

AGENDA
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, April 22, 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 Minutes
 - Regular Meeting held April 8, 2019
 - Executive Session held April 8, 2019
 - b. Approve City Hall Closure on October 25, 2019 for Moonshine Festival
8. Employee Awards and Service Awards

PUBLIC HEARING

9. 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 - March 11, 2019 and City Council - March 18, 2019 (Postponed at applicant's request from March 18, 2019 to April 22, 2019)
10. ANX C9-00252 and ZA C9-00252: James E. Bottoms has petitioned to annex into the city limits of Dawsonville the 80 acre tract known as TMP 068 055, located at 0 Cleve Wright Road, with a request to rezone from County Zoning of RA (Residential Exurban/Agriculture) to City Zoning of RA (Restricted Agriculture). Public Hearing Dates: Planning Commission on April 15, 2019 and City Council on April 22, 2019. City Council for a decision on May 6, 2019
11. ANX C9-00253 and ZA C9-00253: Jamie McCracken has petitioned to annex into the city limits of Dawsonville the property known as TMP 090 095, located at 551 Gold Bullion Drive West, with a request to rezone from County Zoning of RPC (Residential Planned Community) to City Zoning of PUD (Planned Unit Development). Public Hearing Dates: Planning Commission on April 15, 2019 and City Council on April 22, 2019. City Council for a decision on May 6, 2019.

BUSINESS

12. VAR-C9-00004: Jim King with Ensite Civil Consulting LLC has filed an appeal of the Planning Commission's decision to deny a density variance for TMP 082 021 located at 592 Hwy 53 West. Appeal Hearing Date: City Council - April 22, 2019.
13. Proclamation – Administrative Professionals Week April 22 – 26, 2019
14. 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. (First Reading: April 22, 2019; Second Reading and Adoption: May 6, 2019)

WORK SESSION

15. Discuss Road Closures; Profit vs. Non-Profit
16. Administrative Variances Issued
17. General Fund Balance Presentation

STAFF REPORTS

18. Bob Bolz, City Manager
19. Hayden Wiggins, Finance Administrator

MAYOR AND COUNCIL REPORTS

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: 04/22/2019

PURPOSE FOR REQUEST:

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

- a. Approve Minutes
 - Regular Meeting held April 8, 2019
 - Executive Session held April 8, 2019
 - b. Approve City Hall Closure on October 25, 2019 for Moonshine Festival
-



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7a

SUBJECT: APPROVE THE MINUTES

CITY COUNCIL MEETING DATE: 04/22/2019

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:

- **REGULAR MEETING HELD APRIL 8, 2019**
 - **EXECUTIVE SESSION HELD APRIL 8, 2019**
-

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

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

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, 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 the decision for the Construction Management Services RFQ should be ready by the May 6, 2019 meeting. He also asked everyone to keep the Tallant family in their thoughts and prayers; Harrison Tallant passed away yesterday. Finally, he announced a Perimeter Road Extension public information meeting will be held on June 4, 2019 from 5:00 – 7:00pm at the Dawson County High School.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as presented made by J. Power; 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, b) made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve the Minutes – **passed 4-0**
 - Regular Meeting and Work Session held March 18, 2019
 - Executive Session held March 18, 2019
 - b. Approve Animal Control Intergovernmental Agreement (IGA) – **passed 4-0** Exhibit “A”
8. **GEORGIA STATE PATROL FLASHLIGHT RESOLUTION:** Mayor Eason read the resolution and presented the flashlights to Jody Caldwell with the Georgia State Patrol. Motion to approve the resolution made by J. Power; second by M. French. Vote carried unanimously in favor. Exhibit “B”
9. **EMPLOYEE OF THE QUARTER:** Mayor and Council presented the first quarter Employee of the Quarter to Westin Lee and Clay Moss who tied for first place.
10. **ETHICS BOARD APPOINTMENTS:** Motion to appoint Calvin Byrd as the City Council’s member to the Ethics Board made by S. Tolson; second by C. Phillips. Vote carried unanimously in favor. Motion to ratify Shelly Townsend Martin as the Mayor’s member to the Ethics Board made by J. Power; second by S. Tolson. Vote carried unanimously in favor.
11. **WATER AND SEWER TAP FEES:** Motion to approve the water and sewer tap fees as recommended by GBT Engineers as below to be effective immediately made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

Meter Size	Water Tap Fee	Sewer Tap Fee
¾”	\$3,500	\$4,750
1”	\$5,000	\$6,750
1 ½”	\$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 the City

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

- 12. INTRODUCTION OF VAPING AND TOBACCO USE ORDINANCE:** Mayor Eason spoke about the need to regulate vaping and tobacco use in and around the City and its properties in light of the recent incident involving a student who was vaping an unknown substance. Assistant City Attorney Alex Myers reported on the highlights of the proposed ordinance.
- 13. CITY COUNCIL MEETING DATES:** Motion to cancel the June 17, 2019 Regular Meeting and Work Session and reschedule the July 1, 2019 Regular Meeting to July 8, 2019 at 6:30 pm made by S. Tolson; second by J. Power. Councilmember French asked if staff and/or Councilmembers will be out of town for these meetings stating further that the calendar was approved in December with plenty of time to plan accordingly. Vote carried three in favor (Tolson, Power, Phillips) and one opposed (French).

EXECUTIVE SESSION:

At 5:50 p.m. a motion to close regular session and go into executive session for Real Estate Acquisition was made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.

At 6:03 p.m. a motion to close executive session and resume regular session was made by J. Power; second by M. French. Vote carried unanimously in favor.

ADJOURNMENT:

At 6:05 p.m. a motion to adjourn the meeting was made by M. French; second by C. Phillips. Vote carried unanimously in favor.

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 A. 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 April 8, 2019.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 5⁵⁰ 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);

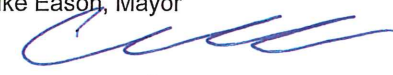
Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(b)(2);

Other _____ as provided in: _____.

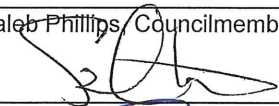
This 8th day of April 2019; By the City of Dawsonville, Mayor and Council:



Mike Eason, Mayor



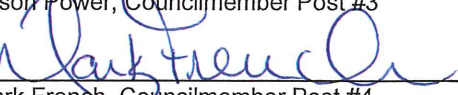
Caleb Phillips, Councilmember Post #1



Stephen Tolson, Councilmember Post #2

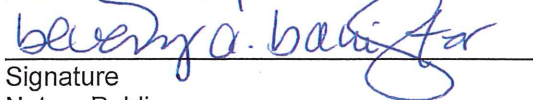


Jason Power, Councilmember Post #3



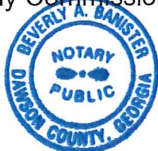
Mark French, Councilmember Post #4

Sworn to and subscribed before me this 8 day of April, 2019.



Signature

Notary Public
My Commission expires: 02-18-2020



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

AGREEMENT FOR ANIMAL CONTROL ENFORCEMENT

**STATE OF GEORGIA
COUNTY OF DAWSON**

This Agreement is hereby made and entered into effective the 17 day of April, 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:

[Signature]

Kristen Cloud

Billy Thurmond, Chairman
County Board of Commissioners

Kristen Cloud, County Clerk

DATE: April 4, 2019.



CITY OF DAWSONVILLE, GEORGIA

ATTEST:

[Signature]

Beverly Banister

Mike Eason, Mayor

Beverly Banister, City Clerk

DATE: 4/10/19, 2019.



DAWSON COUNTY HUMANE
SOCIETY, INC.

ATTEST:

[Signature]
TIM SMOCK
President

Donna J. Bolton
[Signature]
Corporate Secretary 4-17-19

DATE: 4/17, 2019.

[CORPORATE SEAL]

**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.

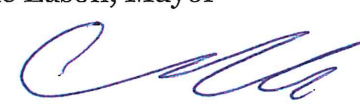
RESOLVED this 8 day of April 2019.

**MAYOR AND DAWSONVILLE CITY
COUNCIL**

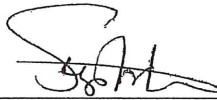
By:



Mike Eason, Mayor



Caleb Phillips, Council Member Post 1



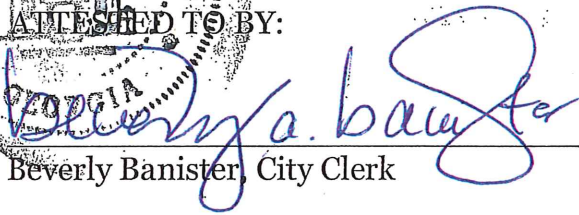
Stephen Tolson, Council Member Post 2



Jason Power, Council Member Post 3



Mark French, Council Member Post 4



Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7b

SUBJECT: APPROVE CITY HALL CLOSURE ON OCTOBER 25, 2019 FOR MOONSHINE FESTIVAL

CITY COUNCIL MEETING DATE(S): 04/22/2019

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO REQUEST THE CLOSING OF CITY HALL ON FRIDAY, OCTOBER 25, 2019

HISTORY/ FACTS / ISSUES:

- ANNUAL MOONSHINE FESTIVAL IS HELD THE 4TH WEEKEND IN OCTOBER
- SET-UP FOR ACTIVITIES, SWAP MEET AND CAR SHOW START ON FRIDAY AT CITY HALL; NO PARKING AVAILABLE FOR RESIDENTS OR STAFF
- CITY HALL CLOSED LAST THREE YEARS FOR THIS EVENT
- EMPLOYEES HAVE THE OPTION TO WORK, NOT BE PAID FOR THE DAY OR TO TAKE PERSONAL TIME; THIS WILL NOT BE A CITY PAID HOLIDAY

OPTIONS:

TO APPROVE, AMEND OR DENY

RECOMMENDED SAMPLE MOTION:

VOTE

REQUESTED BY: Bob Bolz, City Manager



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

SUBJECT: EMPLOYEE OF THE MONTH AND SERVICE AWARDS

CITY COUNCIL MEETING DATE: 04/22/2019

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:

- **MARCH EMPLOYEE(S) OF THE MONTH AWARD**
DONNA BLANTON AND;
STACY HARRIS
- **SERVICE AWARDS**
TRACY SMITH – SERVED THE CITY FOR 2 YEARS
BLAKE CROFT – SERVED THE CITY FOR 3 YEARS
TRAMPAS HANSARD – SERVED THE CITY FOR 11 YEARS

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR AGENDA ITEM # 9

SUBJECT: ZA-C9-00004 Ensite Civil Consulting 592 Hwy 53 West

DATE(s): 03/18/2019 CITY COUNCIL MEETING 1 04/22/2019 CITY COUNCIL MEETING 2

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

ZA-C9-00004: Jim King with Ensite Civil Consulting LLC has requested a rezone from R-3 to RPC for TMP 082 0021 located at 592 Hwy 53 West. Hearing Dates: Planning Commission - February 11, 2019: Tabled by PC until March 11, 2019. Hearing Dates: City Council – March 18, 2019: Postponed by CC at applicants request until April 22, 2019.

HISTORY/ FACTS / ISSUES

Applicant request to rezone property from R-3 to RPC with a total of 4.5 units per acre.

Request was tabled at the Feb. 11th, 2019 PC meeting with instructions to the applicant to host a town hall meeting and to return with information regarding sq.ft. of structures, traffic issues, etc. Applicant returned on March 11th, 2019 with a list of proposed zoning conditions. PC voted to deny the varinace request. Please see the Planning Commission Action Summary which is attached. City Council heard March 18, 2019: Postponed by CC at applicants request until April 22, 2019.

OPTIONS:

Approve or deny the request.

RECOMMENDED SAMPLE MOTION:

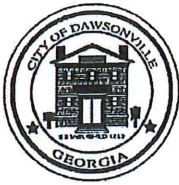
None

DEPARTMENT: Planning and Zoning

REQUESTED BY: Robbie Irvin, Planning Director

Proposed Zoning Conditions for ZA-C-00004 – Recommended by Staff and City Attorney

1. The Property and any development thereupon shall comply with the Housing for Older Persons Act, as codified at 42 U.S.C. § 3607 and enforced by 24 C.F.R. § 100.300 *et seq.*
 - a. Specifically, at a minimum eighty percent (80%) of all occupied units developed upon the Property shall have at least one occupant residing within the unit that is fifty-five (55) years of age or older.
 - b. All units not occupied by an individual fifty-five (55) years of age or older, shall be restricted to persons forty-five (45) years of age or older (the “Secondary Age Restriction”) pursuant to 24 C.F.R. §100.305(h). Notwithstanding the foregoing, the Secondary Age Restriction shall not apply to individuals occupying units pursuant to 24 C.F.R. § 100.305(e)(3) or dependent children, under the age of twenty-one (21), of an occupant residing in a unit pursuant to the Secondary Age Restriction.
2. A planted buffer to City buffer standards of at least fifty (50) feet in width shall be created between the development and any adjoining property line.
3. A maximum of seventy percent (70%) of land determined to be unusable, including, but in no way limited to, floodplains, may be considered in calculating density.
4. A no point in time may an entrance to the Property/Development be placed on Howser Mill Road other than for emergency access as required by the Fire Marshall. All access to the Property/Development shall be from Highway 53 (other than the emergency access on Howser Mill).
5. Prior to and as a precondition to the issuance of a Site Development Permit, the Owner and/or Developer of the Property/Development shall complete an independent Traffic Study (not done by the applicant Ensite Civil Consulting, LLC) and have the same approved by the Georgia Department of Transportation and the City Street Department Director of the impact of the Property/Development as proposed including, but in no way limited to, the placement of traffic lights and/or round-about, as related to the entrance to the Property/Development on Ga. Highway 53 and/or the impact of the proposed development on the Ga. Highway 53/Howser Mill Road intersection. Prior to and as a precondition to the issuance of a Site Development Permit, the Owner and/or Developer of the Property/Development shall fund and construct any street improvements called for in the Traffic Study as approved by the Georgia Department of Transportation and the City Street Department Director.
6. Prior to and as a precondition to the issuance of a Site Development Permit, the Owner and/or Developer of the Property/Development will install at the Owner/Developer’s expense such water and sewer lines as are necessary to reach the Property/Development from the existing City water and sewer line infrastructure as determined by the City Engineer, including the installation of any necessary sewer lift stations.



DAWSONVILLE CITY COUNCIL
PLANNING COMMISSION ACTION SUMMARY
FOR AGENDA ITEM # _____

SUBJECT: ZA-C9-00004 Ensite Civil Consulting LLC

LOCATION: TMP# 082 021 592 Hwy 53 West

HEARD BY PLANNING COMMISSION ON: 03 / 11 / 2019

TO BE HEARD BY CITY COUNCIL ON:

DATE(s): 03 / 18 / 2019 CITY COUNCIL MEETING 1 _____ CITY COUNCIL MEETING 2

ADDITIONAL HISTORY/ FACTS/ ISSUES DISCOVERED AT PLANING COMMISSION:

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- Feburary 11, 2019, Tabled by PC until March 11, 2019: City Council March 18th 2019.

Tabled by PC on Feb. 11, 2019 requested more information and for applicant to conduct a town hall meeting. Applicant presented a list of proposed zoning conditions developed from the town hall meeting. Proposed conditions are attached.

ACTION TAKEN : APPROVE DENY

REASON FOR DENIAL:

Density, No age restrictions and traffic concerns

STIPULATIONS: OR SEE MINUTES

PLANNING DIRECTOR: *[Signature]* DATE: 3-12-19

PC CHAIR OR DESIGNEE: *[Signature]* DATE: 3/12/19



February 1, 2019

To: Mr. Troy Lindsey, Chair
& City of Dawsonville Planning Commission

Re: Staff Recommendation; Villas at Howser Mill Rezoning and Variance

Mr. Lindsey and Commission,

Onsite 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) in order to construct a 172-home subdivision marketed for seniors. In addition, the applicant is requesting a variance on the allowable density of the project from 4 units per acre to 4.5 units per acre.

The current conditions are as follows:

Parcel # 082 021 was rezoned in 2004 from R-2 to R-3 with no stipulations.

The applicant is proposing the construction of quad-homes and townhomes which can be accomplished in an R-6 (Multi-family) zoning or with an RPC zoning. The applicant wishes to amend the zoning of the property to RPC. A Residential Planned Community (RPC) is a site-specific zoning which has specific standards and stipulations built in such as requirements for greenspace and amenities. The project will consist of 31 quads which will share driveways and 48 townhomes and will include an amenities area consisting of a clubhouse, bocce court, pickleball court and outdoor patio and walking trails.

In addition to the zoning amendment the applicant is seeking a variance to increase the density of the development from 4 units per acre to 4.5 units per acre. A traditional R-6 (multifamily) zoning would allow up to 6 units per acre however the RPC is capped at 4 units per acre.

The Planning and Zoning staff would recommend approval for both the zoning amendment and variance for the following reasons:

- While the applicant can request the R-6 zoning they have opted to seek the RPC at the request of the city in order to provide for more quality controls on the development which are afforded through the use of an RPC zoning. An R-6 zoning would allow for a

maximum of 228 units. In essence the applicant is sacrificing the total number of units that the property can yield in order to give the city a better product.

- The applicant can by right construct a 114-lot subdivision under the current zoning with no stipulations or conditions.
- While strict adherence to the RPC zoning would allow for a total yield of 152 units the requested addition of 20 units bringing the total to 172 units is a reasonable consensus to allow for the viability of the project as described in the applicant's letter of intent.
- The marketing of this project to the 55+ community will result in lower impacts to schools and roads while increasing the property tax base.
- Residential development in this area is consistent with the projections in the City of Dawsonville Comprehensive Plan.

Please let me know if you have any questions regarding this matter.

Sincerely,



R.J. Irvin
Planning Director, City of Dawsonville

LETTER OF INTENT

The applicant requests a Rezoning from R-3 to Residential Planned Community (RPC) for Parcel Number 082 021 in order to expand on the previously approved development to include a 172-Home Senior LifeStyle Neighborhood on 38.55 acres. It is bordered by various Commercial, Residential & Agricultural properties. This property is designated as Planned Residential Community on the Future Land Use Plan which is precisely what we are proposing.

The proposed Master Planned Development is in unison with what has already been approved. The original approved R-3 Zoning allowed for 116 traditional homes. The proposed development of attached Quads and Duplexes will target 55+ Seniors which will have far less impact on schools and roads than traditional family homes.

The neighborhood will provide a much needed solution for Dawson Seniors desiring a much simpler lifestyle that is designed specifically with age 55+ Seniors in mind. Landscaping and outdoor spaces will be maintained by a common landscape maintenance association giving owners the choice of a maintenance-free life style. Homes will be designed to appeal to seniors with discriminating taste and style. The home design will center around the empty nester who desires less square footage to maintain; but wants luxurious finishes and interior upgrades. Typically, the Master is on the main floor; but additional rooms are included for visiting family. Amenities will include Bocce, Pickle Ball, Shuffle Board, and a clubhouse. An area for a swimming pool will be set-aside to allow for future market demands. Walking trails will be added for access and exercise.

The Impact on schools and utilities will be far less than the currently approved development because the new neighborhood will be predominantly targeted to empty nesters and retired or semi-retired seniors.

The proposed development and new residents will add much needed vitality to the community. By compacting development into a smaller footprint, more greenspace can be preserved to enhance the overall community. By clustering smaller lots in one area, we are able to preserve large areas of open space that are actually capable of sustaining wildlife microsystems rather than small patches of woods fenced in by the homeowner. Therefore, the proposed neighborhood will have a far smaller ecological footprint than the currently approved plan.

The proposed Master Plan and associated Zoning reflect the intent of the City's Future Land Use Plan and will create a much needed resource for Dawson County's maturing population.

Proposed Zoning Conditions-

Quadrplexes will have a minimum heated area of 1600 Square Feet.

Townhomes will have a minimum heated area of 1800 Square Feet.

Sidewalks will be provided within the neighborhood

Street lights with Cut-Off Lumineers will be provided throughout the neighborhood

The neighborhood will have a gated entrance and private streets

A gated Emergency Only Access will be provided to Howser Mill. No general public access will be allowed.

No permits will be issued prior to completion of the Traffic Study

There shall be a 50' setback around the entire perimeter of the property

There shall be a 20' Undisturbed Buffer along the frontage of Howser Mill Rd.

There shall be no vinyl or aluminum siding allowed. Siding shall be Hardi with accents of brick and/or stone.

Houses will be for sale and not for rent

There will be no Construction Entrance allowed on Howser Mill Rd

There shall be a minimum of 30% open space

All utilities shall be underground

The minimum sales price will be \$200,000

Street trees will be planted 40' on center along the proposed streets



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

**Zoning Amendment
 Application**

Request # ZA- 09-00004 Date: 1/11/19

Applicant Name(s): Ensite Civil Consulting, LLC

Address: 131 Prominence Court City: Dawsonville State: GA Zip: 30534

Phone: Suite 230 Cell Phone: 678-316-3572

E-Mail lim@kingconsulting.info

Property Address: 592 Highway 53W

Tax Map # 082 021 Parcel # 082 021 Current Zoning^{***}: R-3

Land Lot(s): 379,380,437, & 438 District: 4th Section: 1st

Subdivision Name: _____ Lot # _____

Acres: 38.58 Current Use of Property: Vacant

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

The applicant request:

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

Proposed use of property if rezoned : Residential Neighborhood targeting age 55+

If Residential: # of lots proposed 172 Minimum lot size proposed N/A (Include Concept Plan)

Is an Amenity area proposed yes, if yes, what Small clubhouse, bocci court, pickleball court, outdoor patio, walking trails

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

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

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

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

Road name: State Route 53 Type of Surface: Asphalt

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

[Signature]

 Signature of Applicant

1/11/2019

 Date

Office Use Only:

Date Completed Application Rec'd _____ Amount Paid \$ 2450.00 Check # 828 /Cash

Date of Planning Commission Meeting: 2/11/19 Dates Advertised: 1/23/19

Date of City Council Meeting: 2/18/19 Dates Advertised: 1/23/19

Postponed: YES NO Date: 3/11/19 Rescheduled for next Meeting: _____

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

350.00
 450 x 38.58 1929.00

	<p align="center">City of Dawsonville P.O. Box 6 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 266-3256</p>	<p align="center">Zoning Amendment Authorization</p>
---	--	--

Property Owner Authorization

I / We PACIFIC CREST MANAGEMENT LLC hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 592 HWY 53 W Parcel #002 021 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

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

Printed Name of Applicant or Agent Jim King, Ensite Civil Consulting, LLC
Signature of Applicant or Agent *Jim King* Date 11/05/2018
Mailing Address 131 Prominence Court, Suite 230
City Dawsonville State Georgia Zip 30634
Telephone Number (678) 316-3572

Printed Name of Owner(s) Chang Ho Park (Sunny)
Signature of Owner(s) *[Signature]* Date 11/06/2018
Date _____

Sworn to and subscribed before me this 6 day of November 2018.
[Signature]
Notary Public, State of Georgia

YOGINI PATEL
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires March 16, 2021

My Commission Expires: 3-16-2021 Notary Seal

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



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534

ATTN: Beverly Banister, City Clerk
(706)265-3256

INVOICE #
19-00259

INVOICE DATE: 01/18/19
DUE DATE: 02/17/19

ACCOUNT ID: ENSIT005 PIN: 100845 ENSITE CIVIL CONSULTING LLC JIM KING JIM KING 131 PROMINENCE COURT STE 230 DAWSONVILLE, GA 30534
--

PERMIT INFORMATION
 PERMIT NO: C9-00004
 LOCATION: 592 HWY 53 WEST
 OWNER: PACIFIC CREST MANAGEMENT LLC

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C9-00004		
1.0000/QTY	P-0170	ZONING REQUEST TO RPC Permit No: C9-00004	350.00000	350.00
38.5800/ACR	P-0171	ZONING REQUEST TO RPC PER ACRE Permit No: C9-00004	50.00000	1,929.00
27.0000/EA	P-0155	CERTIFIED MAIL FEE Permit No: C9-00004	6.56000	177.12
1.0000	P-0153	VARIANCE Permit No: C9-00004	300.00000	300.00
		TOTAL DUE:		<u>\$ 2,756.12</u>
		Prn Payment: 01/18/19 CK 828		-2,756.12
		BALANCE:		<u>\$ 0.00</u>

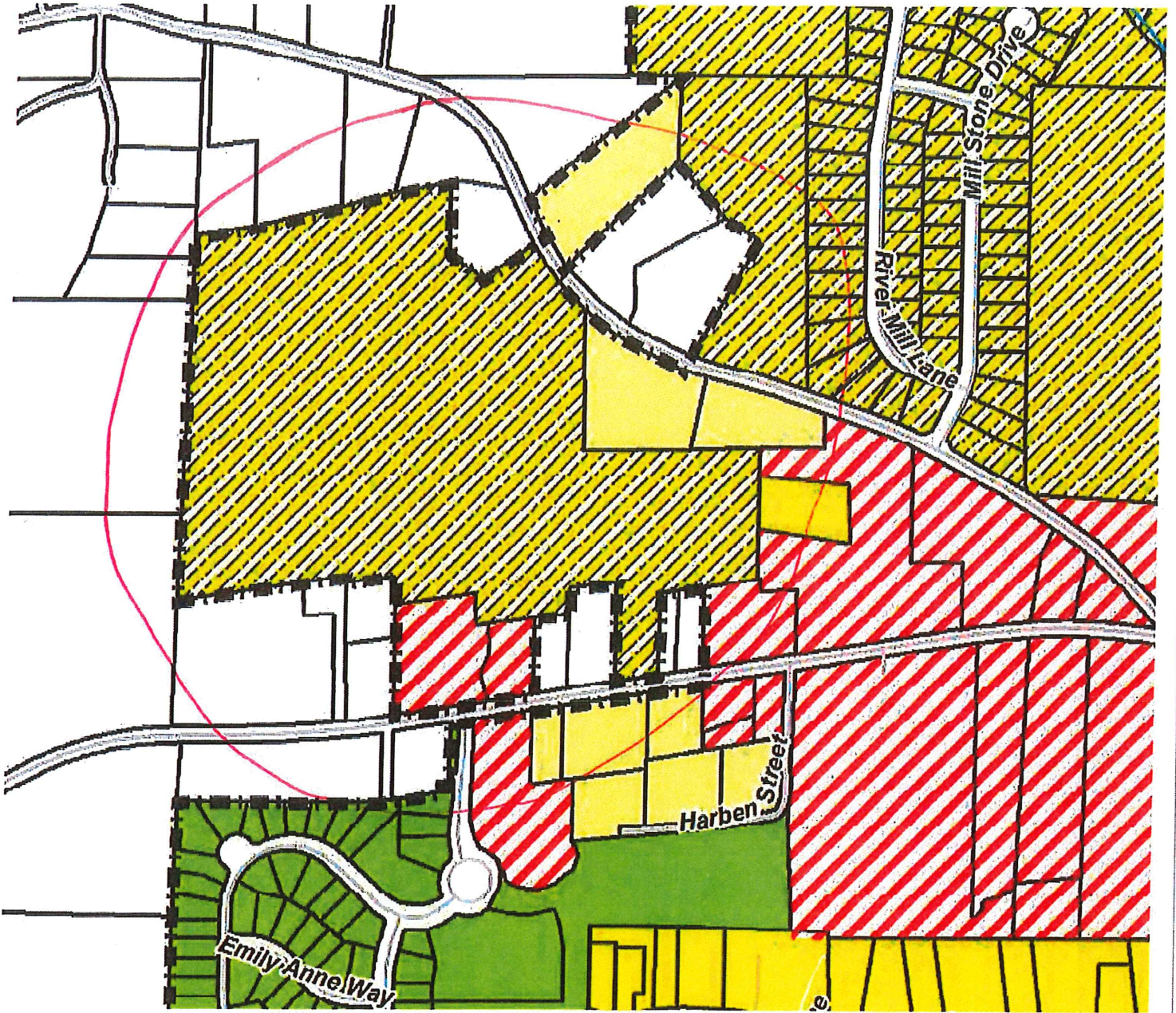
 PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534

INVOICE #: 19-00259
 DESCRIPTION: Permit No: C9-00004
 ACCOUNT ID: ENSIT005 PIN: 100845
 DUE DATE: 02/17/19
 TOTAL DUE: \$ 0.00

ENSITE CIVIL CONSULTING LLC
 JIM KING
 JIM KING
 131 PROMINENCE COURT STE 230
 DAWSONVILLE, GA 30534







DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 10 & 11

SUBJECT: ANX C9-00252/ZA C9-00252 AND ANX C9-00253 AND C9 00253

CITY COUNCIL MEETING DATE: 04/22/2019

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 ANNOUNCE THE HEARING DATES FOR THESE ITEMS HAVE BEEN CHANGED DUE TO NEWSPAPER PUBLISHING ERROR.

NEW HEARING DATES: PLANNING COMMISSION ON MAY 13, 2019 AND CITY COUNCIL ON MAY 20, 2019. CITY COUNCIL FOR A DECISION ON JUNE 3, 2019.

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Robbie Irvin, Planning Director



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12

SUBJECT: VAR-C9-00004 Ensite Civil Consulting 592 Hwy 53 West

DATE(s): 03/18/2019 CITY COUNCIL MEETING 1 04/22/2019 CITY COUNCIL MEETING 2

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

VAR-C9-00004: Jim King with Ensite Civil Consulting LLC has requested a Variance on density for TMP 082 0021 located at 592 Hwy 53 West. Hearing Dates: Planning Commission - February 11, 2019: Tabled by PC until March 11, 2019. Hearing Dates: City Council – April 22, 2019.

HISTORY/ FACTS / ISSUES

Applicant request to vary from the 4 unit per acre maximum density in RPC to 4.5 units per acre.

Request was tabled at the Feb. 11th, 2019 PC meeting with instructions to the applicant to host a town hall meeting and to return with information regarding sq.ft. of structures, traffic issues, etc. Applicant returned on March 11th, 2019 with a list of proposed zoning conditions. PC voted to deny the varinace request. Please see the Planning Commission Action Summary which is attached. Applicant filed an appeal to be heard by City Council on April 22, 2019.

OPTIONS:

Approve or deny the request.

RECOMMENDED SAMPLE MOTION:

None

DEPARTMENT: Planning and Zoning

REQUESTED BY: Robbie Irvin, Planning Director



DAWSONVILLE CITY COUNCIL
PLANNING COMMISSION ACTION SUMMARY
FOR AGENDA ITEM #

SUBJECT: VAR-C9-00004 Ensite Civil Consulting LLC

LOCATION: TMP# 082 021 592 Hwy 53 West

HEARD BY PLANNING COMMISSION ON: 03, 11, 2019

TO BE HEARD BY CITY COUNCIL ON:

DATE(s): 03, 18, 2019 CITY COUNCIL MEETING 1 CITY COUNCIL MEETING 2

ADDITIONAL HISTORY/ FACTS/ ISSUES DISCOVERED AT PLANING COMMISSION:

VAR-C9-00004: Jim King with Ensite Civil Consulting LLC has requested Variance on density for TMP 082 021 located at 592 Hwy 53 West. Hearing Dates: Planning Commission- Feburary 11, 2019, Tabled by PC until March 11, 2019: City Council March 18th 2019.

Request for variance from 4 unit per acre density cap in RPC to 4.5 units per acre.

Tabled by PC on Feb. 11, 2019 requested more information and for applicant to conduct a town hall meeting. Applicant presented a list of proposed zoning conditions developed from the town hall meeting. Proposed conditions are attached.

ACTION TAKEN: [] APPROVE [x] DENY

REASON FOR DENIAL:

Density, No age restrictions and traffic concerns

STIPULATIONS: [] OR SEE MINUTES

PLANNING DIRECTOR: [Signature] DATE: 3-12-19

PC CHAIR OR DESIGNEE: [Signature] DATE: 3/12/19

ENSITE

CIVIL CONSULTING, LLC

"Engineering Site Solutions"

Civil Design

~

Construction

~

Flood Studies

~

Land Planning

~

NPDES Monitoring

~

Permitting

~

Traffic Studies

March 13, 2019

City of Dawsonville
415 Hwy 53E, Suite 100
Dawsonville, GA 30534
Attention: Mr. Robbie Irvin, Planning Director

RE: SR 53/Howser Mill Rd, 38-Acres
Dawsonville, Georgia

Dear Mr. Irvin:

Please consider this as formal notification that we wish to Appeal the Planning Commission decision of March 11, 2019 of our Variance Request. We understand that the Appeal will be made to the City Council for final decision.

Sincerely,

Jim King

Jim King, Ensite Civil Consulting, LLC

Applicant



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

Variance Application

VAR-C9-00004

Fee: \$300.00

Application for: Appeal Special Exception Adjustment

Type of Variance Requested: Increase Density by 00.5 (Letter of Intent must fully describe this request)
 units/ac

Applicant Name: Jim King Company: Ensite Civil Consulting, LLC

Address: 131 Prominence Court, Suite 230 City: Dawsonville Zip: 30534

Phone: (678) 316-3572 Cell Phone: _____ Fax #: _____

Owner Name(s): Pacific Crest Management, LLC Contact: Mr. Chang Ho Park

Address: 3118 WILLOWSTONE DRIVE City: Duluth Zip: 30096

Phone: _____ Cell Phone: _____ Fax #: _____

Exact Location and Description of Subject Property:

Address: 592 HWY 53 W Lot # _____

Present/Proposed Zoning: Present= R3, Requesting RPC w/ Variance from 4.0 to 4.5 units/ac Parcel # 082 021

District: 4-1 Land Lot: 379, 380, 437, & 438 Tax Map #: _____

Present and/or Proposed Use of Property: Vacant

=====

Required Items:

- A completed signed application.
- A detailed Letter of Intent of your request along with any supporting maps, survey's and/or documents requested by the Building Official.
- The Letter of Intent shall address the criteria specified in Section 2507. (see pg. 2) *Rec 11/5/19 nyc*
- The applicant is responsible to pay the certified mail postage to adjacent property owners.
- Variance fee of \$300.00

[Signature]
 Signature of Applicant

1/11/2019
 Date

LETTER OF INTENT

The applicant requests a Variance from Section 1802.03 of the newly adopted Residential Planned Community (RPC) for Parcel Number 082 021 in order to expand on the Rezoning Application for a 172-Home Senior LifeStyle Neighborhood on 38.55 acres.

The proposed Master Planned Development is in unison with what has already been approved. The original approved R-3 Zoning allowed for 116 traditional homes. The proposed development of attached Quads and Duplexes will target 55+ Seniors which will have far less impact on schools and roads than traditional family homes. We were initially going to apply for the R-6 Zoning for this property; however after learning that the RPC Zoning was being created, we opted to wait for its debut. Unfortunately, the Ordinance was approved with a density limitation of 4 units/acre and the Concept that we have been working on for several months requires a density of 4.5 units/acre. For this reason, we are requesting a variance from this requirement to allow another 0.5 units per acre.

The type of development proposed is more expensive than typical development. The streets will be private, there will be a gated entrance, and landscaping will be more extensive. Dividing this cost over less than 172 Lots will create a Hardship. Dividing the cost of maintaining these benefits over the future life of this neighborhood by anything less than the requested 172 homeowners, will create a burden upon the future residents therein.

The neighborhood will provide a much needed solution for Dawson Seniors desiring a much simpler lifestyle that is designed specifically with age 55+ Seniors in mind. Landscaping and outdoor spaces will be maintained by a common landscape maintenance association giving owners the choice of a maintenance-free life style.

The impact on schools and utilities will be far less than the currently approved development because the new neighborhood will be predominantly targeted to empty nesters and retired or semi-retired seniors.

The proposed Master Plan and associated Density reflect the intent of the City's Future Land Use Plan and will create a much needed resource for Dawson County's maturing population.

City of Dawsonville Land Use and Zoning Ordinance: Article XXV Planning Commission.

Section 2503. Powers And Duties. The Planning Commission shall have the following functions, powers and duties: (9) Determine variances pursuant to Section 2507.

Section 2507. Variances/Appeals.

The Planning Commission is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.

2507.1

A variance may be granted in an individual case of unnecessary hardship, after appropriate application, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and,
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and,
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and,
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and,
5. The special circumstances are not the result of the actions of the applicant; and,
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and,
7. The variance is a request to permit a use of land, building or structures which is permitted by right in the district involved.

2507.2.

In exercising its powers, the Planning Commission may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Building Official or City Administrator related to zoning, development and land use, and to that end, shall have all of the powers of the Building Official and may issue or direct the issuance of a permit. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or City Administrator related to zoning, development and land use.

2507.3.

In exercising the powers to grant appeals and approve variances, the Planning Commission may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

2507.4.

All decisions of the Planning Commission on variances and appeals shall be final unless within ten (10) days of the decision, an appeal is filed by any aggrieved party to the Governing Body.

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

VAR# C9-00004 TMP# 082 021 Applicant's Name: Jim King / Ensite Civil Cons.

Property Owner Authorization

I / We PACIFIC CREST MANAGEMENT LLC hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 592 HWY 53 W Tax Parcel # 082 021 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

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

Printed Name of Applicant or Agent Ensite Civil Consulting, LLC
Signature of Applicant or Agent _____ Date _____
Mailing Address 131 Prominence Court, Suite 230
City Dawsonville State Georgia Zip 30534
Telephone Number (678) 316-3572

Printed Name of Owner(s) Chang Ho Park (Sunny)
Signature of Owner(s) *[Signature]* Date 11/06/2018
Date _____

Sworn to and subscribed before me
this 6 day of November 2018.
[Signature]
Notary Public, State of Georgia

YOGINI PATEL
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires March 16, 2021

My Commission Expires: 3-16-2021

Notary Seal

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



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534

ATTN: Beverly Banlster, City Clerk
(706)265-3256

INVOICE #
19-00259

INVOICE DATE: 01/18/19
DUE DATE: 02/17/19

ACCOUNT ID: ENSIT005 PIN: 100845
ENSITE CIVIL CONSULTING LLC
JIM KING
JIM KING
131 PROMINENCE COURT STE 230
DAWSONVILLE, GA 30534

PERMIT INFORMATION
PERMIT NO: C9-00004
LOCATION: 592 HWY 53 WEST
OWNER: PACIFIC CREST MANAGEMENT LLC

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C9-00004		
1.0000/QTY	P-0170	ZONING REQUEST TO RPC Permit No: C9-00004	350.00000	350.00
38.5800/ACR	P-0171	ZONING REQUEST TO RPC PER ACRE Permit No: C9-00004	50.00000	1,929.00
27.0000/EA	P-0155	CERTIFIED MAIL FEE Permit No: C9-00004	6.56000	177.12
1.0000	P-0153	VARIANCE Permit No: C9-00004	300.00000	300.00
			TOTAL DUE:	\$ 2,756.12
Prn Payment: 01/18/19 CK 82B				<u>-2,756.12</u>
			BALANCE:	<u>\$ 0.00</u>

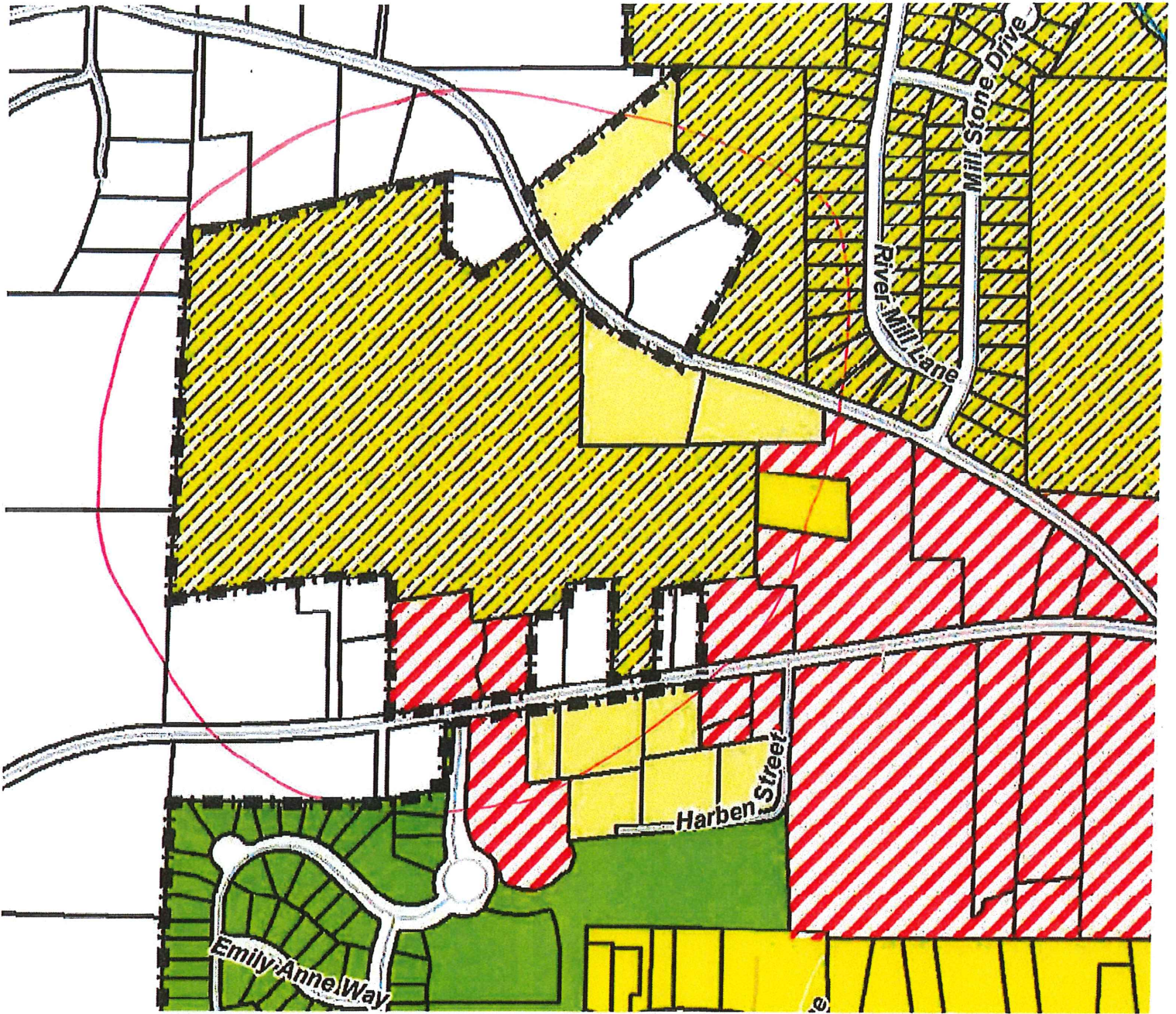
PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534

INVOICE #: 19-00259
DESCRIPTION: Permit No: C9-00004
ACCOUNT ID: ENSIT005 PIN: 100845
DUE DATE: 02/17/19
TOTAL DUE: \$ 0.00

ENSITE CIVIL CONSULTING LLC
JIM KING
JIM KING
131 PROMINENCE COURT STE 230
DAWSONVILLE, GA 30534







DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 13

SUBJECT: PROCLAMATION – ADMINISTRATIVE PROFESSIONALS WEEK
APRIL 22 – 26, 2019

CITY COUNCIL MEETING DATE: 04/22/2019

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 READ PROCLAMATION AND PRESENT TO ADMINISTRATIVE STAFF

HISTORY/ FACTS / ISSUES:

OPTIONS:

READ INTO THE MINUTES

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



Proclamation

Administrative Professionals Week

April 22-26, 2019



WHEREAS, administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations;

WHEREAS, administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for their organizations; and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities, and most importantly, have the willingness to learn and accept new challenges; and

WHEREAS, Administrative Professionals Week is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and has been sponsored by the International Association of Administrative Professionals since 1952;

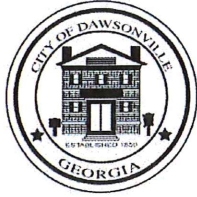
NOW, THEREFORE, I, Mike Eason, Mayor of the City of Dawsonville, do hereby proclaim the week of April 22-26, 2019 as Administrative Professionals Week.

In Witness Whereof, I have set my hand and seal this 22nd day of April, 2019.

Mike Eason, Mayor

ATTEST:

Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 14

SUBJECT: VAPING AND TOBACCO USE ORDINANCE

CITY COUNCIL MEETING DATE(S): 04/22/2019

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST: **FIRST READING**

AN ORDINANCE 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 (FIRST READING: APRIL 22, 2019; SECOND READING AND ADOPTION: MAY 6, 2019)

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

First Reading: April 22, 2019

Second Reading: May 6, 2019

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 bongs, 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 Shoppe 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 # 15

SUBJECT: DISCUSS ROAD CLOSURES; PROFIT VS. NON-PROFIT

CITY COUNCIL MEETING DATE: 04/22/2019

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 REVIEW STANDARDS AND FEES FOR PROFIT VS. NON-PROFIT EVENTS WHEN
REQUIRING CITY ROADS TO BE CLOSED**

HISTORY/ FACTS / ISSUES:

**A THREE-YEAR HISTORY OF EVENTS REQUIRING ROAD CLOSURES IS ATTACHED
(NOTE: PARADES ARE NOT INCLUDED)**

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

3-Year Event History with City Road Closures

Date	Event
Oct 21,22,23, 2016	Mountain Moonshine Festival Kare for Kids
8/13/2016	Lowell Starr Kiwanis Club Revenuer Run
12/10/2016	Reindeer Run 5k/10k Five Star NTP
3/4/2017	Lowell Starr DCBOE Get Your Glow On
8/26/2017	H3 by Lowell Starr
Oct 27,28,29, 2017	Mountain Moonshine Festival Kare for Kids
12/19/2017	Reindeer Run Lowell Starr/Five Star NTP
3/23/2018	Lowell Starr DCBOE Get Your Glow On
4/7/2018	Lowell Starr Happy Hooves 5K
Oct 26,27,28, 2018	Mountain Moonshine Festival Kare for Kids
12/8/2018	Lowell Starr Reindeer Run 5k/10k
4/19/2019	Lowell Starr DCBOE Get Your Glow On



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 16

SUBJECT: ADMINISTRATIVE VARIANCES ISSUED – PLANNING DIRECTOR REPORT

DATE(s): 04/22/2019 CITY COUNCIL MEETING 1 _____ CITY COUNCIL MEETING 2

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

Present information regarding recent Administrative Variances granted by the Planning Director.

HISTORY/ FACTS / ISSUES

Article IX Section 902.A.3 of the Zoning Ordinance allows the Planning Director to grant Administrative Variances on rear yard setbacks up to 10 feet. Two such variances were recently granted by the Planning Director. Please see the attached Planning Director Action Summary for Administrative Variance forms C9-00250 and C9-00254 for details.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

N/A

DEPARTMENT: Planning and Zoning

REQUESTED BY: R. Irvin, Planning Director



DAWSONVILLE PLANNING COMMISSION AND CITY COUNCIL
PLANNING DIRECTOR ACTION SUMMARY FOR
ADMINISTRATIVE VARIANCE # C9-00250

SUBJECT: Rear yard setback encroachment

LOCATION: 103 Harrier Dr.

REPORTED TO PLANNING COMMISSION ON: 04 / 15 / 2019

REPORTED TO CITY COUNCIL ON: 04 / 22 / 2019

HISTORY/ FACTS/ ISSUES:

Subject wished to construct a roof over the back patio of the residence. Construction of said roof would create a 5 foot setback encroachment of the 20 foot rear setback. Roof dimensions to be 18'x10'. Final distance of structure to rear property line to be 15 feet.

ACTION TAKEN:



APPROVE



DENY

REASON:

Article IX Section 902.A.3 allows for an administrative variance to be given on a rear yard encroachment of up to 10 feet. Said encroachment to be 5 feet. One objection was received from an adjoining property owner however, no reason was given for the opposition. The objection was noted but no cause was found to deny the request based upon said objection.

STIPULATIONS:

None

PLANNING DIRECTOR: 

DATE: 4-15-19

Robbie Irvin

From: Robbie Irvin
Sent: Tuesday, March 26, 2019 8:03 AM
To: 'Mike Powell'
Subject: RE: AVAR-C9-00250

Sir,

Thank you for your input regarding this request. It will be taken under advisement upon reaching a final decision on this matter.

Sincerely,

R.J. Irvin
Planning Director
City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Office Phone: 706-265-3256
Fax: 706-265-4214
Cell Phone: 706-974-4121
planning@dawsonville-ga.gov

And this Living Expression is the Light that bursts through gloom- the light that darkness could not diminish! John 1:5

-----Original Message-----

From: Mike Powell <powell.mikeg@gmail.com>
Sent: Sunday, March 24, 2019 3:29 PM
To: Robbie Irvin <planning@dawsonville-ga.gov>
Subject: AVAR-C9-00250

Mr. Irvin,

In reference to the above reference number for the variance requested by Milton Pardue, I am opposed to any additional set back requested regardless of the purpose. I apologize for the late response, I have been traveling with work, and was called out again right after I picked the letter up from the post office. Thank you for your consideration of my response.

Mike Powell
102 Kestrel Court E.
Dawsonville, GA 30534
Sent from my iPhone



DAWSONVILLE PLANNING COMMISSION AND CITY COUNCIL
PLANNING DIRECTOR ACTION SUMMARY FOR
ADMINISTRATIVE VARIANCE # C9-00254

SUBJECT: Rear yard setback encroachment

LOCATION: 106 Kestrel Ct.

REPORTED TO PLANNING COMMISSION ON: 04 / 15 / 2019

REPORTED TO CITY COUNCIL ON: 04 / 22 / 2019

HISTORY/ FACTS/ ISSUES:

Subject wished to construct a roof over the back patio of the residence. Construction of said roof would create a 7 foot setback encroachment of the 20 foot rear setback. Roof dimensions to be 18'x8'. Final distance of structure to rear property line to be 13 feet.

ACTION TAKEN :



APPROVE



DENY

REASON:

Article IX Section 902.A.3 allows for an administrative variance to be given on a rear yard encroachment of up to 10 feet. Said encroachment to be 7 feet. No objections were received.

STIPULATIONS:

None

PLANNING DIRECTOR: 

DATE: 4-15-19



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 17

SUBJECT: GENERAL FUND BALANCE PRESENTATION

CITY COUNCIL MEETING DATE: 04/22/2019

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 GENERAL FUND PRESENTATION

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Hayden Wiggins, Finance Administrator

General Fund Balance

Introduction

What is Fund Balance?

- Fund Balance is comprised of the Excess (Deficiency) of Revenues Over Expenditures for the Fiscal Year combined with the Beginning Balance of Fund Balance

Categories of Fund Balance In accordance with GASB #54

Non-Spendable
Restricted
Committed
Assigned
Unassigned

Non-Spendable

- Amounts that cannot be spent because:
 - They are not in spendable form
 - Legally or contractually required to remain intact
 - Example: Prepaid Items

Restricted

- Amounts constrained to being used for a specific purpose by:
 - External parties
 - Imposed by law through constitutional provisions or enabling legislation
 - Example: Capital Projects Fund (SPLOST)

Committed

- Amounts that are constrained for specific purposes that are internally imposed
 - Pursuant to constraints imposed by formal action of the Government's highest level of decision making
 - Resolution to Commit a portion of Fund Balance must occur prior to Year End
 - Same formal action is required to remove the designation

Assigned

- Amounts that are *intended* to be used for specific purposes that are neither considered restricted or committed
- *Intent* is expressed by Governing body
- Not the same as segregated by resolution = Committed

Unassigned

- Positive fund balance in the General Fund which has not been classified as the previous four other types of fund balance
- Minimum Level of Unassigned Fund Balance - must be maintained at a level sufficient to provide for the required resources to meet operating costs. The City will maintain at least six months of prior year general fund operating and non-operating expenses in the unassigned balance of the general fund.

General Fund As of March 31, 2019

- \$3,031,268 - General Fund Balance
- \$1,953,925 – General Fund Budget
- $\$1,953,925 / 12 \text{ months} = \$162,087$
- The City currently has about 18.5 months of general fund reserves

- $\$3,031,268 - \$1,953,925(12 \text{ months}) = \$1,077,343$
- $\$3,031,268 - \$2,279,579(14 \text{ months}) = \$751,689$

Questions?



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 19

SUBJECT: STAFF REPORT: FINANCE ADMINISTRATOR

CITY COUNCIL MEETING DATE: 04/22/2019

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 PRESENT FUND BALANCE AND ACTIVITY THROUGH MARCH 31, 2019

HISTORY/ FACTS / ISSUES:

SEE ATTACHED FINANCIAL REPORTS

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Hayden Wiggins, Finance Administrator

CITY OF DAWSONVILLE, GEORGIA
GENERAL FUND
July 1, 2018 - March 31, 2019

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
REVENUES			
Taxes	\$ 1,452,150	\$ 1,201,663	82.75%
Licenses and permits	156,375	80,847	51.70%
Intergovernmental revenues	25,000	49,061	196.24%
Fees	238,400	273,660	114.79%
Other	<u>82,000</u>	<u>98,104</u>	<u>119.64%</u>
 Total revenues	 <u>1,953,925</u>	 <u>1,703,335</u>	 <u>87.18%</u>
EXPENDITURES			
Department:			
Council	92,500	67,850	73.35%
Mayor	24,870	10,896	43.81%
Elections	1,000	100	10.00%
Administration	798,667	687,405	86.07%
City Hall building	228,300	204,110	89.40%
Animal control	2,000	1,084	54.20%
Roads	432,200	278,902	64.53%
Parks	3,000	50,752	1691.73%
Planning and zoning	316,888	258,938	81.71%
Economic development	<u>54,500</u>	<u>26,500</u>	<u>48.62%</u>
 Total expenditures	 <u>1,953,925</u>	 <u>1,586,537</u>	 <u>81.20%</u>
 TOTAL REVENUES OVER EXPENDITURES		 <u><u>116,798</u></u>	

CITY OF DAWSONVILLE, GEORGIA
WATER, SEWER, AND GARBAGE FUND
July 1, 2018 - March 31, 2019

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
REVENUES			
Water fees	\$ 648,000	\$ 508,228	78.43%
Sewer fees	756,000	588,491	77.84%
Garbage fees	139,000	113,002	81.30%
Miscellaneous	<u>161,418</u>	<u>56,023</u>	<u>34.71%</u>
 Total revenues	 <u>1,704,418</u>	 <u>1,265,744</u>	 <u>74.26%</u>
 EXPENDITURES			
Bad debts	2,000	-	0.00%
Depreciation	430,000	309,762	72.04%
Garbage service	105,350	98,919	93.90%
Group insurance	80,400	63,515	79.00%
Insurance	35,000	5,623	16.07%
Interest	106,000	85,564	80.72%
Payroll taxes	21,618	16,728	77.38%
Professional	94,000	118,597	126.17%
Miscellaneous	84,750	41,677	49.18%
Repairs/supplies	256,500	148,849	58.03%
Retirement	16,500	9,024	54.69%
Salaries	286,600	222,102	77.50%
Technical services	64,000	36,539	57.09%
Utilities	<u>121,700</u>	<u>106,364</u>	<u>87.40%</u>
 Total expenditures	 <u>1,704,418</u>	 <u>1,263,263</u>	 <u>74.12%</u>
 INCOME (LOSS)		 <u><u>2,481</u></u>	

CITY OF DAWSONVILLE, GEORGIA

SPLOST

July 1, 2018 - March 31, 2019

SPLOST VI

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
REVENUES			
Taxes	1,288,000	1,012,299	78.59%
Interest	<u>3,000</u>	<u>6,374</u>	<u>212.47%</u>
Total revenues	<u>1,291,000</u>	<u>1,018,673</u>	<u>78.91%</u>
EXPENDITURES (Capital Outlays)			
City hall acquisition	191,667	126,944	66.23%
Roads and sidewalks	191,667	-	0.00%
Public works equipment - roads	63,889	9,169	14.35%
Sewer projects	95,833	18,089	18.88%
Public works equipment - sewer	63,889	-	0.00%
Water projects	95,833	69,735	72.77%
Public works equipment - water	63,889	-	0.00%
Farmers market	191,666	135,252	70.57%
Parks and recreation	<u>332,667</u>	<u>1,028,972</u>	<u>309.31%</u>
Total expenditures	<u>1,291,000</u>	<u>1,388,161</u>	<u>107.53%</u>
TOTAL REVENUES OVER EXPENDITURES		<u><u>(369,488)</u></u>	