots and parking areas for and attendant to its real property and facilities;

WHEREAS, the public has an interest in using the City of Dawsonville's parking areas to gain access to public property, facilities, and public events;

WHEREAS, the use of parking areas is a matter of public concern;

WHEREAS the City is empowered by § 1.12(30) of its Charter to regulate public places and to remove nuisances from the same;

WHEREAS, because unrestricted use of parking owned, operated, and maintained by the City of Dawsonville, can make parking not available for City business purposes, or public events; and

WHEREAS, regulation of parking through the imposition of time limitations, reservation for specific uses, and the prohibition on improper uses will serve to free up more spaces for the aforementioned uses; and

WHEREAS, it is the finding of the Mayor and Council that the proper regulation of parking in the City of Dawsonville can best be accomplished through time limitations, reservation for specific uses, and the prohibition on improper uses as authorized in this chapter; and

WHEREAS, it is within the power and authority of the City of Dawsonville to enact this ordinance for the regulation of parking pursuant §§ 1.12(36) and (57), of the Charter of the City of Dawsonville, Georgia, as well as O.C.G.A. § 36-35-1 et. seq. and O.C.G.A. § 40-6-200, et. seq.

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

SECTION 1.

Chapter 13 of the Code of the City of Dawsonville, Georgia is hereby amended by the insertion of a new "ARTICLE IV – PARKING" beginning with section 13-41 as follows:

ARTICLE IV – PARKING

Sec. 13-41. – Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Code enforcement officer* means an employee appointed by the Council of the City of Dawsonville, who shall have authority to enforce the provisions of this article.
- (2) *Parking Area* means an area designated for the parking of vehicles, including parking lots, parking decks, and street parking on public property.
- (3) *Parking space* means a space delineated between two parallel lines, the purpose for which is to indicate where a vehicle can be parked, on public property.
- (4) *Time limit* means a maximum period of time that a vehicle may occupy any one parking space.
- (5) *Vehicle* means any device or structure for transporting persons or things, including but not limited to automobiles, trucks, motorcycles and other motorized forms of transportation.
- (6) *Nonconsensual towing* means the removal of a vehicle from a parking area, parking lot, or parking space without prior permission of the owner of the vehicle.

Sec. 13-41. – Parking restrictions.

- (a) A parked vehicle in any parking space or parking area on public property shall be allowed to remain in said parking space or area until 9:00 a.m. on the day following the date the vehicle was parked in the parking space or area. Moving a vehicle from one parking space to another in the same parking area or parking lot, or to another parking area of the City of Dawsonville, shall be considered the same as leaving the vehicle in the same parking space. For any vehicles left in a parking lot or parking area beyond the 9:00 a.m. deadline described, the City may utilize nonconsensual towing to remove the vehicles at the owner's expense.
- (b) The City may designate certain parking spaces as having a maximum time limit of two hours by proper signage. The City may utilize nonconsensual towing for any vehicles parked in designated parking spaces beyond the maximum time limit at the expense of the owner.
- (c) Other parking areas and time limits may be added to this article by resolution of the council. Signage designating time limits in parking areas shall be erected by the City. The absence of a sign in a specific area shall not invalidate any portion of this ordinance.
- (d) *Authorized and Unauthorized Purposes.* Parking in City of Dawsonville parking spaces or areas is permitted for the purpose of attending social events, City of Dawsonville events, visiting offices and businesses, frequenting City of Dawsonville facilities, including leased facilities, and for attendance at Court and governmental functions. Use of City of Dawsonville parking spaces or areas is not permitted for storage of vehicles, nor is it permitted for commercial purposes unless approved, in writing, by the City Manager or his designee.
- (e) *Penalties and enforcement.*
 - (1) Citations and Fines – Time: The owner of a vehicle parked in a designated parking space in violation of the time limits shall receive a citation issued by the code enforcement officer or by any law enforcement officer.
 - (i) The fine shall be \$25.00 for each two-hour violation for any parking space with a two-hour time limit.

(ii) For all other parking areas, the fine shall be \$100.00 per day, starting at 9:01 a.m. the day following the date the vehicle was parked until it is removed either by the owner or through nonconsensual towing.

(iii) The violator may pay the fine at city hall, or may contest the citation at city municipal court.

(2) Citations and Fines – Unauthorized Purpose: The owner of a vehicle parked in a City of Dawsonville parking space or area for an unauthorized purpose shall receive a citation issued by the code enforcement officer or by any other law enforcement officer, the fine for which shall be \$100.00 for each day that the violation continues.

(3) Nonconsensual Towing: pursuant to the towing and removal procedures described herein, vehicles parked in violation of this code may be removed and stored in lieu of or in addition to issuance of a citation and fine.

(4) Any costs incurred by the City of Dawsonville in enforcing this article shall be added to the court costs and paid in conjunction with fines assessed.

Sec. 13-43. – Towing or removal procedures.

Each and every requested nonconsensual towing movement requires a request on the day the removal takes place from the code enforcement officer or any law enforcement officer. The request may be by telephone call, facsimile letter, text message, verbal communication, or e-mail message to the wrecker service. The request must specifically identify and request removal of the vehicle or vehicles to be towed or removed. The City Manager or his designee must receive an original written tow authorization or tow bill dated and signed on the date of the tow by the code enforcement officer or law enforcement officer. The tow authorization or tow bill may be transmitted and returned in person at the scene of the tow, or by facsimile or email, on the date of the tow, on forms prescribed by the City Manager or his designee. The tow authorization or bill must be signed by the code enforcement officer or law enforcement officer and shall include:

(a) The address or other location description of the property;

(b) The name and title of the code enforcement officer or law enforcement officer;

(c) The name of the party who requested the removal, if different than the code enforcement officer or law enforcement officer; and

(d) Vehicle identifying information: make, model, color, license plate state and number (as available).

Sec. 13-44. – Authority to promulgate temporary parking regulations.

The City Manager or designee, may impose a limited parking time or prohibit parking temporarily on any street, parking area, parking space or portion thereof for any City permitted functions or whenever the traffic conditions or safety warrants such. The City shall designate the parking limitation by placing a sign on the street or portions of streets affected.

SECTION 2.

If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

SECTION 3.

All laws and parts of laws in conflict with this enactment are hereby repealed.

SECTION 4.

This ordinance shall be effective the day following its passage by the Council of the City of Dawsonville.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this _____ day of _____, 2019.

**MAYOR AND DAWSONVILLE CITY
COUNCIL**

Mike Eason, Mayor

Caleb Phillips, Councilmember Post #1

Stephen Tolson, Councilmember Post #2

Jason Power, Councilmember Post #3

Mark French. Councilmember Post #4

Attested: _____
Beverly A. Banister, City Clerk