

AGENDA
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, April 8, 2019
5:30 P.M.

1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Announcements
5. Approval of the Agenda
6. Public Input
7. Consent Agenda
 - a. Approve the Minutes
 - Regular Meeting and Work Session held March 18, 2019
 - Executive Session held March 18, 2019
 - b. Approve Animal Control Intergovernmental Agreement (IGA)

BUSINESS

8. Georgia State Patrol Flashlight Resolution
9. Employee of the Quarter
10. Ethics Board Appointments
11. Water and Sewer Tap Fees
12. Introduction of Vaping and Tobacco Use Ordinance
13. City Council Meeting Dates

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

ADJOURNMENT

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



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7

SUBJECT: CONSENT AGENDA

CITY COUNCIL MEETING DATE: 04/08/2019

PURPOSE FOR REQUEST:

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

a. Approve the Minutes

- Regular Meeting and Work Session held March 18, 2019
- Executive Session held March 18, 2019

b. Approve Animal Control Intergovernmental Agreement (IGA)



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7a

SUBJECT: APPROVE THE MINUTES

CITY COUNCIL MEETING DATE: 04/08/2019

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 – MARCH 18, 2019**
- **EXECUTIVE SESSION – MARCH 18, 2019**

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

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1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 5:30 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Dana Miles, Assistant City Attorney Alex Myers, City Manager Bob Bolz, City Clerk Beverly Banister, Deputy City Clerk Tracy Smith, 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:** Mayor Eason reported on the Home and Business Expo to be held on March 28, 2019 from 4:00 – 7:00 pm at the Georgia Racing Hall of Fame and the DDA and HPC will be meeting together at City Hall on March 25, 2019 at 5:30 pm during the DDA regular meeting. He also announced we are starting the process of moving the City Hall sign located above the Georgia Racing Hall of Fame entrance to the front of City Hall. Lastly, he noted that Item #11 on the agenda will be postponed as requested by the applicant but will still be holding the public hearing this evening.
5. **APPROVAL OF THE AGENDA:** Request by Councilmember French to remove item #7a (1) Approve the Minutes for the City Council Regular Meeting held March 4, 2019 out of the consent agenda; Mayor Eason stated it would become item #22.

Motion to approve the agenda as amended made by C. Phillips; second by S. Tolson. 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 (2), b) made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
 - a (2). Approve Minutes from the March 4, 2019 Executive Session - **passed 4-0**
 - b. Approve Get Your Glow on 5k Run with Road Closure on April 19, 2019 – **passed 4-0**
8. **EMPLOYEE OF THE MONTH AND SERVICE AWARDS:** Mayor and Council presented the March Employee of the Month Award to Westin Lee and service awards to Cody Mason for one year of service and to Gary Barr for twenty-eight years of service.
9. **PROCLAMATION – TIGER DAY MARCH 18, 2019:** Mayor Eason read and presented the proclamation to the coaches and students of the Dawson County High School Girls and Boys Basketball teams.
10. **ANX C9-00247 and ZA C9-00247:** Dan S. and Vanita L. Anderson have petitioned to annex into the city limits of Dawsonville a portion of the 12.19 acre tract known as TMP 092B 001, located at 378 Shoal Creek Road, with a request to rezone from County Zoning of RA (Residential Exurban/Agriculture) to City Zoning of R1 (Single Family Residential). Public Hearing Dates: Planning Commission on March 11, 2019 and City Council on March 18, 2019. City Council for a decision on April 8, 2019.

Motion to open the public hearing made by M. French; second by S. Tolson. Vote carried unanimously in favor. Planning Director Robbie Irvin reported on the request for annexation stating an approval of the annexation would create an unincorporated island; he also reported the Planning Commission denied the request due to the legal issue. He recommends postponement until June 3, 2019 to contact surrounding property owners for resolution of the issue. Mayor Eason conducted the public hearing; no one spoke in favor or opposition to the request. Motion to close the public hearing made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

Motion to postpone item until the June 3, 2019 meeting with a public hearing made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

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11. **ZA-C9-00004**: Ensite Civil Consulting LLC has requested a zoning amendment for TMP 082 021 consisting of 38.58 acres located at 592 Hwy 53 West, from R-3 (Single Family) to RPC (Residential Planned Community) Hearing Dates: Planning Commission - February 11, 2019 - Tabled until March 11, 2019 and City Council February 18, 2019 – Tabled until March 18, 2019

Councilmember Phillips disclosed that his property is adjacent to the property requesting a zoning amendment and is concerned from a Councilmember perspective and as a citizen of the City. Motion to open the public hearing made by J. Power; second by M. French. Vote carried unanimously in favor. Planning Director Robbie Irvin reported on the request for a zoning amendment stating the Planning Commission has denied recommendation due to density issues, no age restrictions and traffic concerns. He read the Planning and Zoning staff report recommending approval citing better quality controls with RPC zoning versus R-6 zoning, current zoning would allow a 114-lot subdivision with no stipulations, marketing of the project to 55+ would result in lower impacts to schools and roads while increasing the tax base and the residential development is consistent with the projections in the City's Comprehensive Plan. Mayor Eason conducted the public hearing; no one spoke in favor. The following citizens spoke in opposition to the zoning amendment request:

- Dava Hudgins, 292 April Trace, Dawsonville – Spoke of concerns for overall traffic and a dangerous intersection, housing styles would not fit with the Historic Downtown and costs for additional emergency services to serve the increased population.
- Linda Lockert, 233 River Mill Lane, Dawsonville – Spoke of concerns for the increase of traffic and the loss of a small-town feel.

Councilmember Power stated the taxes collected from City residents are the same as the taxes collected from County residents for emergency services; City residents do not carry a higher burden for those services. He also stated the conceptual plan shown for the existing zoning has traffic coming out entirely onto Howser Mill Road, not Hwy 53, since there are no stipulations attached with the current zoning.

- Jeff Chastain, 713 Howser Mill Road, Dawsonville – Spoke of concerns regarding an underground stream which could be compromised on the property which eventually feeds into Shoal Creek and for the increase of population to the area.

Motion to increase the public hearing time allotment by ten minutes made by C. Phillips; second by M. French. Vote carried unanimously in favor.

- Kay St. John, 616 Hwy 53 W, Dawsonville – Spoke of concerns regarding of safety and traffic on Hwy 53; concerns of noise and headlights shining into her home and she questioned the buildable acres on the property because of the stream.
- Tom Reins, 87 Lightning Ridge, Dawsonville – Spoke of concerns about the builder's plan showing approximately ten acres for the common areas and amenities area which once satisfied the acreage remaining would amount to 6.3 units per acre. He is also concerned about the stream on the property.
- Gary Dutton, 30 Mill Stone Drive, Dawsonville – Spoke of concerns about the cluster of homes requesting to be built in a very small area versus larger, more expensive homes that are typical of this builder.
- Randy Davis, 104 River Mill Lane, Dawsonville – Spoke of the density in the Howser Mill Subdivision also citing their square footage and the cost of their homes versus the requested zoning of RPC allowing for a higher density not consistent with the Howser Mill subdivision and therefore decreasing the value of his home. He also expressed concerns with the increased traffic.

Councilmember French asked for a report from a representative of the Planning Commission if they were present. Anna Tobolski spoke on behalf of the Planning Commission and stated their reasons for denial of the variance (item #12) due to not meeting all seven requirements as outlined

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in the zoning ordinance. She further stated the Planning Commission recommended denial for the zoning amendment request for traffic concerns, the 55+ targeted but not required market would mean it could change anytime and the density is higher and not compatible with the neighboring properties.

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

Councilmember French expressed favor in upholding the Planning Commission's recommendation of denial. He further stated a potential loss of tax revenue in approximately ten years due to the increased age of the 55+ community who could now be eligible for the homestead senior exemption. Additionally, without a City tax, he expressed concerns of being able to provide the City's services to an increased population with no increase to the City's sales tax revenue. Mayor Eason stated the applicant has made a request and paid the fees to postpone the request for the zoning amendment. Councilmember Power appreciated the citizens coming out and sharing their concerns; expressing a desire to work through some of the issues. Attorney Miles reported under Federal Law the Housing for Older Persons Act allows for a requirement to be placed as a stipulation to restrict the housing to 55 and older; at least eighty percent of the residents must be owned and lived in by persons 55 and older. Councilmember Phillips stated his concern how the current property is already zoned and could be built out without any stipulations allowing for all traffic to flow out onto Howser Mill Road or considering a different zoning with stipulations that would have to be complied with or they could not build.

Motion to postpone this item to the April 22, 2019 meeting to include a public hearing made by C. Phillips/S. Tolson. Vote carried unanimously in favor.

12. VAR C9-00004 – REQUEST TO APPEAL PLANNING COMMISSION DECISION: Motion to postpone item to the April 22, 2019 meeting made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

13. An Ordinance To Amend The Ethics Code Of The City Of Dawsonville So As To Clarify The Purpose And Scope Of The Code Of Ethics; To Clarify Definitions, Restrictions, Conflicts Of Interests, And Penalties Applicable To City Officials And City Employees; To Clarify The Restrictions On Outside Employment; To Provide For The Qualification Of Members To The Ethics Board; To Provide For Alternative Means Of Removal Of Officers As Provided For In The City Charter; To Provide The Procedure For Hearing Complaints Regarding City Officials, Including The Filing Of Complaints, The Service Of Complaints, And The Procedure For Hearings; And For Other Purposes. (First Reading and Public Hearing: March 4, 2019; Second Reading March 18, 2019)

Assistant City Attorney Alex Myers read the ordinance and stated the amendment was to make our current ordinance consistent with both the GMA model ordinance and the recent City Charter amendment.

Motion to approve the ordinance as presented made by S. Tolson; second by J. Power. Vote carried unanimously in favor. (Exhibit "A")

14. RESOLUTION – GMA CERTIFIED CITY OF ETHICS: Motion to approve the resolution made by M. French; second by J. Power. Vote carried unanimously in favor (Exhibit "B")

15. DONATIONS FOR MAIN STREET PARK PRESENTATIONS: Georgann Schmalz from the Dawson County Women's Club presented a concept for a pollinator garden they would like to create and maintain for Main Street Park. She also stated they would like to provide benches through donations from their Grow Memories program. Mayor Eason instructed her to work with the City Manager.

Mike McCarthy from We're on Doodie also presented a donation for three pet waste stations for Main Street Park which he would install and maintain. He also stated if three were not enough stations for the park, he would provide additional stations and bags at cost. Mayor Eason instructed him to work with the City Manager.

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16. WATER/SEWER RATES AND TAPS INCREASE: Chris Poje from Turnipseed Engineers presented the recommendation for the increase to the water and sewer rates and the tap fees.

17. NEXTSITE PRESENTATION: Andy Camp from Nextsite presented a retail and commercial development and recruitment program with their partnership with Georgia Power for Downtown Dawsonville. Christie Haynes Moore from Dawson County Chamber of Commerce briefly spoke on the need for this type of information and assistance with spurring downtown business growth. The City's obligation would be \$5000.00 for an annual contract; Georgia Power would pay the balance.

Motion to approve the annual contract for \$5000 to be paid out of the General Fund reserves made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.

18. DEVELOPMENT OF ETHICS BOARD: Mayor Eason announced the need to develop the Ethics Board in accordance with the newly passed ordinance amendment. He asked the Council to nominate their choice for one of the members and to provide the name to the City Manager for vetting and possible appointment at the next City Council meeting.

19. ADMINISTRATIVE VARIANCE INFORMATION: Planning Director Robbie Irvin explained to Council regarding the administrative variance powers of the Planning Director. He also informed them of an administrative variance he granted at 275 Angela Lane for a 3 linear foot encroachment on the utility easement.

20. BOB BOLZ, CITY MANAGER:

- i. Soil cement application will begin in approximately 4 to 5 weeks at Main Street Park.
- ii. Approved a portion of a change order for the installation of gabion baskets to be filled with rocks around the headwall at Main Street Park.
- iii. Recertification training held at City Hall for the Georgia Soil and Water Conservation Blue Card which is a requirement for certification of proper soil and erosion control in which some staff attended. The training class for the initial certification of the blue card will be held at City Hall in April.
- iv. Maintenance Barn project is scheduled to start this week.

21. HAYDEN WIGGINS, FINANCE ADMINISTRATOR: Financial reports representing fund balance and activity provided through February 28, 2019.

22. CITY COUNCIL REGULAR MEETING MINUTES HELD MARCH 4, 2019: Motion made by Councilmember French to approve the minutes contingent upon including his exchange with the City Attorney regarding impact fees on item #15 DOWNTOWN STREET PARKING OPTIONS; motion dies due to lack of a second.

Motion to approve the minutes as presented made by J. Power; second by S. Tolson. Vote carried 3 in favor (Power, Tolson, Phillips) with 1 opposed (French).

EXECUTIVE SESSION:

At 7:18 p.m. a motion to close regular session and go into executive session for Real Estate Acquisition was made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

At 7:50 p.m. a motion to close executive session and resume regular session was made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

ADJOURNMENT:

At 7:52 p.m. a motion to adjourn the meeting was made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

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By: CITY OF DAWSONVILLE

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 Banister, City Clerk

STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

Mayor Michael Eason, Councilmember Jason Power, Councilmember Caleb Phillips, Councilmember Stephen Tolson, and Councilmember Mark French; being duly sworn, state under oath that the following is true and accurate to the best of their knowledge and belief:

1. The City of Dawsonville Council met in a duly advertised meeting on the March 18, 2019.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 7¹⁰ p.m.
4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law: (check all that apply)

Consultation with the City Attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;

Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(b)(1);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(b)(2);

Other _____ as provided in: _____.

This 18th day of March 2019; By the City of Dawsonville, Mayor and Council:

Mike Eason, Mayor

Caleb Phillips, Councilmember Post #1

Stephen Tolson, Councilmember Post #2

Jason Power, Councilmember Post #3

Mark French, Councilmember Post #4

Sworn to and subscribed before me this
_____ day of _____, 2019.

Signature
Notary Public
My Commission expires:

AN ORDINANCE TO AMEND THE ETHICS CODE OF THE CITY OF DAWSONVILLE SO AS TO CLARIFY THE PURPOSE AND SCOPE OF THE CODE OF ETHICS; TO CLARIFY DEFINITIONS, RESTRICTIONS, CONFLICTS OF INTERESTS, AND PENALTIES APPLICABLE TO CITY OFFICIALS AND CITY EMPLOYEES; TO CLARIFY THE RESTRICTIONS ON OUTSIDE EMPLOYMENT; TO PROVIDE FOR THE QUALIFICATION OF MEMBERS TO THE ETHICS BOARD; TO PROVIDE FOR ALTERNATIVE MEANS OF REMOVAL OF OFFICERS AS PROVIDED FOR IN THE CITY CHARTER; TO PROVIDE THE PROCEDURE FOR HEARING COMPLAINTS REGARDING CITY OFFICIALS, INCLUDING THE FILING OF COMPLAINTS, THE SERVICE OF COMPLAINTS, AND THE PROCEDURE FOR HEARINGS; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Dawsonville find that the adoption of an amended Ethics Code is proper and appropriate to govern the conduct of its employees and officials in accordance with being a City of Ethics as designated by the Georgia Municipal Association;

WHEREAS, an Ethics Code and Ethics Board to administer it provide for accountability to the citizens of the City of Dawsonville; and

WHEREAS, the City Council desires to update its Code of Ethics to be consistent with the City charter, state law, and other ordinances of the City of Dawsonville.

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

SECTION 1.

The reservation of sections 2-84 through 2-109 of Article III, Division 2 is hereby repealed.

SECTION 2.

Sections 2-87 through 2-109 of Article III, Division 2 are hereby reserved.

SECTION 3.

Article III, Division 2 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing the existing Sections 2-75 through 2-81 in their entirety and adopting new Sections 2-75 through 2-86 as follows:

Sec. 2-75. – Declaration of policy; scope.

(a) It is the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its

government. In recognition of these goals, a code of ethics for all city officials is adopted. This code has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the city;
- (3) To require disclosure by such officials of private financial or other interest in manners that affect the city; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(b) However, the provisions of this code of ethics shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns which are governed by state law.

(c) The provisions of this code of ethics shall be applicable to all elected or appointed city officials as well as to city employees as set forth hereunder.

(d) Notwithstanding any provision herein to the contrary, state law and the City Charter shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the City Charter.

Sec. 2-76. – Definitions.

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

(1) City official, unless otherwise expressly defined does not include city employees but does mean all persons elected or appointed to be a city official, including the mayor, members of city council, municipal court judges, city manager, city clerk, and all other persons holding positions designated by the city charter, as amended. The term "city official" also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.

(2) *Decision* means any ordinance, resolution, contract, franchise, formal action, or other matter voted on by the city council or other city board, commission, or authority, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.

(3) *Employee* shall be any person who is a fulltime or part-time employee of the City of Dawsonville.

(4) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son, or daughter of any city official related by blood, adoption, or marriage. The relationship by marriage shall include in-laws.

(5) *Government* or *city* shall be construed to mean the City of Dawsonville, Georgia, government.

(6) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(a) The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(b) The person received funds from the other person or entity during the previous twelve month period, which equals or exceeds \$5,000.00 in salary, bonuses, commission, or professional fees, \$5,000.00 in payment for goods, products, or services, or ten percent of the recipient's gross income during that same period, whichever is less; or

(c) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or

(d) The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2-77. – Restrictions on city officials.

The city code of ethics places the following restrictions on city officials:

(a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

(b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself or herself from such discussion or vote as applicable.

(c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.

(d) No city official shall directly or indirectly receive or agree to receive in any given month, any compensation, gift, reward, or gratuity, in any matter or proceeding connected with, or related to, the duties of his office that is in excess of the monthly compensation provided for in the Charter or Ordinances of the City of Dawsonville, except as may be provided by law, or that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally or to prohibit city officials from engaging in regular conduct of their private life that can be reasonably interpreted as disconnected from their public duties.

(e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.

- (1) This prohibition shall not be applicable to the professional activities for the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
- (2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected, including, by way of example, a city manager, city administrator, or city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from a person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself or herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment, or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage, or favor, beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit other to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amount to a substantial interest.
- (n) A city official shall not order any goods and service for the city without prior authorization for such expenditure. No city official shall attempt to obligate the city or give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw or seek payment of travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Dawsonville nor shall any city official engage in ex parte

communication with a municipal court judge of the City of Dawsonville on any matter pending before the Municipal Court of the City of Dawsonville.

Sec. 2-78. – Conflict of interest for city officials.

(a) A city official may not participate in a vote or decision on a matter affecting an immediate family or any person, entity, or property in which the official has a substantial interest.

(b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.

(c) A city official may not participate in a vote or decision on a matter in a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties.

Sec. 2-79. – Restrictions on employees; conflicts of interest; general ethics.

The city code of ethics places the following restrictions on employees:

(a) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(b) Public property shall be disposed of in accordance with state law.

(c) Acceptance of gifts, gratuities, special privileges:

(1) Employees shall not accept any gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally or to prohibit employees from accepting loans from regular lending institutions. It is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(2) Employees shall not use or attempt to use their positions to secure economic benefit or advantages, special privileges or exemptions for themselves or others including the use of knowledge obtained by through their employment or by virtue of their positions.

(3) Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

(4) Employees shall not accept payment from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.

(d) *Proprietorship of creations.* All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours of through the use of city facilities or equipment or at the request of the city shall be and become the sole property of the city.

(e) *Confidential information.* Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

(f) *Conflict of interest.*

(1) If an employee of the city is an officer, director, agent or member of, or owns interest any entity which is subject to the regulation of, or which has financial commitments with the city, they shall file a sworn statement to this effect with the city clerk.

(2) Employees shall not transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns a controlling interest, excluding civic, charitable or religious organizations.

(3) Employees shall not have a personal investment in any enterprise which will create a conflict or a perceived conflict between their private interest and the public interest.

(g) *Political activity.*

(1) No person employed by the city shall either publicly or otherwise hold himself out as a candidate in any city election while holding employment with the city.

(2) City employees shall not take part in any political management or political campaigns in election of mayor or any member of the city council during any period of time for which he is expected to perform work or receive compensation from the city.

(3) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party or candidate from any employee during his hours of duty, service, or work with the city.

(4) Employees shall not represent the city by wearing any uniform or portion thereof that is issued by the city while he is participating in any campaign at any time.

(5) The city in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.

(6) Employees shall not utilize any city equipment or vehicles in support of any political campaign.

(h) Failure to comply with the provisions of this section will result in disciplinary action in accordance with the city personnel policy.

Sec. 2-80. – Outside employment for employees.

(a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service or the operation of the city. Standards by which some employment is not acceptable include, but is not limited to:

(1) Illegal activity;

(2) Employment that by virtue of association will reflect upon the reputation of the city;

(3) High hazard or fatiguing work which might detract from or reduce city performance.

(b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from the city manager on request forms which indicate the name of the outside employer, the nature of the work, hours of work, address and telephone number where the employee can be reached. Such information will become a part of the employee's official personnel record. Employees are required to obtain approval from the city manager for any change in any previously approved outside employment request.

(c) Any employee accepting or engaging in outside employment under the terms of this section shall make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the department head or the city manager shall determine that the employee's services are necessary.

(d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the city's worker's compensation program.

(e) Failure to comply with the provisions of this section will result in disciplinary action in accordance with the city personnel policy.

Sec. 2-81. – Ethics Board.

(a) The Ethics Board shall consist of three persons. At least two members shall be residents of the City of Dawsonville. One member shall be appointed by the mayor, one member shall be appointed by the city council, and one member shall be appointed by the two above named Board members subject to approval by a majority of the city council. One of the three members of the Ethics Board shall be a member in good standing of the State Bar of Georgia and a resident of Dawson County.

(b) All members shall serve two-year terms.

(c) Members of the Ethics Board with any permit or rezoning application pending before the city, or with any pending or potential litigation against the city or the city official charged in the complaint shall be disqualified from serving on the Ethics Board for that complaint. An alternate member shall be selected by the two remaining members and approved by a majority of the council to replace the disqualified individual.

(d) Members of the Ethics Board may be removed by majority vote of the city council.

Sec. 2-82. – Receipt of ethics complaints.

(a) All ethics complaints against city officials shall be filed in writing with the Ethics Board on forms created and maintained by the City Clerk.

(b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this Article III, Division 2.

(c) Upon receipt of a complaint in proper form, the City Clerk shall serve a copy of the complaint to the Ethics Board and to the city official or officials charged in the complaint within no more than seven (7) calendar days from receipt of the complaint. Service may be by personal service, by certified mail, return receipt requested, or by statutory overnight delivery.

(d) Upon receipt of a complaint in proper form, the Ethics Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The Ethics Board shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant. For complaints not dismissed, the Ethics Board shall be empowered to collect evidence and information concerning any complaint in a hearing and to add the findings and results of its hearing to the file containing such complaint.

(e) Upon completion of the hearing of a complaint, the Ethics Board shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant.

(f) The ethics committee shall be empowered to conduct investigations, to take evidence and hold hearings where provided for in the rules.

(g) The Ethics Board shall be empowered to adopt forms for formal complaints, subpoenas, notices, applications for reinstatement and any other written instruments necessary or desirable within its jurisdiction.

(h) The findings of the Ethics Board shall be submitted to the city council for action.

(i) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently

serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-83. – Ethics hearings.

(a) The Ethics Board shall hold a hearing on a complaint within sixty (60) days of the filing of the complaint with the city clerk. The hearing shall be conducted in accordance with the procedures and regulations that the Ethics Board establishes; provided, however, that at least one hearing shall include the taking of testimony and the cross-examination of available witnesses in accordance with due process.

(b) The city official who is the subject of the complaint and inquiry shall have the right to written notice of the hearing and allegation at least seven (7) days prior to the first hearing date, to be represented by counsel, to hear and examine the evidence and witnesses, and to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have the right to submit, but shall not be required or obligated to submit, evidence and call witnesses.

(c) Any failure to strictly comply with any of the time deadlines in this section shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Ethics Board or the city council to act upon any complaint.

Sec. 2-84. – Ethics Board determination, recommendation, and alternative actions.

(a) Within seven (7) days of the final hearing held on a complaint, the Ethics Board shall render its decision on the proposed action to be taken regarding the city official by majority vote.

(b) Within seven (7) days of rendering of its decision, the Ethics Board shall provide its written recommendation for action to be taken regarding the city official to the Mayor and Council. This recommendation for action may include, but is not limited to, public reprimand of the official, censure of the official, request for resignation of the official, requiring repayment of any misappropriated funds or assets, removal of the official or such other action that the Ethics Board deems is appropriate to serve the ethical goals of this ordinance.

(c) Notwithstanding subsection (b), if removal is the recommended course of action proposed by the Ethics Board, the Ethics Board may alternatively, upon a majority vote, file a complaint and commence an action for removal of the city official in the Superior Court of Dawson County.

(d) The Ethics Board shall retain the right to file a complaint and commence an action for removal of the city official in the Superior Court of Dawson County, even if the original determination of the board is only to recommend removal to the Mayor and Council. In the event that the Mayor and Council either elects to take no action on the recommendation for removal or fails to take action on the recommendation for removal by initiating proper removal proceedings within thirty (30) days, the Ethics Board may convene a special meeting at the call of either the chairman or the two members of the Board for the purpose of determining whether to take further action on its original recommendation for removal by filing a complaint and commencing an action for removal of the city official in the Superior Court of Dawson

County. Such subsequent filing of a complaint and commencement of an action for removal must be supported by a majority vote of the Board.

Sec. 2-85. – Right to appeal.

(a) Any city official or complainant adversely affected by the findings or recommendations of the Ethics Board and the subsequent decision by the city council may obtain judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Dawson County within thirty (30) days after the decision of the city council on the findings or recommendations of the Ethics Board.

Sec. 2-86. – Penalty.

Any person violating any provision of this article shall be subject to a public reprimand or censure by the city council, a request for resignation by the city council, repayment of any funds or assets misappropriated from the city, and/or removal proceedings by the city council or the Superior Court of Dawson County, as provided for in the Charter of the City of Dawsonville.

SECTION 4.

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

SECTION 5.


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

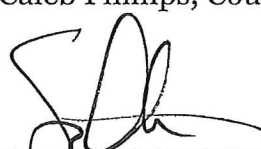
SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 18 day of March, 2019.

MAYOR AND DAWSONVILLE CITY COUNCIL

By:


Mike Eason, Mayor


Caleb Phillips, Councilmember Post 1

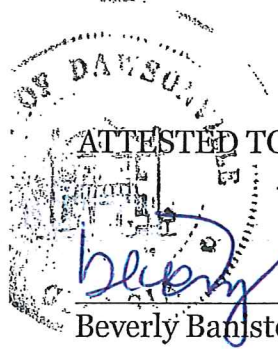

Stephen Tolson, Councilmember Post 2



Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4



ATTESTED TO BY:



Beverly Banister, City Clerk

ETHICS RESOLUTION OF THE CITY OF DAWSONVILLE

WHEREAS, the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS, the City of Dawsonville is an existing Certified City of Ethics and wishes to be recertified as a Certified City of Ethics under the GMA Program; and,

WHEREAS, the City of Dawsonville has had an Ethics Ordinance in place since 2000; and,

WHEREAS, the City of Dawsonville most recently amended its Ethics Ordinance on March 18, 2019, and the same being codified at Sections 2-75 through 2-86 of Chapter II, Article III, Division 2 of the Code of the City of Dawsonville, Georgia; and,

WHEREAS part of the recertification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Dawsonville, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

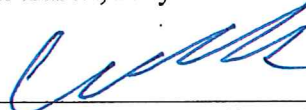
- * Serve Others, Not Ourselves
- * Use Resources With Efficiency and Economy
- * Treat All People Fairly
- * Use The Power of Our Position For The Well Being Of Our Constituents
- * Create An Environment Of Honesty, Openness And Integrity

RESOLVED this 18 day of March 2019.

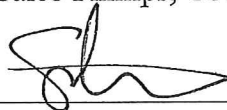
By: MAYOR AND DAWSONVILLE CITY COUNCIL



Mike Eason, Mayor



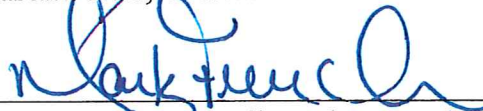
Caleb Phillips, Councilmember Post 1



Stephen Tolson, Councilmember Post 2



Jason Power, Councilmember Post 3



Mark French, Councilmember Post 4



ATTESTED TO BY:


Beverly Banister, City Clerk



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

SUBJECT: APPROVE ANIMAL CONTROL INTERGOVERNMENTAL AGREEMENT (IGA)

CITY COUNCIL MEETING DATE: 04/08/2019

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 APPROVE ANIMAL CONTROL IGA WITH DAWSON COUNTY AND DAWSON COUNTY HUMANE SOCIETY

HISTORY/ FACTS / ISSUES:

PROVISION IN THE STATE OF GEORGIA CONSTITUTION REFERENCED IN THE AGREEMENT IS ATTACHED FOR YOUR REVIEW

OPTIONS:

RECOMMENDED SAMPLE MOTION:

PRESENTED BY: Dana Miles, City Attorney/Trampas Hansard Public Works Operations Manager

AGREEMENT FOR ANIMAL CONTROL ENFORCEMENT

STATE OF GEORGIA COUNTY OF DAWSON

This Agreement is hereby made and entered into effective the ____ day of _____, 2019 between the CITY OF DAWSONVILLE, GEORGIA (hereinafter referred to as "CITY"), DAWSON COUNTY, GEORGIA (hereinafter referred to as "COUNTY"), and the DAWSON COUNTY HUMANE SOCIETY, INC. (hereinafter referred to as "HUMANE SOCIETY") for the purpose of providing and maintaining Animal Control code enforcement and related services within the CITY and COUNTY. The parties hereto hereby agree as follows:

WHEREAS, the Constitution of the State of Georgia provides, in Article IX, Section III, Paragraph I, subparagraph (a), that any county or municipality of the State of Georgia may contract for any period not exceeding 50 years, with each other or with any other public agency, public corporation, or public authority for the provision of services, or for the joint or separate use of facilities or equipment when such contracts deal with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide; and

WHEREAS, the CITY provides Animal Control Services within the CITY and the COUNTY provides Animal Control Services in the COUNTY outside of the CITY limits and inside the City limits consistent with this Agreement; and

WHEREAS, animal control services provided by the COUNTY are paid for, in full or in part, by ad valorem taxes paid to the COUNTY by land owners in the CITY and in the COUNTY; and

WHEREAS, the HUMANE SOCIETY is a non-profit entity that operates an

animal shelter in the COUNTY that is funded in part by the COUNTY for the provision of animal control services; and

WHEREAS, the HUMANE SOCIETY animal shelter is the only receiving facility in Dawson County to receive homeless and misplaced animals from Dawson County Animal Control; and

WHEREAS, the HUMANE SOCIETY is a “no kill” shelter established on the principle that there is no reason for a healthy animal to be euthanized in Dawson County;

WHEREAS, the COUNTY and the CITY both acknowledge receiving substantial benefits under this Agreement; and

WHEREAS, the parties hereto have determined that this Agreement serves the best interest of all parties and best serves the health, welfare, and safety of the residents and businesses located within the geographical confines of the CITY and COUNTY.

NOW, THEREFORE, in consideration of the promises set forth and the mutual promises hereby made, the covenants and conditions set forth herein, and in consideration of the terms of this Agreement as a whole, the parties hereby agree as follows:

1.

REVOCATION OF PRIOR AGREEMENT(S): The parties hereby revoke any prior intergovernmental agreements related to the provision of animal control services within CITY and COUNTY.

2.

TERM OF CONTRACT: This contract shall become effective on execution by the parties and shall continue in full force and effect until its expiration or termination in accord with the terms herein below.

3.

ANIMAL CONTROL SERVICES TO BE PERFORMED BY THE CITY: Subject to its obligations as specifically set forth in this Agreement, the CITY shall perform the following services for the benefit of the residents and businesses of the CITY:

- a) Provide Animal Control services within the corporate limits of the CITY, as set forth in the CITY animal control ordinance.
- b) Provide services for the care of injured animals located in the CITY as set forth in the CITY animal control ordinance.
- c) Enforce throughout the corporate limits of the CITY the provisions of the CITY animal control ordinance, as amended from time to time.
- d) Make reasonable efforts to identify the owner of any animal it impounds and return the animal to its owner in accordance with state law and/or the CITY animal control ordinance.
- e) All tickets issued for violations of CITY ordinances related to Animal Control shall be returned to the City Court. All fines received by the City Court for Animal Control violations shall go to the CITY.

4.

ANIMAL CONTROL SERVICES TO BE PERFORMED BY THE COUNTY: The COUNTY shall perform the following services for the benefit of the residents and businesses of the COUNTY outside of the CITY limits:

- a) Provide Animal Control services in the COUNTY outside of the corporate limits of the CITY, as set forth in the COUNTY animal control ordinance.
- b) Provide services for the care of injured animals through the HUMANE SOCIETY or other third party provider(s) (who shall be a licensed and

practicing veterinarian in Dawson County) chosen by the COUNTY.

- c) Enforce throughout the COUNTY excluding the corporate limits of the CITY the provisions of the COUNTY animal control ordinance, as amended from time to time.
- d) Make reasonable efforts to identify the owner of any animal it impounds and return the animal to its owner in accordance with state law and/or the COUNTY animal control ordinance.
- e) All tickets issued for violations of COUNTY ordinances related to Animal Control shall be returned to the Magistrate Court. All fines received by the Magistrate Court for Animal Control violations shall go to the COUNTY.

5.

TRANSFER OF CITY-IMPOUNDED ANIMALS TO DAWSON COUNTY

HUMANE SOCIETY: The CITY and COUNTY shall care for CITY-impounded animals as follows:

- a) The CITY shall temporarily maintain each CITY-impounded animal at the CITY's own facility while an attempt is made to contact the animal's owner and make arrangements for owner pick-up. If it is not possible to immediately identify and contact the animal's owner or if the animal's owner fails or refuses to pick-up the animal within 48 hours, the CITY shall then notify both the Dawson County Marshal's Office and the HUMANE SOCIETY to arrange for COUNTY pickup of the animal. The CITY shall allow two business days for COUNTY pick-up following notification (not counting the day of notification). If the COUNTY does not pick up the animal by 5pm on the second business day after initial notice, the CITY may

dispose of the animal in accordance with its animal control ordinance and state law.

- b) After picking up any animal from the CITY pursuant to paragraph (a) above, the COUNTY shall deliver the animal to the HUMANE SOCIETY for care and treatment, under the conditions outlined in a separate agreement between the COUNTY and HUMANE SOCIETY. The COUNTY shall, for the benefit of all residents and businesses in the COUNTY (including those in the CITY limits), be responsible for all of its own costs in picking up animals from the CITY, and the COUNTY shall be responsible for paying all costs or fees charged by the HUMANE SOCIETY for animal shelter services provided to animals transported from the CITY to the HUMANE SOCIETY.
- c) The foregoing paragraphs (a) and (b) will not apply to dogs confiscated by the CITY under its dangerous and vicious dog ordinance.
- d) If, due to conditions such as extreme temperatures, lack of space at CITY facilities, or animal sickness or injury, the well-being of an animal would be substantially impacted by delay, the CITY shall request immediate or same-day transportation of the animal to the HUMANE SOCIETY. The COUNTY shall exercise good-faith efforts to comply with such a request.
- e) The CITY shall not “rehome” (adopt out) any impounded animals instead of arranging for transportation to the HUMANE SOCIETY.
- f) The HUMANE SOCIETY shall be authorized to charge its standard fees as a condition of redemption of any animal transferred from the CITY. The HUMANE SOCIETY shall impose a schedule of progressively increasing

fees for redemption of animals brought repeatedly to the shelter.

- g) To the extent the COUNTY's care for CITY-impounded animals may be deemed the provision of animal control services within the boundaries of the CITY, the CITY hereby consents to the provision of these limited services for purposes of Article IX, Section II, Paragraph III(b) of the Georgia Constitution.

6.

COMPENSATION: The COUNTY and the CITY both acknowledge receiving substantial benefits under this Agreement for animal control enforcement as set forth herein.

7.

SEPARATE AGREEMENT: The COUNTY and the HUMANE SOCIETY may enter into such separate agreement, if any, as they deem necessary apart from this Agreement so long as any such separate agreement does not conflict with any of the terms or conditions of this Agreement.

8.

OBLIGATIONS OF THE CITY: The CITY shall devote sufficient time and effort to perform the services described in this Agreement and shall supply all tools, equipment, manpower, instruments, and other equipment required to perform the services set forth herein within the corporate limits of the CITY.

9.

OBLIGATIONS OF THE COUNTY: The COUNTY shall devote sufficient time and effort to perform the services described in this Agreement and shall supply all tools, equipment, manpower, instruments, and other equipment required to perform the services set forth herein outside of the corporate limits of the CITY. The COUNTY agrees

to pay such costs or fees as may be negotiated between it and the HUMANE SOCIETY from time to time for Animal Shelter services provided on animals impounded and transferred to the HUMANE SOCIETY from the CITY and the COUNTY.

10.

OBLIGATIONS OF HUMANE SOCIETY: The HUMANE SOCIETY shall immediately accept any and all cats and dogs impounded by the CITY and the COUNTY that they transfer to the HUMANE SOCIETY for further housing and or placement. The HUMANE SOCIETY shall not charge the CITY for the transfer, acceptance, and/or further housing of any animal transferred under this Agreement. The HUMANE SOCIETY may charge the COUNTY for the animal shelter services provided to animals transferred from the CITY and the COUNTY in such amounts as may be negotiated from time to time between the COUNTY and the HUMANE SOCIETY.

11.

TERMINATION OF AGREEMENT: Any party may terminate this Agreement at the end of each calendar year by providing written notice to the other party no later than October 1 of each calendar year. If one party terminates, the Agreement shall terminate as to all three parties. If this Agreement is not terminated in accord with the terms hereof, then the parties hereto hereby consent and agree that the Agreement shall be renewed annually beginning January 1, 2020 and for a period of five (5) years thereafter.

12.

ENTIRE AGREEMENT: This Agreement supersedes any and all Agreements, both oral and written, between the parties hereto regarding the rendering of animal control and related services, and is the entire agreement between the parties. Each party acknowledges that no representation, inducement, promise, or agreement (written or

oral) has been made by any party or by anyone acting on behalf of a party that is not embodied in this Agreement. Any modification of this Agreement shall be effective only if any such modification is in writing and properly executed by the parties hereto.

13.

ADDITIONAL INSTRUMENTS: The parties hereby agree to properly and promptly endorse, execute, and deliver any instrument or document necessary from time to time to effectuate the provisions of this Agreement.

14.

AUTHORITY: The undersigned parties agree that each party has the authority and permission to execute this Agreement and that this Agreement has been approved by the CITY Council, the COUNTY Commission and the HUMANE SOCIETY Board of Directors. Further, the parties hereto hereby agree and acknowledge that each respective entity shall be responsible for its obligations as set forth herein.

15.

DISCLOSURE AND VOLUNTARY EXECUTION: Each party hereby declares that the foregoing Agreement has been read and each party declares a full understanding of the meaning and implication of each term, condition, promise, covenant, and representation. The parties hereto acknowledge that this Agreement is not the result of any fraud, duress, or undue influence, and each party acknowledges that the execution of this Agreement is a voluntary act that is free of any coercion or duress.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the date(s) set forth below with an effective date of the last to sign.

[SIGNATURES PROVIDED ON THE FOLLOWING PAGE]

DAWSON COUNTY, GEORGIA

ATTEST:

**Billy Thurmond, Chairman
County Board of Commissioners**

Kristen Cloud, County Clerk

DATE: _____ , 2019.

[COUNTY SEAL]

CITY OF DAWSONVILLE, GEORGIA

ATTEST:

Mike Eason, Mayor

Beverly Banister, City Clerk

DATE: _____ , 2019.

[CITY SEAL]

**DAWSON COUNTY HUMANE
SOCIETY, INC.**

ATTEST:

President

Corporate Secretary

DATE: _____ , 2019.

[CORPORATE SEAL]

West's Code of Georgia Annotated
Constitution of the State of Georgia
Article IX. Counties and Municipal Corporations (Refs & Annos)
Section II. Home Rule for Counties and Municipalities (Refs & Annos)

GA CONST Art. 9, § 2, ¶ III

Paragraph III. Supplementary powers

Currentness

(a) In addition to and supplementary of all powers possessed by or conferred upon any county, municipality, or any combination thereof, any county, municipality, or any combination thereof may exercise the following powers and provide the following services:

(1) Police and fire protection.

(2) Garbage and solid waste collection and disposal.

(3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and animal control.

(4) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads constructed by counties and municipalities or any combination thereof.

(5) Parks, recreational areas, programs, and facilities.

(6) Storm water and sewage collection and disposal systems.

(7) Development, storage, treatment, purification, and distribution of water.

(8) Public housing.

(9) Public transportation.

(10) Libraries, archives, and arts and sciences programs and facilities.

(11) Terminal and dock facilities and parking facilities.

(12) Codes, including building, housing, plumbing, and electrical codes.

(13) Air quality control.

(14) The power to maintain and modify heretofore existing retirement or pension systems, including such systems heretofore created by general laws of local application by population classification, and to continue in effect or modify other benefits heretofore provided as a part of or in addition to such retirement or pension systems and the power to create and maintain retirement or pension systems for any elected or appointed public officers and employees whose compensation is paid in whole or in part from county or municipal funds and for the beneficiaries of such officers and employees.

(b) Unless otherwise provided by law,

(1) No county may exercise any of the powers listed in subparagraph (a) of this Paragraph or provide any service listed therein inside the boundaries of any municipality or any other county except by contract with the municipality or county affected; and

(2) No municipality may exercise any of the powers listed in subparagraph (a) of this Paragraph or provide any service listed therein outside its own boundaries except by contract with the county or municipality affected.

(c) Nothing contained within this Paragraph shall operate to prohibit the General Assembly from enacting general laws relative to the subject matters listed in subparagraph (a) of this Paragraph or to prohibit the General Assembly by general law from regulating, restricting, or limiting the exercise of the powers listed therein; but it may not withdraw any such powers.

(d) Except as otherwise provided in subparagraph (b) of this Paragraph, the General Assembly shall act upon the subject matters listed in subparagraph (a) of this Paragraph only by general law.

Credits

Formerly 1976 *Const.*, Art. IX, § IV, ¶ II; 1945 *Const.*, Art. XI, § III, ¶ I, Art. XV, § II-A, ¶ III.

Notes of Decisions (113)

GA CONST Art. 9, § 2, ¶ III, GA CONST Art. 9, § 2, ¶ III

The statutes and Constitution are current through Act 1 of the 2019 legislative session. The statutes are subject to changes by the Georgia Code Commission.



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

SUBJECT: GEORGIA STATE PATROL FLASHLIGHT RESOLUTION

CITY COUNCIL MEETING DATE: 04/08/2019

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 PRESENT AND APPROVE A RESOLUTION FOR FLASHLIGHTS DONATED BY THE CITY TO THE GEORGIA STATE PATROL AND TO APPROVE THE PURCHASE

HISTORY/ FACTS / ISSUES:

PURCHASE OF FLASHLIGHTS TO BE PAID FROM EITHER PUBLIC WORKS EXTRA FUNDS FROM THE GENERAL FUND OR GENERAL FUND RESERVES

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager/Jason Power, Councilmember

**GEORGIA STATE PATROL FLASHLIGHT RESOLUTION
OF THE CITY OF DAWSONVILLE**

WHEREAS, the Georgia State Patrol, a state agency, provides public health, safety, and welfare services within the corporate limits of the City of Dawsonville; and,

WHEREAS, in order to effectively carry out their duties, obligations, and services, the Georgia State Patrol officers require the use of properly maintained specialty equipment, such as flashlights; and,

WHEREAS, many Georgia State Patrol officers that service the City of Dawsonville have resorted to expending personal funds to purchase said specialty equipment; and,

WHEREAS, the Mayor and City Council of the City of Dawsonville, Georgia, are charged with the protection and maintenance of the public health, safety, and welfare of those within the corporate limits of the City of Dawsonville; and,

WHEREAS, the services rendered by the Georgia State Patrol are a substantial benefit to the City of Dawsonville; and,

WHEREAS, the Mayor and City Council wish to assist officers and the Georgia State Patrol in effectively carrying out their duties to provide for the public health, safety, and welfare of the citizens of the City of Dawsonville.

NOW, THEREFORE, BE IT RESOLVED by the governing authority of the City of Dawsonville, Georgia, that the City of Dawsonville shall provide thirteen sets of rechargeable flashlights, chargers, and one additional battery pack at a total cost of Five Hundred Ninety-Seven Dollars and 76/100 (\$597.76) to the Georgia State Patrol and its officers that service the corporate limits of the City of Dawsonville, in recognition of the substantial benefit that said officers provide to the Citizens of the City of Dawsonville, and in an effort to assist said officers in effectively carrying out their duties in providing for the public health, safety, and welfare of the citizens of the City of Dawsonville.

RESOLVED this _____ day of April 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 # 9

SUBJECT: EMPLOYEE OF THE QUARTER

CITY COUNCIL MEETING DATE: 04/08/2019

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 RECOGNIZE AND PRESENT THE EMPLOYEE OF THE QUARTER AWARD

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 10

SUBJECT: ETHICS BOARD APPOINTMENTS

CITY COUNCIL MEETING DATE: 04/08/2019

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 APPOINT ETHICS BOARD MEMBERS AS CHOSEN BY THE MAYOR AND COUNCIL IN ACCORDANCE WITH SEC. 2-81 OF THE ORDINANCE.

HISTORY/ FACTS / ISSUES:

- **AMENDED ETHICS ORDINANCE PASSED 03/18/2019**
- **DEVELOPMENT OF ETHICS BOARD DISCUSSED DURING THE MEETING OF 03/18/2019**

Sec. 2-81. – Ethics Board.

- (a) The Ethics Board shall consist of three persons. At least two members shall be residents of the City of Dawsonville. One member shall be appointed by the mayor, one member shall be appointed by the city council, and one member shall be appointed by the two above named Board members subject to approval by a majority of the city council. One of the three members of the Ethics Board shall be a member in good standing of the State Bar of Georgia and a resident of Dawson County.
 - (b) All members shall serve two-year terms.
 - (c) Members of the Ethics Board with any permit or rezoning application pending before the city, or with any pending or potential litigation against the city or the city official charged in the complaint shall be disqualified from serving on the Ethics Board for that complaint. An alternate member shall be selected by the two remaining members and approved by a majority of the council to replace the disqualified individual.
 - (d) Members of the Ethics Board may be removed by majority vote of the city council.
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RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 11

SUBJECT: WATER AND SEWER TAP FEES

CITY COUNCIL MEETING DATE: 04/08/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

CONSIDERATION OF WATER AND SEWER TAP FEES AS RECOMMENDED BY GBT ENGINEERS

HISTORY/ FACTS / ISSUES:

- **WATER AND SEWER RATE STUDY COMMISSIONED BY COUNCIL ON 09/24/2018**
- **RATE STUDY INFORMATION AND PROPOSED FEES PRESENTED TO COUNCIL ON 02/18/2019 AND 03/18/2019**

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Gary Barr, Utilities Director

Current and Proposed Water Tap Fee Comparison

Meter Size	Service	Current Fee	Proposed Fee
.75"	Water	\$2,000.00	\$3,500.00
1.00"	Water	\$2,500.00	\$5,000.00
1.50"	Water	\$5,000.00	\$8,000.00
2.00"	Water	\$8,000.00	\$12,500.00
3.00"	Water	\$12,000.00	\$25,000.00
4.00"	Water	\$20,000.00	\$40,000.00
6.00"	Water	\$35,000.00	\$60,000.00
8.00"	Water	\$60,000.00	\$90,000.00

Note: Tap Sizes 1 1/2" through 8" are plus actual cost of labor and materials if installed by the City

Current and Proposed Sewer Tap Fee Comparison

Meter Size	Service	Current Fee	Proposed Fee
.75"	Sewer	\$4,000.00	\$4,750.00
1.00"	Sewer	\$5,000.00	\$6,750.00
1.50"	Sewer	\$6,000.00	\$9,500.00
2.00"	Sewer	\$10,000.00	\$17,500.00
3.00"	Sewer	\$15,000.00	\$30,000.00
4.00"	Sewer	\$25,000.00	\$50,000.00
6.00"	Sewer	\$40,000.00	\$75,000.00
8.00"	Sewer	\$60,000.00	\$105,000.00

EXHIBIT TWO

PROPOSED WATER AND SEWER TAP FEES

<i>Meter Size</i>	<i>Water Tap Fee</i>	<i>Sewer Tap Fee</i>
¾"	\$3,500	\$4,750
1"	\$5,000	\$6,750
1½"	\$8,000 +	\$9,500
2"	\$12,500 +	\$17,500
3"	\$25,000 +	\$30,000
4"	\$40,000 +	\$50,000
6"	\$60,000 +	\$75,000
8"	\$90,000 +	\$105,000

(+) Plus actual cost of labor and materials if installed by City

Proposed Effective Date: April 1, 2019

Prepared by:
Turnipseed Engineers
Atlanta, Georgia



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12

SUBJECT: INTRODUCTION OF VAPING AND TOBACCO USE ORDINANCE

CITY COUNCIL MEETING DATE(S): 04/08/2019

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:

INTRODUCTION OF DRAFT VAPING/TOBACCO USE ORDINANCE PRESENTED FOR REVIEW AND COMMENT

HISTORY/ FACTS / ISSUES:

CONCERNS AROSE FROM A RECENT STUDENT VAPING ISSUE WHICH COULD BE MORE OF AN ISSUE ONCE THE FARMER'S MARKET AND PARK OPEN; MAYOR EASON REQUESTED AN ORDINANCE BE DRAFTED.

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

First Reading: _____

Second Reading: _____

Passed: _____

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO REGULATE THE USE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, VAPE JUICE, VAPOR PRODUCTS, AND NON-TRADITIONAL TOBACCO PARAPHERNALIA, AND OTHER SIMILAR PRODUCTS; TO REGULATE VAPE SHOPS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, and pursuant to O.C.G.A. § 36-35-3(a), the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council of Dawsonville, Georgia (hereinafter “the City”) desire to identify and adopt rules and regulations to protect the public health, safety and welfare; and

WHEREAS, the unregulated sale of nicotine vapor products is a threat to the public health, safety, and welfare of citizens of the City of Dawsonville; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City of Dawsonville, Georgia, the Mayor and City Council desire to exercise their authority to adopt this ordinance; and

WHEREAS, Federal Public Law 92-544 provides for national fingerprint-based criminal history record checks for licensing purposes by governmental entities; and

WHEREAS, O.C.G.A. § 35-3-35 (a)(1) provides that local governing authorities may require, by ordinance, the fingerprinting of applicants or licensees for state and national criminal history record information of said applicants or licensees; and

AND WHEREAS, the adoption of this ordinance would authorize the City, the City’s Planning and Zoning Department, and their authorized designees to receive criminal history record information from both the Georgia Crime Information Center (hereinafter “GCIC”) and Federal Bureau of Investigation (hereinafter “FBI”) for applicants desiring to obtain a license and/or permit to operate a vapor shop; and

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

SECTION 1.

Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing inserting a new Article X as follows:

ARTICLE X. – TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, NON-TRADITIONAL TOBACCO PRODUCTS, AND VAPOR PRODUCTS

DIVISION 1. – REGULATION OF VAPE SHOPS

Sec. 8-600. – Definitions.

For the purposes of this section, the following terms shall have the following meanings:

- (1) *"Additional line of devices"* shall refer to the following four separate lines of devices:
 - (a) Grinders;
 - (b) Any storage devices with false or hidden doors or compartments commonly associated with tobacco, vaping, or drug use;
 - (c) Weighing devices commonly associated with tobacco, vaping, or drug use; and
 - (d) Torch lighters;
- (2) *"Alternative nicotine product"* shall mean any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. The term "alternative nicotine product" shall not include any tobacco product, vapor product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.
- (3) *"Applicant"* shall mean all persons who are required to sign an application for a Vape Shop license to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia as set forth herein in section 8-502;
- (4) *"City" or "City of Dawsonville"* shall mean the City of Dawsonville, Georgia;
- (5) *"Director"* shall mean the Director of the City of Dawsonville Department of Planning and Zoning;
- (6) *"Minor"* means any person who is under the age of 18 years.

(7) "*Non-traditional tobacco paraphernalia*" shall mean non-traditional instruments designed to facilitate the smoking, consumption or ingestion of tobacco, nicotine, chemicals, substances, drugs, or other harmful additives in any form (such as bong, hookah pipes, vapor products, or faux jewelry, bracelets, or necklaces commonly associated with tobacco, vaping, or drug use, with one purpose of such items being the inhalation or ingestion of tobacco or drugs); provided, however, that the term "non-traditional tobacco paraphernalia" shall exclude alternative nicotine products, cigarette papers or wrappers, blunt wraps, traditional tobacco pipes (such as brand names Briar and Meerschaum), holders, cigarette rolling machines, or other products, devices, or substances used for the purpose of making tobacco cigarettes;

(8) "*Person*" shall mean and refer to any individual, natural person, partnership, firm, corporation, joint venture, proprietorship, business entity, association, agency, group, organization or group of persons or any other entity;

(9) "*Screened room*" shall mean a room separate from the public sales floor that is completely screened from view by the public such that persons entering into a regulated establishment shall not be able to observe any alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia except after entering the screened room;

(10) "*Tobacco product*" means any cigarettes, cigars, little cigars, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff powder; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. The term "tobacco product" shall not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

(11) "*Tobacco related objects*" means any papers, wrappers, or other products, devices, or substances, including cigar wraps, which are used for the purpose of making cigarettes or tobacco products in any form whatsoever

(12) "*Vape juice*" shall refer to any liquid that contains the compounds identified in section 8-522(a) of these ordinances and can be used for vaping by means of an alternative nicotine product;

(13) "*Vape shop*" shall mean any business whose product line for retail sale includes alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia;

(14) "*Vaping*" shall mean the ingestion or inhalation of vape juice from an alternative nicotine product; and

(15) "*Vapor product*" means any noncombustible product containing nicotine or any other chemical, substance, drug, or other harmful additive that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from said nicotine, chemical, substance, drug, or harmful additive in a solution or other form. The term "vapor product" shall include, but in no way be limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine, chemical, substance, drug, or harmful additive in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term "vapor product" shall not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Sec. 8-601. – License required.

(a) Any person who wishes to operate a Vape Shop or offers for retail sale any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia shall, by June 1st of each year, apply to the City of Dawsonville Planning and Zoning Department for a Vape Shop license and shall pay an annual license fee. The annual license fee shall be as set out in section 2-110 and as modified by the Mayor and City Council from time to time. Any person required to obtain a Vape Shop license and who also offers for sale any additional line of devices shall pay an additional annual license fee as set out in section 2-110, and as modified by the Mayor and City Council from time to time. For the purposes of this section, every person who obtains such a license shall be referred to as a "licensee."

(b) All applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a partnership, then each partner shall sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application for a Vape Shop license is filed on behalf of a corporation, the majority stockholder and each principal officer of the corporation must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a nonprofit tax exempt civic, patriotic, or social club or corporation which is organized and operated in the City as a mutual benefit membership group, the individual being primarily responsible for the club or corporation's compliance with this article must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a private club, then each member of its governing body must sign the application in the presence of a notary public or other officer authorized

to administer oaths. If the application is filed on behalf of a limited liability company, then each member of the limited liability company must sign the application in the presence of a notary public or other officer authorized to administer oaths.

Sec. 8-602. – Application requirements.

(a) All applications shall be accompanied by the following:

(1) A survey (dated no more than 180 days prior to submission of the application to the City), certified by a registered surveyor of this state, showing a scaled drawing of the premises, the location on the premises where the applicant desires to sell any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, and the distance in linear feet measured from the front door of the premise where any alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia is to be sold, to the property line of the tract upon which is located the nearest church building, school building, educational building, school grounds or college grounds, or college campus building.

(i) The distance referred to in this subsection shall be measured in the same manner as required by the section 3-122.

(2) If the applicant is a partnership, a copy of the partnership agreement, including amendments, shall accompany the application.

(3) If the applicant is a corporation, a copy of the articles of incorporation and by-laws, including amendments, shall accompany the application.

(4) If the applicant is a nonprofit tax exempt civic, patriotic or social club or corporation which is organized and operated in the City as a mutual benefit membership group, a copy of the charter or articles of incorporation, as well as sufficient proof of the organization's tax-exempt status shall accompany the application.

(5) If the applicant is a private club, a copy of the articles of incorporation and by-laws, including amendments, shall accompany the application.

(6) If the applicant is a limited liability company, a copy of the operating agreement.

(7) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to

the Federal Bureau of Investigation, as specified under Georgia law. Each person required to sign the application for an original license and/or renewal license, must authorize the City of Dawsonville or its designated representatives to secure from any state, county, municipal or federal court, any police department and/or law enforcement agency his, her or its criminal history and civil history and further authorize the City, its officers and employees to use such information in determining whether or not a license for the sale of any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia will be issued to the applicant. Further, the applicant must authorize the City, its officers and employees to use such information in a public hearing if necessary, to determine whether or not the applicant's license should be denied, voided, cancelled and/or revoked. Each applicant waives any right or rights he, she or it may have under state or federal law, statute and/or court ruling to preclude the City from securing such criminal and/or civil history from any source and waives any right he, she or it may have to preclude the City from using such information publicly in determining whether the license will be issued to such applicant.

(8) The application shall be accompanied by the full amount of the license fee combined with the investigative fee and employee(s) application permit fee(s) as set out in section 2-110, and as modified by the Mayor and City Council from time to time, that may be paid with a check, credit or debit card for each individual fingerprinted. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded to the applicant. All other fees paid to the City which were submitted as part of the application, including, but not limited to the investigative fee and any employee(s) application permit fee(s) shall be retained by the City.

(9) The director may require any additional information and records he reasonably deems necessary. Failure to furnish such data shall automatically serve to deny the application. Any misstatement or concealment of fact in the application shall be grounds for denying a license or revoking an issued license, and shall make the applicant liable to prosecution for perjury under the laws of the State of Georgia.

(10) A valid email address and a valid mailing address that can be used for serving documents upon the applicant.

(11) Each applicant shall certify that applicant has read and understands this article and if the license is granted, each licensee shall maintain a copy of this article on the premises and shall require each of the licensee's employees to be familiar with this article.

(b) No Vape Shop license may be issued to an applicant under the following circumstances:

- (1) An applicant who is not at least 21 years old.
- (2) An applicant who has been convicted under any federal or state law of a felony or any misdemeanor involving the usage, distribution, or possession of controlled substances, alcohol, or offenses involving moral turpitude within a five-year period immediately preceding application. For purposes of this subsection, a "conviction" shall include any plea of guilty or admission of guilt and subsequent sentence under the First Offender Act of O.C.G.A. §§ 42-8-60, 16-13-2 or 3-3-23.1(c), or any similar sentencing provision for first time offenders of any other state or of the United States. A plea of nolo contendere for any felony or misdemeanor of any state or of the United States, or any municipal ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is also considered a conviction under this article.
- (3) An applicant who has been held in civil or criminal contempt by any federal, state or local court if such citation indicates to the Mayor and City Council that the applicant will not maintain the outlet for which the applicant is seeking a license in conformity with federal, state or local laws, rules, and regulations.
- (4) An applicant whom the Director, or the Mayor and City Council, determines, by reason of such applicant's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which the applicant has resided, is not likely to maintain the outlet for which the license is sought in conformity with federal, state, or local laws.
- (5) An applicant who is not the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. The applicant for a Vape Shop license, whether it be an individual, a partnership, a corporation, a nonprofit tax exempt civic, patriotic, or social club, limited liability company, or a private club, shall be the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. If the premises are leased, then the applicant shall provide information regarding the owner or landlord of the premise.
- (6) An applicant or family member (by blood or marriage within the 5th degree) of an applicant who has had a license suspended or revoked, or an applicant who has had an application for a license denied under the provisions of this article within one year from the final date of such denial, suspension or revocation. For purposes of this provision, the final date of a denial of license shall be the date of written notice of such denial if the denial is not appealed; or, if the denial is appealed, the date of written notice of denial of the appeal.

(7) An applicant who seeks to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia in premises that are in or within 100 yards of any church building or in or within 200 yards of any school building, educational building, school grounds, or college campus.

(8) An applicant whose intended sales of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia products at that location will exceed twenty-five percent (25%) of said applicant's aggregate retail sales at that location.

(9) An applicant whom the Director or the Mayor and City Council determines, based upon an investigation into the applicant, the applicant's prior businesses or entities, (whether operating under the same establishment name or not) in the City of Dawsonville or in other jurisdictions, has him or herself, or has engaged employees and/or agents, who have sold cigarettes, tobacco products, tobacco related objects, alternative nicotine products, and/or vapor products in violation of state law or local ordinances, including but not limited to sales to minors.

(9) The City has suspended or revoked a business license and/or Vape Shope license, or any other license issued under this Chapter at the location where the applicant desires to sell any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, within the previous 12 months for a suspension or within the previous 36 months for a revocation, for any reason related to the sale or bartering of cigarettes, tobacco products, tobacco related objects, alternative nicotine products, and/or vapor products.

(c) At the time the applicant makes application for a license, a sign shall be posted and furnished by the Applicant and will be painted or printed in black letters one and one-half inches in height, against a yellow background, on a two-face, back-to-back surface of not less than 24 × 30 inches in space, and shall be placed by the Applicant with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises. The sign shall state clearly the nature and purpose of the application, and the name of the person, partnership, organization, corporation or private club making the application.

Sec. 8-603. – Review and compilation of application by Planning Director.

(a) Once an application, the accompanying documents described in section 8-502, and the required investigative and license fees are submitted, the City shall conduct a criminal investigation of the application and produce a written criminal investigation report concerning all information relating to fingerprinting, criminal history, arrest data, and other matters pertaining to law enforcement. In the event the failure to obtain fingerprinting information from state and federal authorities

delays completion of the written report, the City may later supplement any fingerprinting information. If the fingerprinting information later reveals that the applicant fails to meet the requirements set by this article, this may be grounds for denying the application or revoking a license, despite an otherwise satisfactory written report. Upon production of the criminal investigation report, the Planning Director or his designee shall make a determination as to compliance with the requirements of this article as to the issues contained therein, and shall forward that determination to the Mayor and City Council. The Planning Director shall cause the application forms and all accompanying documents required for consideration of the Application to be assembled for review.

(b) If the criminal investigation report shows that the applicant fails to meet the requirements set by this article, or if the Planning Director finds that the applicant fails to meet other qualifications outlined by this article, then the Planning Director shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his/her right to appeal to the Mayor and City Council in accordance with section 8-502. If an applicant desires to appeal a denial by the Planning Director, the applicant must file a written request for an appeal hearing with the Planning Director within ten (10) business days of the date of the written notice informing the applicant of the denial by the Planning Director.

(c) Any application which the Planning Director determines to satisfy all the qualifications outlined in this article, including character requirements as contained in the criminal investigation report, shall be scheduled for review at the next regularly scheduled meeting of the Mayor and City Council.

Sec. 8-604. – Review by Mayor and City Council.

(a) In making its determination on whether to approve or deny the application, the Mayor and City Council shall look to the qualifications set forth in this article and consider the public interest and welfare. The Mayor and City Council shall have the sole discretion to grant or deny the application based on the information presented. A decision by the Mayor and City Council shall be made at or within thirty (30) days from the date of the City Council meeting, unless the decision is postponed for purposes of the Mayor and City Council obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the Mayor and City Council shall be mailed or emailed to the applicant. In the event the application is denied, written notification of such denial shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal as set forth in section 8-505.

(b) Upon approval by the Mayor and City Council of the application for a license, the Director shall issue a license in accordance with the approved application.

Sec. 8-605. – Appeal of determination by Mayor and City Council.

(a) In the event the Mayor and City Council deny the application for a license, suspend a license, or revoke a license, the applicant for a license or the licensee whose license was suspended or revoked may appeal to the Mayor and City Council for reconsideration of the license denial, suspension or revocation by filing a written request for an appeal hearing with the Director within ten (10) business days of the date of the written notice informing the applicant of the denial, suspension or revocation. Any such appeal hearing shall be conducted according to the procedures set forth in the subsection below.

(1) Upon receipt of a timely appeal (accompanied by a fee as set out in section 2-110, and as modified by the Mayor and City Council from time to time, made payable to the City of Dawsonville, Georgia), the Planning Director shall schedule a hearing before the Mayor and City Council and provide written notice to the applicant of the time, place and date of the scheduled hearing. The Planning Director shall also state in the written notice in reasonable detail the factual basis for the denial of the application or the suspension or revocation of the license. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the Director and the applicant and/or counsel for the applicant.

(2) The Mayor and Council shall have the duty of conducting hearings concerning the timely filed appeal of the denial, suspension, or revocation of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.

(3) At the hearing, the Planning Director or his or her designee shall present the facts upon which the denial, suspension, or revocation of the license were based. After presentation of the case against the Applicant, the Applicant will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The Applicant shall have the right to be represented by an attorney, at the expense of the Applicant, and to present evidence and cross-examine opposing witnesses.

(4) At the conclusion of the hearing, the Mayor and Council shall determine whether the denial, revocation, or suspension of the license was warranted. The findings and conclusions of the Mayor and Council shall be forwarded to the Planning Director and it shall be the duty of the Planning Director to provide written notification to the adverse party of the actions of the Mayor and Council.

(5) The decision of the Mayor and Council shall be final unless appealed to the Superior Court of Dawson County, Georgia, within thirty (30) days of the Director providing written notification to the adverse party of the

decision. Appeal shall be by writ of *certiorari* based upon the record in accordance with O.C.G.A. § 5-4-1.

(6) For purposes of this article, notice shall be deemed delivered when personally served, , or when served by email on the date served or email sent or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.

Sec. 8-606. – Renewal of license.

(a) All licenses granted under this article shall expire on June 30th of each year. An investigative fee as set out in section 2-110, and as modified by the Mayor and City Council from time to time, shall be required for renewal applications pertaining to licenses that are to be issued for odd years in order to complete a criminal history report. In instances where a new, named licensee has been designated, a criminal history report and investigative fee shall be required regardless of the year. Persons holding a license for more than any one establishment and desiring to renew the license for such establishments shall pay only one investigative fee charge. Late applications will begin being processed at the time of receipt, but are not guaranteed renewal prior to July 1st. If an application is submitted after July 31st, a new application shall be required because renewal eligibility will not be considered past this date.

(1) For applications in which there are no changes of information and data contained in the original application, licensees shall file a renewal application accompanied by the requisite license fee with the City upon forms prescribed by the City on or before the second Monday in June of each year without penalty. Applications for renewal filed after the second Monday in June shall be subject to a late charge of ten percent of the license fee.

(2) Renewal Applications must go before the Mayor and City Council for review and approval.

(3) Applicants shall be required to file a new application if changes have occurred in the information and data furnished with the original application. Any changes to an applicant's criminal history will be subject to sections 8-502 through 8-504.

(4) Each application for renewal will show the date of the original application and that the applicant or applicants for the renewal are familiar with applicable Georgia laws and regulations and with the rules and ordinances of the City. The renewal application must be signed and sworn to by all applicants in the presence of a notary public or other officer authorized to administer oaths. The applicant will furnish all information required by the renewal application and failure to furnish the information will be grounds for denying the application. A false statement made on the

renewal application will void the application and shall make the applicant liable to prosecution for false swearing under the laws of the State of Georgia.

(5) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in this article.

Sec. 8-607. – Licenses Non-transferable.

No Vape Shop license shall be transferable, except upon the death of a licensee, at which time such license may be transferred to the administrator, executor, or lawful adult heir or heirs of such deceased person. If the legal representatives of such deceased licensee cannot meet all the requirements of this article when the time arrives to renew the license, it shall not be renewed.

Sec. 8-608. – Suspension, revocation, or forfeiture of license.

(a) Any suspension, revocation, or forfeiture of a license by the Mayor and City Council shall occur only after notice and opportunity for a hearing before the Mayor and City Council consistent with the procedures set for in section 8-505, above, and upon the following occurrences:

(1) Any licensed outlet that is found to be in violation of this article shall be subject to license revocation or suspension and shall also be subject to citation and prosecution as outlined in section 8-505(f).

(2) Every Vape Shop license issued by the City shall be immediately revoked in case of bankruptcy, receivership, levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of nontraditional tobacco paraphernalia.

(3) Except as provided for transfers under section 8-507 above, any change in the ownership of any entity owning a licensed outlet shall cause the Mayor and City Council to immediately revoke any license issued under this article.

(4) All licensees must, within six (6) months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product or products authorized by the said license. Failure to open the outlet and begin the sales referred to within the six-month period, shall cause the Mayor and City Council to immediately revoke the license and no refund of any fees paid pursuant to this article shall be made.

(5) Any licensee who shall for a period of three consecutive months cease to operate the business and sale of the product or products authorized in the said license, shall, after said three months period, cause the Mayor and City

Council to immediately revoke the license, and no refund of any fees paid pursuant to this article shall be made.

(6) A license may be immediately suspended or revoked by the Mayor and City Council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this article.

(7) Whenever the state shall revoke any permit or license to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, as is or may become applicable, the City license shall thereupon be immediately revoked.

(8) The Mayor and City Council shall immediately suspend or revoke the license of any outlet which does not meet the licensing qualifications set forth in this article at any time such knowledge becomes known to the Mayor and City Council.

(9) The Mayor and City Council shall immediately suspend or revoke the license for any business whose retail sales of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia products at that location exceeds twenty-five percent (25%) of said business's aggregate retail sales at that location.

(10) The Mayor and City Council shall immediately suspend or revoke the license for any business engaged in the sale of vape juice containing any other chemical, substance, drug, or other harmful additive other than pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.

(11) The Mayor and City Council shall immediately revoke the license for any premises where alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia have been sold or distributed during a period of suspension.

(12) It shall be a violation of this article for any licensee or any employee or agent of the licensee or licensed establishment to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency. A violation of this subsection shall subject the license to immediate suspension or revocation.

(13) An act or omission of a licensee which constitutes a violation of federal or state law or regulation, relating to the sale of alcoholic beverages, taxes, gambling, violation of the Georgia Controlled Substances Act, or

constitutes a crime of moral turpitude, shall subject the license to immediate suspension or revocation.

(14) Any license shall automatically expire on June 30th of each year unless renewed in accordance with this article.

Sec. 8-609. – General regulation of business operations.

(a) No licensee, employee of any licensee, or other person shall sell or permit to be sold any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia to any person who is a minor (i.e. has not reached the age of eighteen), either directly or indirectly.

(b) Each licensee shall maintain their entire inventory of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia and any additional line of devices in a screened room and shall not allow minors to enter into the screened room nor sell any alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia to any minor. It shall be unlawful for a licensee to allow any item of n alternative nicotine products, vape juice, vapor products, and/or on-traditional tobacco paraphernalia or any additional line of devices to be in view of the public, except during actual sales transactions of such items.

(c) The City of Dawsonville Code Enforcement Officers and the Planning Director (or his/her designee) shall have the authority to inspect the outlet and premises licensed under this article during the hours when the outlet is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this article and state law. This section is not intended to limit the authority of any other municipal, county, state or federal officer to conduct inspections authorized by other provisions of law.

(d) Any license for the sale of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia and any license for the sale of any additional line of devices shall be posted conspicuously in the place of business for which such license is issued.

(e) No tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia shall be sold in premises that are in or within 100 yards of any church building, or on any property owned or leased to a church, or in or within 200 yards of any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education; provided, however, that any premises permitted to sell tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia as of the effective date of this article that is located within such proximity of any church building, school building, educational building, school grounds, or college campus on the effective

tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia in such premises provided that said permit holder remains in compliance with all other provisions of this section and the use of the premises to sell tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia remains ongoing and continuous. If the sale of tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia is discontinued, the grandfather entitlement under this paragraph shall be forfeited.

(f) No licensee shall sell any vape juice that contains any chemical, substance, drug, or other harmful additive other than pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.

Sec. 8-610. – Required signage for vape juice.

(a) All persons or entities selling vape juice in the City shall prominently post a sign on any premises where vape juice is sold stating that the only chemicals authorized to be used in such vape juice are pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.

(b) All persons or entities selling vape juice in the City shall prominently post a sign on any premises where vape juice is sold explaining how to safely use e-batteries for alternative nicotine products.

Sec. 8-611. – Compliance with federal regulations.

All persons or entities selling alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia or any additional line of devices in the City shall comply with all applicable state and federal laws and regulations, as amended, governing the sale and manufacture of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia and additional lines of devices, and all such state and federal laws and regulations, as amended, are hereby incorporated by reference into this section. Persons or entities who are registered to mix vape juice with the United States Food and Drug Administration shall be allowed to mix vape juice in the City and shall maintain documentation reflecting such registration at all times on the premises where vape juice is mixed.

Sec. 8-612. – Enforcement.

(a) Any violation of this acticle, excluding sales to underage persons, shall subject the licensee to the following progressive actions by the Mayor and City Council, except for those violations and occurrences set forth in section 8-508 above that provide for immediate suspension or revocation upon notice and hearing:

(1) The first violation shall result in a warning or a license suspension for a period of up to sixty (60) days.

(2) The second violation within a consecutive 24-month period shall be punished as provided in section 1-8 and shall result in a license suspension for a period of not less than sixty (60) days nor more than ninety (90) days.

(3) The third violation within a consecutive 24-month period shall result in license revocation.

(b) Sales to underage persons shall subject the licensee to the following progressive actions by the Mayor and City Council:

(1) The first violation shall result in a mandatory hearing before the Mayor and City Council, a license suspension for a period of up to sixty (60) days, and a minimum fine in the City of Dawsonville Municipal Court of \$500.00.

(2) The second violation within a consecutive 24-month period shall result in a mandatory hearing before the Mayor and City Council, a license revocation, and a minimum fine in municipal court of \$1,000.00.

(c) For any vendor that is licensed to sell alcohol in the City of Dawsonville, Georgia, any violation of sections 8-500 through 8-509 that results in a conviction, license suspension, or license revocation, excluding the sale of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia to a minor, shall also count as a violation with respect to those actions or sanctions provided for in section 3-3 of the City of Dawsonville ordinances governing alcoholic beverages. For purposes of this subsection, "conviction" shall have the same meaning as provided in section 8-502(b)(1).

(d) For any vendor that is licensed to sell alcohol in the City of Dawsonville, Georgia, any conviction, license suspension, or license revocation resulting from the sale of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia to a minor shall also count as a violation with respect to those actions or sanctions provided for in section 3-3 of the City of Dawsonville ordinances governing alcoholic beverages. For purposes of this subsection, "conviction" shall have the same meaning as provided in section 8-502(b)(1).

(e) For any license suspension of less than thirty (30) days, the licensee will not be required to remove alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia from the premises, but shall be required to secure with lock and chain all alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia in an on-premise locked storage area out of view of the public. Nothing contained in this subsection shall be construed to preclude the Mayor and City Council from suspending or

revoking a Vape Shop license for a period exceeding those periods identified in subsection (a) above, or from revoking the license if the Mayor and City Council determine in their discretion that such action is necessary and in the best interest of the public health, safety and welfare of the City. The suspension periods set forth above may be mitigated by the Mayor and City Council upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring and established procedures to properly train and supervise employees to prevent the violation from occurring.

(f) In addition to the available actions to be taken by the Mayor and City Council, any licensee, employee of a licensee, individual, or other person who violate this division shall be subject to citation and prosecution. Each violation of this article shall constitute a separate violation subject to a separate citation and penalties. The penalties may result in a fine not to exceed \$1,000.00, imprisonment not to exceed sixty (60) days, or both.

DIVISION 2. – USE AND SALE OF TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, NON-TRADITIONAL PARAPHERNALIA, AND VAPOR PRODUCTS

Sec. 8-621. – Prohibition.

(a) The use of tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, including, but in no way limited to, smoking, vaping, and chewing is prohibited in all City government buildings and on all City government properties other than in designated areas, if any.

(b) The use of tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, including, but in no way limited to, smoking, vaping, and chewing is prohibited in or within 100 yards of any church building, or on any property owned or leased to a church, other than in designated areas, if any.

(c) The use of tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, including, but in no way limited to, smoking, vaping, and chewing is prohibited in or within 200 yards of any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education, other than in designated areas, if any.

(d) The use of tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, including, but in no way limited to, smoking, vaping, and chewing shall be prohibited in the premises of any building or premises that offers for sale any tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, or additional line of devices unless such building or premises has

an operational dehumidifier and exhaust fan vented to the outside to dispel any smoke or vapor produced by on-premises use.

(e) It shall be prohibited to mix or prepare vape juice on the premises of any building or establishment that offers tobacco products, alternative nicotine products, non-traditional tobacco paraphernalia, or vapor products for retail sales to consumers.

(f) It shall be unlawful for any minor to:

(1) Purchase or attempt to purchase, or use tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia ; or

(2) Possess for personal use, any tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia. This subparagraph shall not apply to possession of cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products by a minor when a parent or guardian of such minor gives the cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products to the minor and the possession occurs in the home of the parent or guardian and such parent or guardian is present; provided that the only additive in said cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or vapor products is tobacco or nicotine; or

(3) Misrepresent such minor's identity or age or use any false identification of the purpose of purchasing or procuring any tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia; or

(4) Enter into the screened area on any premises of any establishment that offers tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia .

Sec. 8-622. – Enforcement.

Each person violating this division shall be punished as provided in section 1-8.

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

SECTION 4.

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: CITY COUNCIL MEETING DATES

CITY COUNCIL MEETING DATE: 04/08/2019

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 CANCELLING OR RESCHEDULING MEETING DATES CONCERNING THE
JUNE 17TH AND JULY 1ST MEETINGS**

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor



PUBLIC NOTICE

2019 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:

2019 City Council Regular Meetings at 5:30 pm

JAN 7 FEB 4 MAR 4 APR 8 MAY 6 JUN 3
JUL 1 AUG 5 SEP 9 OCT 7 NOV 4 DEC 2

2019 City Council Work Sessions and Regular Meetings at 5:30 pm

JAN 22 FEB 18 MAR 18 APR 22 MAY 20 JUN 17
JUL 15 AUG 19 SEP 23 OCT 21 NOV 18 DEC 16

2019 Planning Commission Meetings at 5:30 pm

JAN 14 FEB 11 MAR 11 APR 15 MAY 13 JUN 10
JUL 8 AUG 12 SEP 16 OCT 14 NOV 12 DEC 9

2019 Historic Preservation Commission Meetings at 5:30 pm

FEB 25 APR 29 JUN 24 AUG 26 OCT 28 DEC 23

2019 Downtown Development Authority Meetings at 5:30 pm

JAN 28 MAR 25 MAY 28 JUL 22 SEP 30 NOV 25

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

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

2019

City Council Regular Meeting

5:30 PM

City Council Regular & Work Session Mtg

5:30 PM

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City Hall is CLOSED in observance of a holiday

2019

Planning Commission	Historic Preservation Commission	Downtown Development Authority
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