

AGENDA
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 23, 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 September 9, 2019
 - Executive Session meeting held September 9, 2019
8. Employee Service Awards

PUBLIC HEARING

9. **ZA-C2000023**: Aseem Qureshi has requested a zoning amendment for the Tract A of TMP 092B 006 004, located at 00 Perimeter Road and consisting of 3.008 acres from R1 (Single Family Residential) to HB (Highway Business). Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019.
10. **ZA-C2000021**: Fall Leaf Residential LLC has requested a zoning amendment for a portion of TMP D04 013 and a portion of D04 021 located at 0 Hwy 53 East and consisting of 25.7 acres from CIR (Restricted Industrial) to R6 (Multi Family Residential) Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019.
11. **ZA-C2000022**: Fall Leaf Residential LLC has requested a zoning amendment for a portion of TMP D04 013 located at 00 Hwy 53 East and consisting of 1.00 acres from CIR (Restricted Industrial) to CBD (Central Business District) Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019.
12. **ANX-C2000024 and ZA-C2000024**: The City of Dawsonville has petitioned to annex into the city limits of Dawsonville the property known as TMP 080 036 003, located at 1000 Cleve Wright Road and consisting of 32.68 acres, with a request to rezone from County Zoning of RA (Residential Exurban/Agricultural)) to City Zoning of INST (Institutional). Public Hearing Dates: Planning Commission on September 16, 2019 and City Council on September 23, 2019 and October 7, 2019

WORK SESSION

13. Chamber of Commerce Presentation by Christie Moore
14. Solid Waste Collection Service Contract Renewal and Establish Service Charge
15. Alcohol Excise Tax Discussion

BUSINESS

16. GRHOF Event Permit with Alcohol, October 25 – 27, 2019
17. Sidewalk Easement Acquisition from Phillips Anderson at 112 Perimeter Road
18. Customer Appreciation Week, October 7 – 11, 2019
19. One-Way Access Street to City Hall

AGENDA
CITY COUNCIL WORK SESSION AND REGULAR MEETING
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20. An Ordinance To Amend The Alcohol Ordinances Of The City By Repealing The Existing Chapter Three-Alcoholic Beverages Of The Code Of The City Of Dawsonville In Its Entirety And Enacting A New Chapter Three-Alcoholic Beverages; And For Other Purposes. (First Reading: September 23, 2019; Second Reading and Adoption: October 7, 2019)
21. An Ordinance To Amend Section 2-110 To Provide For Proper References To Chapter Three; To Provide New Fees For Various Alcoholic Beverage Licenses And Permits; To Correct The Fee Associated With Insurers To Comply With State Law; And For Other Purposes. (First Reading: September 23, 2019; Second Reading and Adoption: October 7, 2019)

STAFF REPORTS

22. Bob Bolz, City Manager
23. 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: 09/23/2019

PURPOSE FOR REQUEST:

**CONSIDERATION AND APPROVAL OF ITEMS BELOW; SEE ATTACHED
SUPPORTING DOCUMENTS**

a. Approve Minutes

- Regular Meeting held September 9, 2019
 - Executive Session held September 9, 2019
-



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7a

SUBJECT: APPROVE THE MINUTES

CITY COUNCIL MEETING DATE: 09/23/2019

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 SEPTEMBER 9, 2019
- EXECUTIVE SESSION HELD SEPTEMBER 9, 2019

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Baister, City Clerk

MINUTES
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 9, 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 Director 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 Mark French.
4. **ANNOUNCEMENTS:** Mayor Eason asked Councilmembers to be thinking about nominations for the Design Guideline Committee. He announced the next Food Truck Night will be October 4, 2019 and he also announced today was Randy Harness's birthday; he is the Dawson County law enforcement officer who attends our meetings.
5. **APPROVAL OF THE AGENDA:** Motion to amend the agenda by removing item #9 and item #18 and moving item #15 to item #9 made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

Motion to approve the agenda as amended made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** No comments from the public.
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a, b) made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Work Session and Regular Meeting held August 19, 2019
 - Executive Session held August 19, 2019
 - Special Called Meeting held August 27, 2019
 - b. Approve Appointments to the Design Guideline Committee as follows:
 - Anna Tobolski – Planning Commission
 - Angie Smith – Historic Preservation Commission
 - Scott Morgan – Dawson County School District
 - Georgann Schmalz – Dawson County Women's Club
 - Christie Moore – Chamber of Commerce
 - Karen Smith – Abbott Creek Nursery
 - Dwight Gilleland – Dawsonville Hardware
8. **EMPLOYEE OF THE MONTH:** Mayor Eason and Council presented the August employee of the Month to John Davis.
9. **APPOINTMENTS**
 - a. **ETHICS BOARD:** Motion to ratify the selection of Marcus Sewell by the Ethics Committee to the Ethics Board made by J. Power; second by M. French. Vote carried unanimously in favor.
 - b. **PLANNING COMMISSION:** Motion to appoint Susan Theisen to the Planning Commission for Post #3 to fill the unexpired terms for John Walden through 12/31/2020 made by J. Power; second by S. Tolson. Vote carried unanimously in favor.
 - c. **HISTORIC PRESERVATION COMMISSION:** Motion to appoint Perry Bohn to the Historic Preservation Commission to fill the unexpired terms for Shannon Gibson through 12/01/2021 made by J. Power; second by C. Phillips. Vote carried unanimously in favor.
 - d. **DOWNTOWN DEVELOPMENT AUTHORITY:** Motion to appoint Jamie McCracken to the Downtown Development Authority to fill the unexpired term for Keith Hudson through 05/06/2022 made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.
10. **BOND REFUNDING ANALYSES PRESENTATION:** Motion to approve the refinancing of the series 2014 bonds made by J. Power; second by M. French. Vote carried unanimously in favor.

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CITY COUNCIL REGULAR MEETING
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11. **CU-C9-00287**: Jeremy Porter, with Atlanta Motorsports Park LLC, has requested a Conditional Use Permit to construct garage condos in a CIR (Restricted Industrial) zoning district for TMP 070 049 001 located at 20 Duck Thurmond Road. Hearing Date: Planning Commission – June 10, 2019 and City Council – July 8, 2019 – **Postponed from July 8, 2019**
12. **ZA-C9-00287**: Jeremy Porter, with Atlanta Motorsports Park LLC, has requested a site plan update for TMP 070 049 001 located at 20 Duck Thurmond Road. Hearing Date: Planning Commission – June 10, 2019 and City Council – July 8, 2019 – **Postponed from July 8, 2019**

Motion to open the public hearing made by M. French; second by C. Phillips. Vote carried unanimously in favor. City Attorney Dana Miles read the conditional use and zoning amendment request. The following citizen spoke in favor of the request:

- Jeremy Porter, 20 Duck Thurmond Rd., Dawsonville – Mr. Porter gave a presentation promoting the Atlanta Motorsports Park and his reasons for the requests.

The following citizens spoke against the request.

- Karl Stalnaker, 135 Duck Thurmond Rd., Dawsonville – Mr. Stalnaker stated his concerns about the current sound pollution and the additional items being added that will add to the existing noise.
- Helen Hamryka, 683 Duck Thurmond Rd, Dawsonville - Ms. Hamryka stated her concerns about existing noise buffers being removed, the condos with garages facing in any other direction than the racetrack producing noise, and increased traffic along Duck Thurmond Rd.

Mayor Eason asked if Mr. Porter would like to respond to the concerns; Mr. Porter spoke briefly giving examples of things he's done to buffer any noise. He also answered questions regarding the teen driving school.

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

Motion to approve the conditional use permit and site plan change to construct the garage condos and to deny the site plan change for the teen driving school and for applicant to provide a correct updated stamped site plan to scale made by J. Power; second by S. Tolson. Motion amended by J. Power to include discretion given to the Planning Director to determine if additional vegetation will have to be added for a buffer once the encroachment of the existing buffer is breached. Brief discussion occurred regarding stipulations and the driving school. Vote carried unanimously in favor.

13. **ZA-C2000006**: The City of Dawsonville is requesting a zoning amendment correction from INST (Institutional District) to TB (Town Business District) for TMP D01 010 located at 86 Hwy. 53 West. Hearing Dates: Planning Commission – August 12, 2019 and City Council – August 19, 2019.

Attorney Miles read the zoning amendment request. Motion to approve the request as presented made by S. Tolson; second by C. Phillips. Vote carried unanimously in favor.

14. An Ordinance To Amend The Existing Alcohol Ordinance To Clarify The Types Of Licenses And/Or Permits Available; To Provide For New License Types; To Clarify Licensing And Permit Restrictions And Regulations On Particular Establishment Types; To Clarify Which Licenses Are Eligible For Administrative Approval By City Manager; To Provide References To The City Fee Schedule; And For Other Purposes. (First Reading: August 19, 2019; Second Reading and Adoption: September 9, 2019) – **Request to Postpone**

Motion to deny ordinance as presented with request to completely update the entire ordinance made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

15. Moved to Item #9

16. **CSL TELECOMMUNICATIONS REGISTRATION APPLICATION**: Motion to approve application and request compensation of 3% of revenues for the use of the right of way made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

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- 17. BUDGET AMENDMENT – AMPHITHEATER AT MAIN STREET PARK:** Motion to approve the expenditure to develop the Main Street Park amphitheater conceptual design to be paid out of general fund reserves in the amount of \$8,000 and to be paid back by SPLOST VI if funds become available made by S. Tolson; second by C. Phillips. Vote carried unanimously in favor.
- 18.** Removed item from agenda.
- 19. MAIN STREET PARK FENCE RECOMMENDATION:** Motion to award the bid to Custom Fence of Atlanta in the amount of \$127,199.00 to be paid out of SPLOST VI with the stipulation that the cost remains the same and be done in stages as the City instructs made by C. Phillips; second by M. French. Vote carried unanimously in favor.
- 20. POTENTIAL CHANGE ORDER FOR MAIN STREET PARK:** Councilmember Phillips recused himself from participation in this item. Motion to approve change order for Main Street Park for asphalt overrun and repairs, ADA ramps, curbs, grassing and sod in the amount of \$49,569.30 to be paid out of general fund reserves and to be paid back by SPLOST VI if funds become available made by S. Tolson; second by J. Power. Vote carried 3 in favor (Tolson, Power, French) with 1 recused (Phillips)

EXECUTIVE SESSION:

At 6:46 p.m. a motion to close regular session and go into executive session for Real Estate Acquisition was made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

At 7:04 p.m. a motion to close executive session and resume regular session was made by C. Phillips; second by M. French. Vote carried unanimously in favor.

ADJOURNMENT:

At 7:05 p.m. a motion to adjourn the meeting was made by M. French; second by J. Power. 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 September 9, 2019.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 646 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);

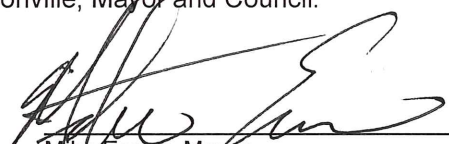
Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;


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 9th day of September 2019; By the City of Dawsonville, Mayor and Council:


Mike Eason, Mayor

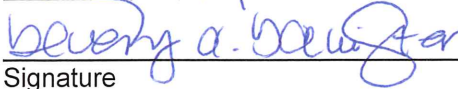

Caleb Phillips, Councilmember Post #1


Stephen Tolson, Councilmember Post #2


Jason Power, Councilmember Post #3


Mark French, Councilmember Post #4

Sworn to and subscribed before me this 9 day of September, 2019.


Signature

Notary Public

My Commission expires: 02.18.2020



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



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 8

SUBJECT: EMPLOYEE SERVICE AWARDS

CITY COUNCIL MEETING DATE: 09/23/2019

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 SERVICE AWARDS FOR SEPTEMBER 2019

- **STEVEN MCNEAL – ONE YEAR (SEPTEMBER 4TH)**
- **STAN ZAVERUKHA – ONE YEAR (SEPTEMBER 24TH)**
- **JACOB BARR – EIGHT YEARS (SEPTEMBER 27TH)**

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR AGENDA ITEM # 9

SUBJECT: ZA-C2000023, Zoning Amendment Request, Aseem Qureshi, Perimeter Rd

DATE(s): 09-23-2019 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: **PUBLIC HEARING**

Aseem Qureshi has requested a zoning amendment for the Tract A of TMP 092B 006 004, located at 00 Perimeter Road and consisting of 3.008 acres from R1 (Single Family Residential) to HB (Highway Business).
Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019.

HISTORY/ FACTS / ISSUES

Current Zoning R-1 vacant
Proposed mini-storage site
Property adjoins two commercial properties to the east

Staff recommended approval, Planning Commission recommends denial

OPTIONS:

Approve or deny

Approve with stipulations: 1. Any proposed security lighting shall be full cutoff, downlight only and shall be placed to avoid light spillage onto neighboring properties. 2. The facility shall not be accessible between 10 p.m. and 7 a.m.

RECOMMENDED SAMPLE MOTION:

Planning Directors Recommend Motion: Motion to approve with stipulations as described.

Planning Commissions Recommended Motion: Motion to deny the application as presented.

DEPARTMENT: Planning and Development

REQUESTED BY: R. Irvin



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

SUBJECT: ZA-C2000023 Aseem Qureshi R1 to CHB

LOCATION: Perimeter Rd TMP 092B 006 004

HEARD BY PLANNING COMMISSION ON: 09 / 16 / 2019

TO BE HEARD BY CITY COUNCIL ON:

DATE(s): 09 / 23 / 2019 WORK SESSION _____ / _____ / _____ CITY COUNCIL MEETING

ADDITIONAL HISTORY/ FACTS/ ISSUES DISCOVERED AT PLANING COMMISSION:

None

ACTION TAKEN : APPROVE DENY

REASON FOR DENIAL: Too high intensity of zoning, incompatible with area, impervious surface concerns and visual concerns.

STIPULATIONS: OR SEE MINUTES

PLANNING DIRECTOR: [Signature] DATE: 9-17-19

PC CHAIR OR DESIGNEE: [Signature] DATE: 9/17/19



September 10, 2019

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

Re: Staff Recommendation; ZA-C2000023

Mr. Lindsey and Commission,

Mr. Aseem Qureshi has requested a zoning amendment for the Tract A of TMP 092b 006 004, located at 00 Perimeter Rd and consisting of 3.008 acres from R1 (Single Family Residential) to HB (Highway Business). Mr. Qureshi wishes to construct mini-storage units on the property

Current conditions are as follows:

- Said property is currently zoned R1 and is vacant.
- The proposed mini-storage site is proposed to access off of Hwy 9 and would consist of 6 units measuring 30'x120' each.
- The property is boarded to the north by Perimeter Rd.
- To the east by two properties zoned CHB and CBD.
- To the south by a parcel zoned R-1.
- To the west by Tract B of this parcel zoned R-1 and owned by Mr. Qureshi

The use proposed will be low impact and should not interfere with the surrounding residential parcels.


The property use is consistent with the City of Dawsonville Comprehensive Plan.

This office recommends approval with the following stipulations:

1. Any proposed security lighting shall be full cutoff, downlight only and shall be placed to avoid light spillage onto neighboring properties.
2. The facility shall not be accessible between 10 pm. till 7 am.

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

Sincerely,


R.J. Irvin
Planning Director, City of Dawsonville

Letter of Intent

August 20, 2019

City Hall Planning and Zoning
415 Hwy 53 East, Ste 100
Dawsonville, GA 30534

RE: Tax Parcel 092B-006-004

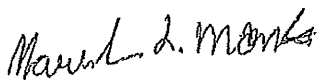
To Whom it May Concern:

Please let this letter serve as a Letter of Intent to rezone the property listed above located on Hwy 9 N and Perimeter Road in Dawsonville, Georgia. Currently, the property is zoned R-1.

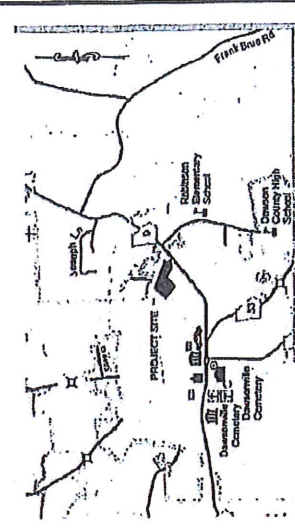
I would like to request a rezoning of the property from R-1 to CHB. My intent is to build 6 mini storage units that measure 30'x120' each with a surfaced gravel drive and appropriate detention facilities. We will access the property from Hwy 9 only, using an approved G-DOT entrance.

I appreciate your consideration of this rezoning. Please do not hesitate to call me if you have any questions or concerns.

Sincerely,



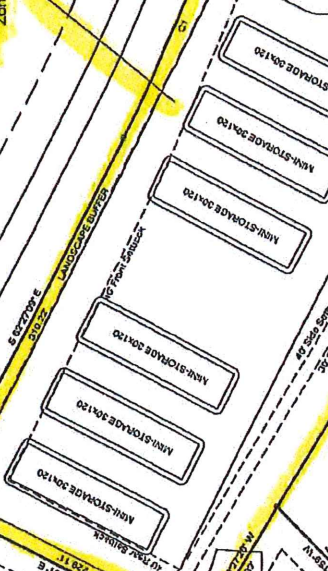
Mariah L. Monk
404-514-2532



LINE	BEARING	DISTANCE	CURVE	BACKSIGHT	SIGHT LENGTH	CHORD BEARING	CHORD LENGTH	CHORD ANGLE	BEVEL ANGLE
L1	N 42°07'00" W	41.52'							
L2	N 42°07'00" W	41.52'							
C1									

Tract A
3.008 Acres
a Portion of Tax Parcel 092B 006 004
N/F Mariah L. Monk
Zoned R-1

Tract B
4.000 Acres
a Portion of Tax Parcel 092B 006 004
N/F Mariah L. Monk
Zoned R-1



As required by subsection (b) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions (city, county and state) in accordance with the provisions of the Georgia Surveyors' Act and all applicable laws and regulations. Any approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as the surveyor does not warrant the accuracy of the information contained hereon. The surveyor's liability is limited to the minimum technical standards for the profession as set forth in the Georgia Surveyors' Act and regulations of the Georgia Board of Surveyors. This plat is not to be used for any purpose other than that for which it was prepared and is void if altered or tampered with in any way.

O.C.G.A. Section 15-6-67.

Douglas R. Stewart

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS A RESULT OF A SURVEY CONDUCTED IN ACCORDANCE WITH THE GEORGIA SURVEYORS' ACT AND ALL APPLICABLE LAWS AND REGULATIONS. THE SURVEYOR'S LIABILITY IS LIMITED TO THE MINIMUM TECHNICAL STANDARDS FOR THE PROFESSION AS SET FORTH IN THE GEORGIA SURVEYORS' ACT AND REGULATIONS OF THE GEORGIA BOARD OF SURVEYORS. THIS PLAT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED AND IS VOID IF ALTERED OR TAMPERED WITH IN ANY WAY.

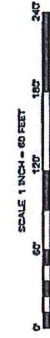
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 200,000 FEET.

3. THIS PLAT WAS PREPARED WITHOUT THE AID OF A TITLE SURVEY. THE SURVEYOR HAS REVIEWED ALL RECORDS THAT A TITLE SEARCH MAY PRODUCE.

4. IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PROFESSION AS SET FORTH IN THE GEORGIA SURVEYORS' ACT AND REGULATIONS OF THE GEORGIA BOARD OF SURVEYORS.

5. BY GRAPHICALLY SEALING THIS PROPERTY, I AM LOCATED IN THE YEAR FLOOD ZONE. REFERENCE MAP: FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NUMBER: 13097 CRT10, DATED 05/01/2010.

Highway 9 N
80' RIGHT-OF-WAY
FIELD MARKERS ADJACENT TYPICAL



Sheet No.
1 of 1

Mariah L. Monk
2200 Plum St.
Lawrenceville, GA 30046
Located in Section 11C
Land Lot 3754 of the City of Lawrenceville
Dawson County, Georgia

Revision Number	Description
01	DATE: AUG 8, 2010
02	FIELD CHECK: AUG 2010
03	DRAWN BY: [Name]
04	DWG FILE: [Name]
05	FIELD CHECK: [Name]
06	JOB # 0752001
07	CREATED BY: DPS
08	FIELD CHECK: TDS RECON



LAND SURVEYING AND PLANNING
904 6885 • NC #4597 •
1315 Peachtree Street, N.E.
Dawsonville, GA 30034
Office: 706.500.7178
www.LDPorga.com
coug@lpporga.com

LDP
LAND DEVELOPMENT PROFESSIONALS

RESERVED FOR RECORDING INFORMATION

DATE OF SURVING
MAGNETIC FROM REF. PLAT

LEGEND

- DLB - DEED BOOK, PAGE
- IR - IRON PIN SET (BY REBAR)
- LL - LAND LOT
- LN - LAND LINE
- NP - NOW ON FORMERLY
- OP - OPEN TOP PIPE
- PC - PROPERTY CORNER
- PL - PROPERTY LINE
- POB - POINT OF BEGINNING
- PP - POWER POLE
- PR - RIGHT-OF-WAY

Tax Parcel 092B 006 006
N/F Mariah L. Monk
Dawsonville, GA 30034
Zoned R-1

Tax Parcel 092B 012
N/F Mariah L. Monk
Dawsonville, GA 30034
Zoned R-1 (Light Industrial)

Tax Parcel 092B 006 006
N/F Mariah L. Monk
Dawsonville, GA 30034
Zoned R-1

Tax Parcel 092B 006 005
N/F Christopher David Chastrom
Dawsonville, GA 30034
Zoned R-1

Tax Parcel 092B 002
N/F Christopher David Chastrom
447 HWY 9 N
Dawsonville, GA 30034
Zoned R-1

Tax Parcel 092B 002
N/F Christopher David Chastrom
447 HWY 9 N
Dawsonville, GA 30034
Zoned R-1



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

Zoning Amendment Application

Request # ZA- 02000023 Condition/Stipulation Change

Original ZA #

Applicant Name(s): Aseem K. Qureshi

Address: 622 Alder Circle City: Dawsonville Zip: 30534

Phone: 404-514-2532 Cell Phone:

X Signature(s) [Signature] Date

Property Address: 654 Hwy 9N

Directions to Property from City Hall: Right on Allen St. turn left on Perimeter Rd. go across Hwy 9N Site be on left.

Tax Map # Parcel # 092B 006 004 Tract A Current Zoning*: R-1

Land Lot(s): 375 District: 4th Section: 1st

Subdivision Name: Lot #

Acres: 3.008 Current Use of Property: N/A

Has a past Request of Rezone of this property been made before? no If yes, provide ZA #

The applicant request:

Rezoning to zoning category: HB Special Use permit for:

Proposed use of property if rezoned is: Mini Storage Units

If Residential: # of lots proposed Minimum lot size proposed (Include Conceptual Plan)

Is an Amenity area proposed NO, if yes, what

If Commercial: Total Building area proposed 3 ac. (Include Conceptual Plan)

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

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

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

Road name: Hwy 9N 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.

X [Signature] Signature of Applicant Date 8/19/19

Office Use Only:	
Date Completed Application Rec'd: <u>8/19/19</u>	Amount Paid \$ <u>600.00</u> + Certified Fees Check # <u> </u> /Cash
Date of Planning Commission Meeting: <u>9/16/19</u>	Dates Advertised: <u>8/28/19</u>
Date of City Council Meeting: <u>9/23/19</u>	Dates Advertised: <u>8/28/19</u>
Postponed: YES NO Date: <u> </u>	Rescheduled for next Meeting: <u> </u>
Approved by Planning Commission: YES NO	Approved by City Council: YES NO



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

**Zoning Amendment
 Authorization**

Property Owner Authorization

I / We ✓ Mariah Monk hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 092B 006 004 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 under signer 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 by the City Council.

✓ Printed Name of Applicant or Agent Aseem Khan Dureshi
 ✓ Signature of Applicant or Agent [Signature] Date 8/19/19
 Mailing Address 622 Alder Circle
 City Dawsonville State GA Zip 30534
 Telephone Number _____

Printed Name of Owner(s) Mariah Monk
 ✓ Signature of Owner(s) Mariah Monk Date 8/19/19
 _____ Date _____

Sworn to and subscribed before me
 this 19 day of August 20 19.

[Signature]
 Notary Public, State of Georgia

My Commission Expires: May 15, 2023



Nalita Y. Copeland
 NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 May 15, 2023

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 Phone:
(706) 265-3256

**Zoning Amendment
Campaign Disclosure**

Disclosure of Campaign Contributions
(Applicant(s) and Representative(s) of Rezoning)

Pursuant to OCGA, Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made with two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:


1. Name of local official to whom campaign contribution was made:

_____ 

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$  Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning: _____

* 
Signature of Applicant / Representative of Applicant


Date

Failure to complete this form is a statement that no disclosure is required.



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

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

INVOICE #
12000138

INVOICE DATE: 08/20/19

DUE DATE: 09/19/19

ACCOUNT ID: P-000454 PIN: 947195

 MARIAH MONK
622 ALDER CIRCLE
DAWSONVILLE GA, 30534

PERMIT INFORMATION
 PERMIT NO: C2000023
 LOCATION: 00 PERIMETER ROAD
 OWNER: MARIAH MONK

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C2000023		
1.0000	P-0129	Zoning Request to HB Permit No: C2000023	500.000000	500.00
9.0000/EA	P-0155	CERTIFIED MAIL FEE Permit No: C2000023	6.800000	61.20
2.0000/ACR	P-0132	Zoning Request to HB per Acre Permit No: C2000023	50.000000	100.00
			TOTAL DUE:	\$ 661.20
		Prn Payment: 08/20/19 CK 0100		-661.20
			BALANCE:	\$ 0.00

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 #: 12000138
 DESCRIPTION: Permit No: C2000023
 ACCOUNT ID: P-000454 PIN: 947195
 DUE DATE: 09/19/19
 TOTAL DUE: \$ 0.00

MARIAH MONK
622 ALDER CIRCLE
DAWSONVILLE GA, 30534





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

SUBJECT: ZA-C2000021, ZA-C2000022 Fall Leaf LLC

DATE(s): 09-23-2019 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: **PC CONTINUED THE PUBLIC HEARING FOR THE DRI PROCESS**

Fall Leaf Residential LLC has requested a zoning amendment for a portion of TMP D04 013 and a portion of D04 021 located at 0 Hwy 53 East and consisting of 25.7 acres from CIR (Restricted Industrial) to R6 (Multi Family Residential) Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019.

Fall Leaf Residential LLC has requested a zoning amendment for a portion of TMP D04 013 located at 00 Hwy 53 East and consisting of 1.00 acres from CIR (Restricted Industrial) to CBD (Central Business District) Hearing Date: Planning Commission – September 16, 2019 and City Council September 23, 2019.

HISTORY/ FACTS / ISSUES

Current Zoning CIR vacant
Proposed multi-family development with a 1-acre commercial parcel
Proposed open space to be 12.83 of 25.7 acres

Staff recommended approval, Planning Commission continued public hearings due to DRI

OPTIONS:

No action can be taken until items are moved forward by the PC

RECOMMENDED SAMPLE MOTION:

Motion to table until PC completes action.

DEPARTMENT: Planning and Development

REQUESTED BY: R. Irvin



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

SUBJECT: ZA-C2000021 VAR-C2000021 ZA-C2000022 Fall Leaf Residential LLC

LOCATION: Hwy 53 E TMP D04 013 and D04 021

HEARD BY PLANNING COMMISSION ON: 09 / 16 / 2019

TO BE HEARD BY CITY COUNCIL ON:

DATE(s): 09 / 23 / 2019 WORK SESSION / / CITY COUNCIL MEETING

ADDITIONAL HISTORY/ FACTS/ ISSUES DISCOVERED AT PLANING COMMISSION:

DRI submitted to GMRC

ACTION TAKEN : APPROVE DENY

Public Hearings CONTINUED until Nov. 12, 2019 due to DRI

STIPULATIONS: OR SEE MINUTES

PLANNING DIRECTOR:  DATE: 9-17-19

PC CHAIR OR DESIGNEE:  DATE: 9/17/19



September 10, 2019

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

Re: Staff Recommendation; ZA-C2000021, VAR-C2000021 and ZA-C2000022

Mr. Lindsey and Commission,

Fall Leaf Residential LLC has requested a zoning amendment for the following:

- To amend the zoning of a portion of TMP D04 013 and a portion of D04 021 located along Hwy 53 East and consisting of 25.7 acres from CIR (Restricted Industrial) to R6 (Multi-Family Residential) for the purposes of construction a townhome development.
- In addition to the requested zoning amendment the applicant is requesting a variance for the reduction of the minimum lot widths from 28 feet to 20 feet for a portion of TMP D04 013 and a portion of D04 021.
- Finally, the applicant has requested a zoning amendment for a portion of TMP D04 013 from CIR to CBD (Central Business District) in order to construct a small commercial development.

Conditions are as follows:

- Said property is currently zoned CIR and is vacant.
- The proposed multi-family development is proposed to access off of Hwy 53 with an emergency access off of Hwy 9 and would consist of 150 homes.
- The property is boarded by both commercial and residential zonings.
- The reduction in lot widths will result in an increase in open space. Total open space to be 12.83 of 25.7 acres.

The property use is not consistent with the City of Dawsonville Comprehensive Plan however the likelihood of industrial development for this area is marginal at best therefore it is my opinion that some use is better than no use.

This office recommends approval with the following stipulations:

1. Any proposed lighting other than ornamental shall be full cutoff, downlight only and shall be placed to avoid light spillage onto neighboring properties.
2. The commercial development shall incorporate at least 50% brick or stone into all facades visible from a public roadway.
3. Townhomes front facades shall consist of at least 80% brick and or stone.

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

Sincerely,

A handwritten signature in blue ink, appearing to be 'R.J. Irvin', with a long horizontal flourish extending to the right.

R.J. Irvin
Planning Director, City of Dawsonville



FALL LEAF RESIDENTIAL, LLC
6435 Shiloh Rd - Ste 100
Alpharetta, GA 30005

Mayor and City Council
Planning Commission
Dawsonville, Georgia

Re: Rezoning 25.7 Acres, Georgia Highway 53

Please accept this letter outlining our plans for a 25.7 acre tract of land fronting on the west side of Georgia Highway 53, the property also has frontage on the east side of Georgia Highway 9. This property is currently zoned CIR, Restricted Industrial Commercial.

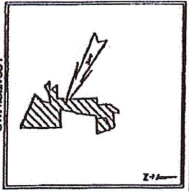
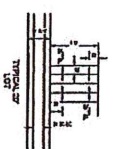
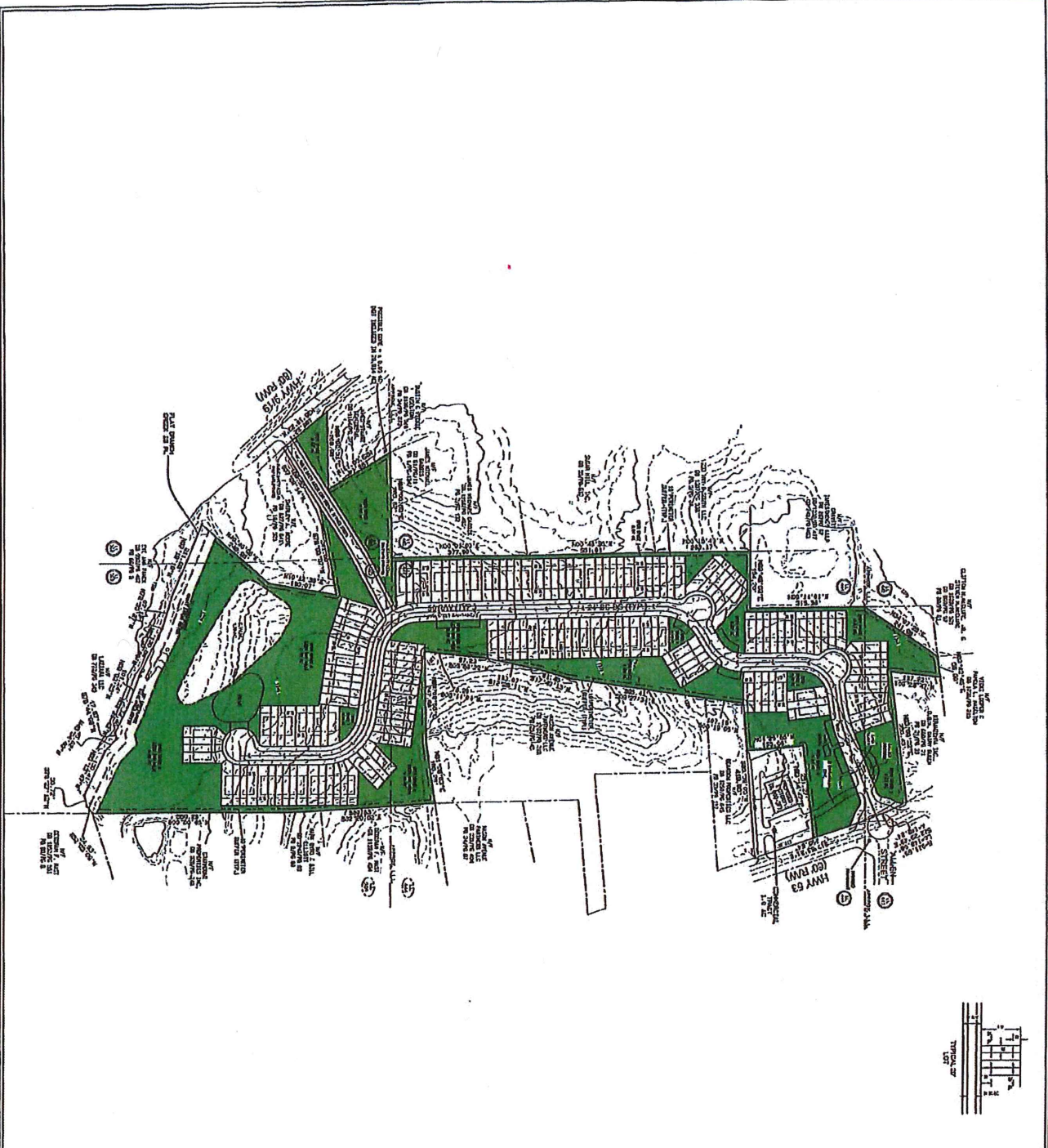
We are requesting rezoning to R-6 to allow the development of a townhouse development. The site plan we have submitted shows 150 homes with 40% open space. We also will have a small 1 acre commercial parcel on Highway 53 that is covered in a separate rezoning application.

We have 2 entrances, the main entrance will be on Highway 53 with a secondary entrance on Highway 9. We met with your planning staff and the city fire marshal and they suggested that both entrances be gated to prevent vehicles from cutting through the site from Highway 53 to Highway 9 and we have agreed to make that a zoning stipulation. We also agreed to install sprinklers in each unit and in the attic of each unit in addition to the fire retardant materials that would normally be installed to provide a two hour firewall between individual townhouse units to comply with Section 1405, paragraph 2 of the zoning ordinance. We believe a townhouse development on this property is a much better use for this site than the present industrial zoning would allow. The residents will be within walking distance of the new Town Center improvements and commercial uses just across Highway 53 which will provide a nice amenity for residents of this development.

There is a great need for the type housing we are proposing, especially to provide housing for our teachers, firemen, policemen and service industry people providing a residential use so close to the City Center and that this development will be an asset to the city and respectfully request that the Planning Commission and City Council approve this rezoning application.

Sincerely,

Norman White
Fall Leaf Residential, LLC



CONSOLIDATED DATA

TOTAL AREA	24.2 AC
TOTAL LOT AREA	10.0 AC
TOTAL OPEN SPACE	14.2 AC
TOTAL ROADWAY	1.0 AC
TOTAL UTILITIES	0.0 AC
TOTAL OTHER	0.0 AC
TOTAL UTILITIES	0.0 AC
TOTAL OTHER	0.0 AC

LEGEND

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

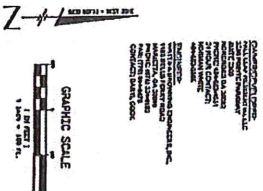
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

PROPERTY INFORMATION

OWNER	DAWSON COUNTY, GEORGIA
ADDRESS	1000 W. HUNTER STREET, DAWSONVILLE, GA 30701
PHONE	(706) 398-1234
FAX	(706) 398-5678
E-MAIL	planning@dawsoncountyga.gov
WEBSITE	www.dawsoncountyga.gov
CONTACT PERSON	JANE DOE
PHONE	(706) 398-9012
FAX	(706) 398-3456
E-MAIL	jane.doe@dawsoncountyga.gov
WEBSITE	www.dawsoncountyga.gov

CHANGES TO PLAN

NO. 1	ADD LOT 441
NO. 2	DELETE LOT 442
NO. 3	REVISION TO LOT 443
NO. 4	REVISION TO LOT 444
NO. 5	REVISION TO LOT 445
NO. 6	REVISION TO LOT 446
NO. 7	REVISION TO LOT 447
NO. 8	REVISION TO LOT 448
NO. 9	REVISION TO LOT 449
NO. 10	REVISION TO LOT 450
NO. 11	REVISION TO LOT 451
NO. 12	REVISION TO LOT 452
NO. 13	REVISION TO LOT 453
NO. 14	REVISION TO LOT 454
NO. 15	REVISION TO LOT 455
NO. 16	REVISION TO LOT 456
NO. 17	REVISION TO LOT 457
NO. 18	REVISION TO LOT 458
NO. 19	REVISION TO LOT 459
NO. 20	REVISION TO LOT 460
NO. 21	REVISION TO LOT 461
NO. 22	REVISION TO LOT 462
NO. 23	REVISION TO LOT 463
NO. 24	REVISION TO LOT 464
NO. 25	REVISION TO LOT 465
NO. 26	REVISION TO LOT 466
NO. 27	REVISION TO LOT 467
NO. 28	REVISION TO LOT 468
NO. 29	REVISION TO LOT 469
NO. 30	REVISION TO LOT 470
NO. 31	REVISION TO LOT 471
NO. 32	REVISION TO LOT 472
NO. 33	REVISION TO LOT 473
NO. 34	REVISION TO LOT 474
NO. 35	REVISION TO LOT 475
NO. 36	REVISION TO LOT 476
NO. 37	REVISION TO LOT 477
NO. 38	REVISION TO LOT 478
NO. 39	REVISION TO LOT 479
NO. 40	REVISION TO LOT 480
NO. 41	REVISION TO LOT 481
NO. 42	REVISION TO LOT 482
NO. 43	REVISION TO LOT 483
NO. 44	REVISION TO LOT 484
NO. 45	REVISION TO LOT 485
NO. 46	REVISION TO LOT 486
NO. 47	REVISION TO LOT 487
NO. 48	REVISION TO LOT 488
NO. 49	REVISION TO LOT 489
NO. 50	REVISION TO LOT 490
NO. 51	REVISION TO LOT 491
NO. 52	REVISION TO LOT 492
NO. 53	REVISION TO LOT 493
NO. 54	REVISION TO LOT 494
NO. 55	REVISION TO LOT 495
NO. 56	REVISION TO LOT 496
NO. 57	REVISION TO LOT 497
NO. 58	REVISION TO LOT 498
NO. 59	REVISION TO LOT 499
NO. 60	REVISION TO LOT 500



DAWSON COUNTY, GEORGIA

PLANNING DEPARTMENT

PRELIMINARY PLAT

FOR

HWY 9/HWY 53

TRACT

LAND LOTS 441, 444, 500 & 500 - 4TH DISTRICT - 1ST SECTION

CITY OF DAWSONVILLE

DAWSON COUNTY, GEORGIA

DAWSON COUNTY, GEORGIA

PLANNING DEPARTMENT

PRELIMINARY PLAT

FOR

HWY 9/HWY 53

TRACT

LAND LOTS 441, 444, 500 & 500 - 4TH DISTRICT - 1ST SECTION

CITY OF DAWSONVILLE

DAWSON COUNTY, GEORGIA

DAWSON COUNTY, GEORGIA

PLANNING DEPARTMENT

PRELIMINARY PLAT

FOR

HWY 9/HWY 53

TRACT

LAND LOTS 441, 444, 500 & 500 - 4TH DISTRICT - 1ST SECTION

CITY OF DAWSONVILLE

DAWSON COUNTY, GEORGIA

DAWSON COUNTY, GEORGIA

PLANNING DEPARTMENT

PRELIMINARY PLAT

FOR

HWY 9/HWY 53

TRACT

LAND LOTS 441, 444, 500 & 500 - 4TH DISTRICT - 1ST SECTION

CITY OF DAWSONVILLE

DAWSON COUNTY, GEORGIA

DAWSON COUNTY, GEORGIA

PLANNING DEPARTMENT

PRELIMINARY PLAT

FOR

HWY 9/HWY 53

TRACT

LAND LOTS 441, 444, 500 & 500 - 4TH DISTRICT - 1ST SECTION

CITY OF DAWSONVILLE

DAWSON COUNTY, GEORGIA



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

Zoning Amendment Application

Request # ZA-C2000021 Condition/Stipulation Change

Original ZA # _____

Applicant Name(s): FALL LEAF RESIDENTIAL
 Address: 3280 Pointe Pkwy S 2300 City: NOACROSS Zip: 30092
 Phone: 404 502 3305 Cell Phone: 404 502 3305
 Signature(s): [Signature] Date 6-29-19

Property Address: Highway 53 East
 Directions to Property from City Hall: Directly across Hwy 53 adjacent Dairy Queen
 Tax Map # _____ parcel # portion of (D04013) and D04021 Current Zoning: CFA
 Land Lot(s): 441, 444, 508, 509 District: 4th Section: 1E
 Subdivision Name: N/A Lot # _____
 Acres: 25.7 Current Use of Property: Vacant
 Has a past Request of Rezone of this property been made before? No If yes, provide ZA # _____

The applicant request:

Rezoning to zoning category: B6 Special Use permit for: _____
 Proposed use of property if rezoned is: Townhome Development
 If Residential: # of lots proposed 150 Minimum lot size proposed 2,000 (Include Conceptual Plan)
 Is an Amenity area proposed Yes, if yes, what Tot lot
 If Commercial: Total Building area proposed _____ (Include Conceptual Plan)
 Existing Utilities: (utilities readily available at the road frontage) Water Sewer Electric Natural Gas
 Proposed Utilities: (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: Highway 53 and Hwy 9 Type of Surface: Paved

- ◆ 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] _____ Date 6-29-19
 Signature of Applicant Date

Office Use Only:	
Date Completed Application Rec'd: <u>8/19/19</u>	Amount Paid \$ <u>1250 + Certif. Fees</u> Check # <u>1939</u> /Cash
Date of Planning Commission Meeting: <u>9/16/19</u>	Dates Advertised: <u>8/23/19</u>
Date of City Council Meeting: <u>9/23/19</u>	Dates Advertised: <u>8/23/19</u>
Postponed: YES NO Date: _____	Rescheduled for next Meeting: _____
Approved by Planning Commission: YES NO	Approved by City Council: YES NO



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

**Zoning Amendment
 Authorization**

Property Owner Authorization

I/We Jenkins Family Enterprises L.P. hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) Highway 53 East
D 04 013 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

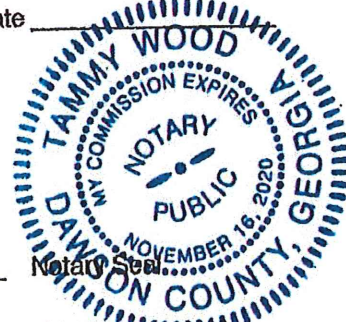
I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer 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 by the City Council.

Printed Name of Applicant or Agent Fall Leaf Residential LLC
 Signature of Applicant or Agent [Signature] Date 5-29-19
 Mailing Address 3280 Pointe Pkwy SUITE 2300
 City NONCROSS State GA Zip 30092
 Telephone Number 404 502 3305

Printed Name of Owner(s) Jenkins Family Enterprises L.P.
 Signature of Owner(s) [Signature] Date 5-29-19
 Date _____

Sworn to and subscribed before me
 this 29 day of May 2019
[Signature]
 Notary Public, State of Georgia

My Commission Expires: 11/16/20



(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.)

	<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">Zoning Amendment Authorization</p>
---	--	--

Property Owner Authorization

I/We DEBORAH MAST hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) Highway 53 East
D04 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 FALL LEAF RESIDENTIAL LLC
Signature of Applicant or Agent [Signature] Date 5/14/19
Mailing Address 3280 Pointe Pkwy Suite 2300
City Norcross State GA Zip 30092
Telephone Number 404 502 3305

Printed Name of Owner(s) DEBORAH MAST
Signature of Owner(s) [Signature] Date 5/14/19
Date _____

Sworn to and subscribed before me
this 14th day of MAY, 2019.
Pamela H. Ashton
Notary Public, State of Georgia



My Commission Expires: _____ 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.)

	<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">Zoning Amendment Authorization</p>
---	--	--

Property Owner Authorization

I / We GEORGE FREISEM hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) Highway 53 East
D 04 021 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 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 by the City Council.

Printed Name of Applicant or Agent Fall Leaf Residential LLC
Signature of Applicant or Agent [Signature] Date 5-14-19
Mailing Address 3280 Pointe PKWY SUITE 2300
City NORCROSS State GA Zip 30092
Telephone Number 404 502 3305

Printed Name of Owner(s) GEORGE FREISEM
Signature of Owner(s) [Signature] Date 5/17/19
Date _____

Sworn to and subscribed before me
this 17th day of May 2019.
[Signature]
Notary Public, State of Georgia



My Commission Expires: 02/25/2022 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
P.O. Box 6
415 Highway 53 East, Suite 100
Dawsonville, GA 30534
Phone: (706) 265-3256

**Zoning Amendment
Campaign Disclosure**

Disclosure of Campaign Contributions
(Applicant(s) and Representative(s) of Rezoning)

Pursuant to OCGA, Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made with two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to whom campaign contribution was made:

N/A

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ _____ Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning: _____

[Signature]

Signature of Applicant / Representative of Applicant

6-29-19

Date

Failure to complete this form is a statement that no disclosure is required.



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

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

INVOICE #
12000136

INVOICE DATE: 08/20/19

DUE DATE: 09/19/19

ACCOUNT ID: P-000452 PIN: 512560 FALL LEAF RESIDENTIAL LLC 6435 SHILOH ROAD STE 100 ALPHARETTA GA, 30005

PERMIT INFORMATION
 PERMIT NO: C2000021
 LOCATION: 0 HIGHWAY 53 EAST
 OWNER: FALL LEAF RESIDENTIAL LLC

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C2000021		
1.0000	P-0149	Zoning Request to R6 Permit No: C2000021	350.000000	350.00
25.0000/ACR	P-0163	ZONING REQUEST TO R-6 PER ACRE Permit No: C2000021	50.000000	1,250.00
1.0000	P-0153	VARIANCE Permit No: C2000021	300.000000	300.00
21.0000/EA	P-0155	CERTIFIED MAIL FEE Permit No: C2000021	6.800000	142.80
		TOTAL DUE:		\$ 2,042.80
		Prn Payment: 08/20/19 CK 1939		-2,042.80
		BALANCE:		\$ 0.00

 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 #: I2000136
 DESCRIPTION: Permit No: C2000021
 ACCOUNT ID: P-000452 PIN: 512560
 DUE DATE: 09/19/19
 TOTAL DUE: \$ 0.00

FALL LEAF RESIDENTIAL LLC
 6435 SHILOH ROAD STE 100
 ALPHARETTA GA, 30005





FALL LEAF RESIDENTIAL, LLC
6435 Shiloh Rd - Ste 100
Alpharetta, GA 30005

Mayor and City Council
Planning Commission
Dawsonville, Georgia

Re: Variance to 28 foot minimum townhouse lot width

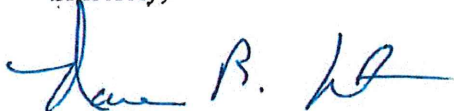
Please accept this letter regarding a variance we are requesting on a 25.7 acre tract of land fronting on the west side of Georgia Highway 53 and the east side of Georgia Highway 9.

We are requesting rezoning to R-6 to allow the development of a townhouse development. The Dawsonville Zoning Ordinance requires that the minimum width for each townhouse lot be 28 feet, we are requesting a variance to allow a minimum lot width of 20 feet. The following are our response to the conditions listed in Section 2507.1.

1. There are conditions relating to the size, shape and topography of this site that make the requirement for 28 foot wide townhouse lot very difficult. Having a 20 foot wide townhouse lot will enable the developer to place units in areas with the better topo and avoid having to put units in areas with the more difficult topo and areas where the shape of the property is more difficult and also allow the development to have more open space.
2. A literal interpretation of the ordinance to require a 28 foot townhouse lot would create an unnecessary hardship when compared to townhouse developments in nearby jurisdictions.
3. Granting this variance will not confer a special privilege to allow a smaller townhouse lot than might be allowed other properties in this zoning district.
4. Relief if granted will not be injurious to the neighborhood or general welfare in any manner that would interfere with or discourage the appropriate development and use of adjacent land and buildings or affect their value.
5. The variance requested is not the result of the actions of the applicant.
6. The variance requested is the minimum variance that would make possible the legal use of the land for the development proposed.
7. This variance is a request that will permit a use of this land that is permitted in this zoning district.

The demographics for Dawson County show a great need for the type housing we will be providing with this development especially filling a need for housing for our teachers, firefighters, policemen and service industry people. We believe this development will be an asset to the city however it is not feasible for us to develop this type of development with a 28 foot wide townhouse lot and we respectfully request that the Planning Commission approve this variance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman B. White". The signature is fluid and cursive, with a large initial "N" and "W".

Fall Leaf Residential, LLC
Norman White

PRELIMINARY PLAT
FOR
HWY 9/HWY 53
TRACT
LAND LOTS 441, 444, 509 & 509 - 1ST SECTION
CITY OF DAWSONVILLE
DAWSON COUNTY, GEORGIA

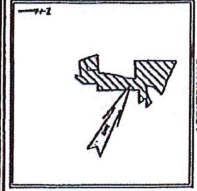


OWNER	DAWSON COUNTY
DESIGNER	DAWSON COUNTY
PREPARED BY	DAWSON COUNTY
DATE	10/15/10
SCALE	AS SHOWN
PROJECT NO.	10-10800
SHEET NO.	1 OF 1



HAB
HOUSING AND COMMUNITY DEVELOPMENT
1000 W. BROAD ST., SUITE 300
ATLANTA, GA 30334
PH: 404.525.1000
WWW.HAB.ORG

DESIGNED BY	DAWSON COUNTY
DATE	10/15/10
CHECKED BY	DAWSON COUNTY
DATE	10/15/10
APPROVED BY	DAWSON COUNTY
DATE	10/15/10



DEVELOPMENT DATA

TOTAL LOT AREA	1,150,000 SQ. FT.
TOTAL LOT AREA	26,180 AC.
TOTAL LOT AREA	1,150,000 SQ. FT.
TOTAL LOT AREA	26,180 AC.

DEVELOPMENT DATA

THE TOTAL LOT AREA OF THIS TRACT IS 26,180 AC. (1,150,000 SQ. FT.). THE TOTAL LOT AREA OF THIS TRACT IS 26,180 AC. (1,150,000 SQ. FT.). THE TOTAL LOT AREA OF THIS TRACT IS 26,180 AC. (1,150,000 SQ. FT.).

DEVELOPMENT DATA

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DEVELOPMENT DATA

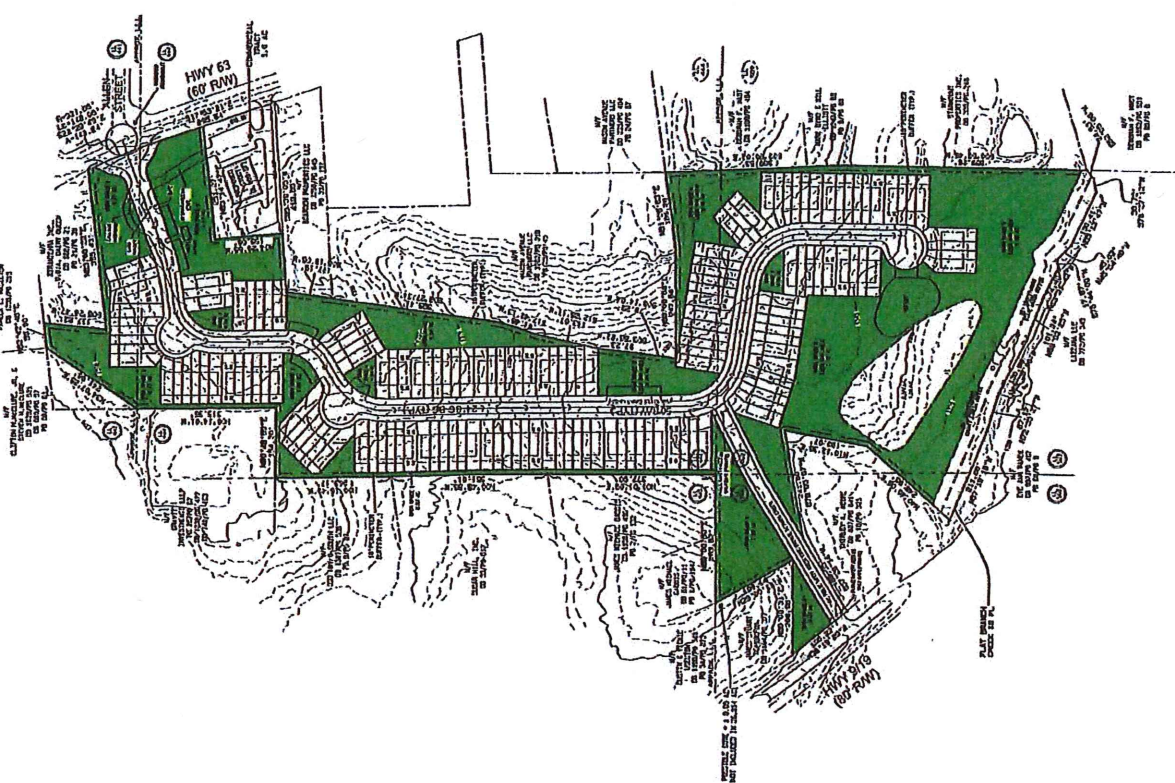
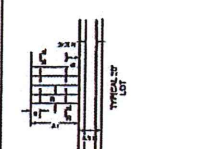
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City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 266-3266

Variance Application

Fee: \$300.00

VAR- 02006021

Application for: Appeal Special Exception Adjustment

Type of Variance Requested: Reduce Lot Width (Letter of Intent must fully describe this request)

Applicant Name: NORMAN WHITE Company: FALL LEAF RESIDENTIAL LLC

Address: 3280 POINTE PKWY S 2300 City: NORCROSS GA Zip: 30092

Phone: _____ Cell Phone: 404 502 3305 Fax#: _____

Owner Name(s): GEORGE FAISEM / DEBORAH MAST / Jenkins Family Dawsonville GA

Address: 2905 Piedmont Rd SUITE C City: Atlanta GA Zip: 30305

Phone: 404 914 4845 Cell Phone: ~~404 914 4845~~ Fax#: _____

Exact Location and Description of Subject Property:

Address: Highway 53 East Lot# N/A

Present/Proposed Zoning: CIR / R-6 Parcel# D 04 013 D 04 021

District: 4th 1st Land Lot: 441, 444, 508, 507 Tax Map# _____

Present and/or Proposed Use of Property: Presidential Townhouses

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)
- The applicant is responsible to pay the certified mail postage to adjacent property owners.
- Variance fee of \$300.00

Norman White

Signature of Applicant

7-19-19

Date



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

Property Owner
 Authorization

VAR# _____ TMP# _____ Applicant's Name: FALL LEAF RESIDENTIAL LLC

Property Owner Authorization

I/We DEBORAH MAST and George Freisen hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) DO4 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.

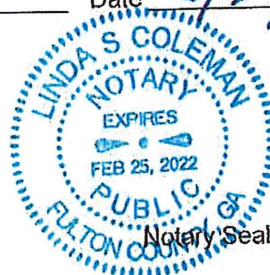
Printed Name of Applicant or Agent FALL LEAF RESIDENTIAL LLC
 Signature of Applicant or Agent [Signature] Date 6/20/19
 Mailing Address 3280 POINTE PARKWAY SUITE 2300
 City NOXROSS State GA Zip 30092
 Telephone Number 404 502 3305

Printed Name of Owner(s) DEBORAH MAST GEORGE FREISEN
 Signature of Owner(s) [Signature] Date JUNE 20, 2019
[Signature] Date 6/20/19


Sworn to and subscribed before me
 this 20 day of JUNE 2019.

[Signature]
 Notary Public, State of Georgia

My Commission Expires: _____



(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.)

	<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# _____ TMP# _____ Applicant's Name: Fall Leaf Residential

Property Owner Authorization

I/We Jenkins Family Enterprises LP hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) D04 013 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 under signer 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.

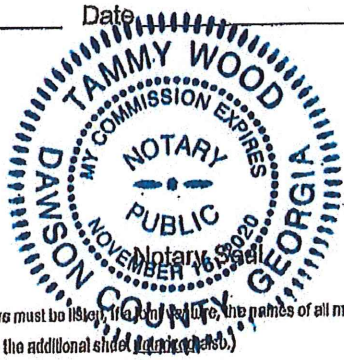
Printed Name of Applicant or Agent FALL LEAF RESIDENTIAL LLC
Signature of Applicant or Agent [Signature] Date 7-12-19
Mailing Address 3280 Pointe Parkway SUITE 2300
City NORCROSS State GA Zip 30092
Telephone Number 404 502 3305

Printed Name of Owner(s) Jenkins Family Enterprises
By Judy Jenkins
Signature of Owner(s) [Signature] Date 7-12-19

Sworn to and subscribed before me
this 12 day of July 2019.

[Signature]
Notary Public, State of Georgia

My Commission Expires: 11/16/20



(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 corporation, 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 attached.)



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

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

INVOICE #
I2000136

INVOICE DATE: 08/20/19
DUE DATE: 09/19/19

ACCOUNT ID: P-000452 PIN: 512560 FALL LEAF RESIDENTIAL LLC 6435 SHILOH ROAD STE 100 ALPHARETTA GA, 30005

PERMIT INFORMATION
 PERMIT NO: C2000021
 LOCATION: 0 HIGHWAY 53 EAST
 OWNER: FALL LEAF RESIDENTIAL LLC

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C2000021		
1.0000	P-0149	Zoning Request to R6 Permit No: C2000021	350.000000	350.00
25.0000/ACR	P-0163	ZONING REQUEST TO R-6 PER ACRE Permit No: C2000021	50.000000	1,250.00
1.0000	P-0153	VARIANCE Permit No: C2000021	300.000000	300.00
21.0000/EA	P-0155	CERTIFIED MAIL FEE Permit No: C2000021	6.800000	142.80
		TOTAL DUE:		\$ 2,042.80
		Prn Payment: 08/20/19 CK 1939		-2,042.80
		BALANCE:		\$ 0.00

 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 #: I2000136
 DESCRIPTION: Permit No: C2000021
 ACCOUNT ID: P-000452 PIN: 512560
 DUE DATE: 09/19/19
 TOTAL DUE: \$ 0.00

FALL LEAF RESIDENTIAL LLC
6435 SHILOH ROAD STE 100
ALPHARETTA GA, 30005



ZA - C2000022



FALL LEAF RESIDENTIAL, LLC
6435 Shiloh Rd - Ste 100
Alpharetta, GA 30005

Mayor and City Council
Planning Commission
Dawsonville, Georgia

Re: Rezoning 1 Acre, Georgia Highway 53

Please accept this letter outlining our plans for a 1 acre tract of land fronting on the west side of Georgia Highway 53. This property is currently zoned CIR, Restricted Industrial Commercial.

We are requesting rezoning to CBD to allow the development of a small commercial development.

We believe a commercial development on this property is a much better use for this site than the present industrial zoning would allow. We have a companion rezoning application for a 150 unit condominium development adjacent to this commercial tract. The residents will be able to walk to this commercial development which will be a nice amenity for these homeowners.

We respectfully request that the Planning Commission and City Council approve this rezoning application.

Sincerely,

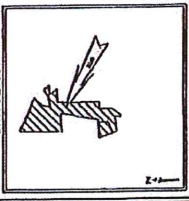
A handwritten signature in blue ink that reads "Norman White".

Fall Leaf Residential, LLC
Norman White



TYPICAL LOT

1	48' x 120'
2	48' x 120'
3	48' x 120'
4	48' x 120'
5	48' x 120'
6	48' x 120'
7	48' x 120'
8	48' x 120'
9	48' x 120'
10	48' x 120'
11	48' x 120'
12	48' x 120'



COMPARISON DATA

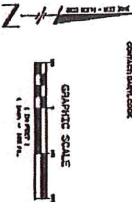
DESCRIPTION	100 R/W	100 R/W	100 R/W
TOTAL LOT AREA	131,424	131,424	131,424
DEVELOPABLE AREA	126,424	126,424	126,424
ROADS	5,000	5,000	5,000
UTILITIES	500	500	500
OPEN SPACE	5,000	5,000	5,000
CONCRETE	500	500	500
TOTAL	131,424	131,424	131,424

THE SPECIAL
A PROFESSIONAL ENGINEER'S CERTIFICATE OF MAP AND PLAT INCLUDING THE LOCATION OF ALL LOTS, THE ROAD, AND THE OPEN SPACE IS REQUIRED BY THE CITY OF DAWSONVILLE, GEORGIA. THE ENGINEER'S CERTIFICATE OF MAP AND PLAT SHALL BE FILED WITH THE CITY CLERK'S OFFICE AND SHALL BE THE RESPONSIBILITY OF THE ENGINEER. THE ENGINEER'S CERTIFICATE OF MAP AND PLAT SHALL BE THE RESPONSIBILITY OF THE ENGINEER. THE ENGINEER'S CERTIFICATE OF MAP AND PLAT SHALL BE THE RESPONSIBILITY OF THE ENGINEER.

LEGEND
SOLID GREEN: OPEN SPACE
DOTTED GREEN: OPEN SPACE
HATCHED: OPEN SPACE
SOLID YELLOW: OPEN SPACE
DOTTED YELLOW: OPEN SPACE
HATCHED YELLOW: OPEN SPACE
SOLID WHITE: OPEN SPACE
DOTTED WHITE: OPEN SPACE
HATCHED WHITE: OPEN SPACE
SOLID BLACK: OPEN SPACE
DOTTED BLACK: OPEN SPACE
HATCHED BLACK: OPEN SPACE
SOLID BROWN: OPEN SPACE
DOTTED BROWN: OPEN SPACE
HATCHED BROWN: OPEN SPACE
SOLID RED: OPEN SPACE
DOTTED RED: OPEN SPACE
HATCHED RED: OPEN SPACE
SOLID BLUE: OPEN SPACE
DOTTED BLUE: OPEN SPACE
HATCHED BLUE: OPEN SPACE
SOLID PURPLE: OPEN SPACE
DOTTED PURPLE: OPEN SPACE
HATCHED PURPLE: OPEN SPACE
SOLID PINK: OPEN SPACE
DOTTED PINK: OPEN SPACE
HATCHED PINK: OPEN SPACE

CONTRIBUTION CALCULATIONS

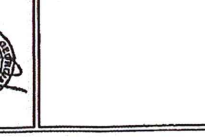
CONTRIBUTION	100 R/W	100 R/W	100 R/W
OPEN SPACE	126,424	126,424	126,424
ROADS	5,000	5,000	5,000
UTILITIES	500	500	500
CONCRETE	500	500	500
TOTAL	131,424	131,424	131,424



MAR
MAYNARD & ASSOCIATES, INC.
1001 S. GATEWAY BLVD.
DANVER, MA 01923
TEL: (978) 752-1234
WWW.MAYNARD-INC.COM

PROVISIONAL PLAN

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	11/15/2024
2	CONTRACT PLAN	12/01/2024
3	FINAL PLAN	01/15/2025



PRELIMINARY PLAT
FOR
HWY 9/HWY 53
TRACT
LAND LOTS 441, 444, 500 & 509 - 4TH DISTRICT - 1ST SECTION
CITY OF DAWSONVILLE
DAWSON COUNTY, GEORGIA



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

Zoning Amendment Application

Request # ZA- C2000022 Condition/Stipulation Change

Original ZA # _____

Applicant Name(s): FALL LEAF RESIDENTIAL LLC
 Address: 3280 Pointe Pkwy S 2300 City: NORCROSS Zip: 30092
 Phone: 404 502 3305 Cell Phone: 404 502 3305
 Signature(s): [Signature] Date 6-29-19

Property Address: Highway 53 East
 Directions to Property from City Hall: Directly across the street
 Tax Map # D04013 Parcel # D04013 Current Zoning**: CIR
 Land Lot(s): 444 District: 4th Section: 1E
 Subdivision Name: N/A Lot # _____
 Acres: 1.0 Current Use of Property: Vacant
 Has a past Request of Rezone of this property been made before? No If yes, provide ZA # _____

The applicant request:

Rezoning to zoning category: CBD (Central Business) Special Use permit for: _____
 Proposed use of property if rezoned is: COMMERCIAL
 If Residential: # of lots proposed N/A Minimum lot size proposed N/A (Include Conceptual Plan)
 Is an Amenity area proposed No, if yes, what _____
 If Commercial: Total Building area proposed 6,000 sq. ft. (Include Conceptual Plan)
 Existing Utilities: (utilities readily available at the road frontage) Water Sewer Electric Natural Gas
 Proposed Utilities: (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: Highway 53 East Type of Surface: Paved

- ◆ 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] Date 6-29-19
 Signature of Applicant

Office Use Only:
 Date Completed Application Rec'd 8/19/19 Amount Paid \$ 500 Check # 1939 /Cash
 Date of Planning Commission Meeting: 9/16/19 Dates Advertised: 8/23/19
 Date of City Council Meeting: 9/23/19 Dates Advertised: 8/23/19
 Postponed: YES NO Date: _____ Rescheduled for next Meeting: _____
 Approved by Planning Commission: YES NO Approved by City Council: YES NO



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

**Zoning Amendment
 Authorization**

Property Owner Authorization

I/We Jenkins Family Enterprises LP hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #) Highway 53 East
D04 013 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 rezoning 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 Fall Leaf Residential LLC
 Signature of Applicant or Agent [Signature] Date 5-29-19
 Mailing Address 3280 Pointe Parkway SUITE
 City Norcross State GA Zip 30092
 Telephone Number 404 502 3305

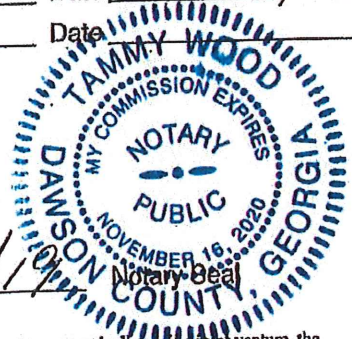
Printed Name of Owner(s) Jenkins Family Enterprises L.P.
 Signature of Owner(s) by [Signature] Date 5-29-19
 Date _____

Sworn to and subscribed before me
 this 29 day of May 2019.

[Signature]
 Notary Public, State of Georgia

My Commission

Expires: 11/16/19



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

**Zoning Amendment
 Campaign Disclosure**

Disclosure of Campaign Contributions
 (Applicant(s) and Representative(s) of Rezoning)

Pursuant to OCGA, Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made with two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to whom campaign contribution was made:

_____ N/A _____

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ _____ N/A _____ Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning: _____

[Signature]
 Signature of Applicant / Representative of Applicant

5-29-19
 Date

Failure to complete this form is a statement that no disclosure is required.



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

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

INVOICE #
12000137

INVOICE DATE: 08/20/19
 DUE DATE: 09/19/19

ACCOUNT ID: P-000453 PIN: 378940 FALL LEAF RESIDENTIAL LLC 6435 SHILOH ROAD STE 100 ALPHARETTA GA, 30005

PERMIT INFORMATION
 PERMIT NO: C2000022
 LOCATION: 00 HIGHWAY 53 EAST
 OWNER: FALL LEAF RESIDENTIAL LLC

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C2000022		
1.0000	P-0129	Zoning Request to HB Permit No: C2000022	500.000000	500.00
			TOTAL DUE:	\$ 500.00
				-500.00
		Prn Payment: 08/20/19 CK 1939	BALANCE:	\$ 0.00

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 #: 12000137
 DESCRIPTION: Permit No: C2000022
 ACCOUNT ID: P-000453 PIN: 378940
 DUE DATE: 09/19/19
 TOTAL DUE: \$ 0.00

FALL LEAF RESIDENTIAL LLC
 6435 SHILOH ROAD STE 100
 ALPHARETTA GA, 30005





DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12

SUBJECT: ANX-C2000024, ZA-C20000024 City of Dawsonville

DATE(s): 09-23-2019 CITY COUNCIL MEETING 1 10-07-2019__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: **PUBLIC HEARING**

The City of Dawsonville has petitioned to annex into the city limits of Dawsonville the property known as TMP 080 036 003, located at 1000 Cleve Wright Road and consisting of 32.68 acres, with a request to rezone from County Zoning of RA (Residential Exurban/Agricultural) to City Zoning of INST (Institutional). Public Hearing Dates: Planning Commission on September 16, 2019 and City Council on September 23, 2019 and October 7, 2019.

HISTORY/ FACTS / ISSUES

Current Zoning is RA and is unincorporated.
Property houses two city well sites

Staff recommended approval; Planning Commission recommended approval

OPTIONS:

Approve or Deny

RECOMMENDED SAMPLE MOTION:

Motion to approve the annexation and zoning actions.

DEPARTMENT: Planning and Development

REQUESTED BY: R. Irvin



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

SUBJECT: ANX-C2000024, ZA-C2000024 City Well Sites

LOCATION: _1000 Cleve Wright Rd_____

HEARD BY PLANNING COMMISSION ON: _09_/_16_/_2019____

TO BE HEARD BY CITY COUNCIL ON:

DATE(s): _09 / 23 / 2019_ WORK SESSION _10 / 07 / 2019_ CITY COUNCIL MEETING

ADDITIONAL HISTORY/ FACTS/ ISSUES DISCOVERED AT PLANING COMMISSION:

None

ACTION TAKEN: APPROVE DENY

STIPULATIONS: OR SEE MINUTES

PLANNING DIRECTOR: *[Signature]* DATE: 9-17-19

PC CHAIR OR DESIGNEE: *May Lindsey* DATE: 9/17/19



September 10, 2019

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

Re: Staff Recommendation; ANX-C2000024 and ZA-C2000024

Mr. Lindsey and Commission,

The City of Dawsonville has petitioned to annex into the city limits of Dawsonville the property known as TMP 080 036 003 located at 1000 Cleve Wright Rd. and consisting of 32.68 acres with a request to rezone from County Zoning of RA (Residential Exurban/Agricultural) to City Zoning of INST (Institutional).

Conditions are as follows:

- Said property is currently zoned RA and is unincorporated.
- Said property houses two city well sites.
- The property is boarded by previously annexed parcels to the south.

The property use is consistent with the City of Dawsonville Comprehensive Plan.

This office recommends approval.

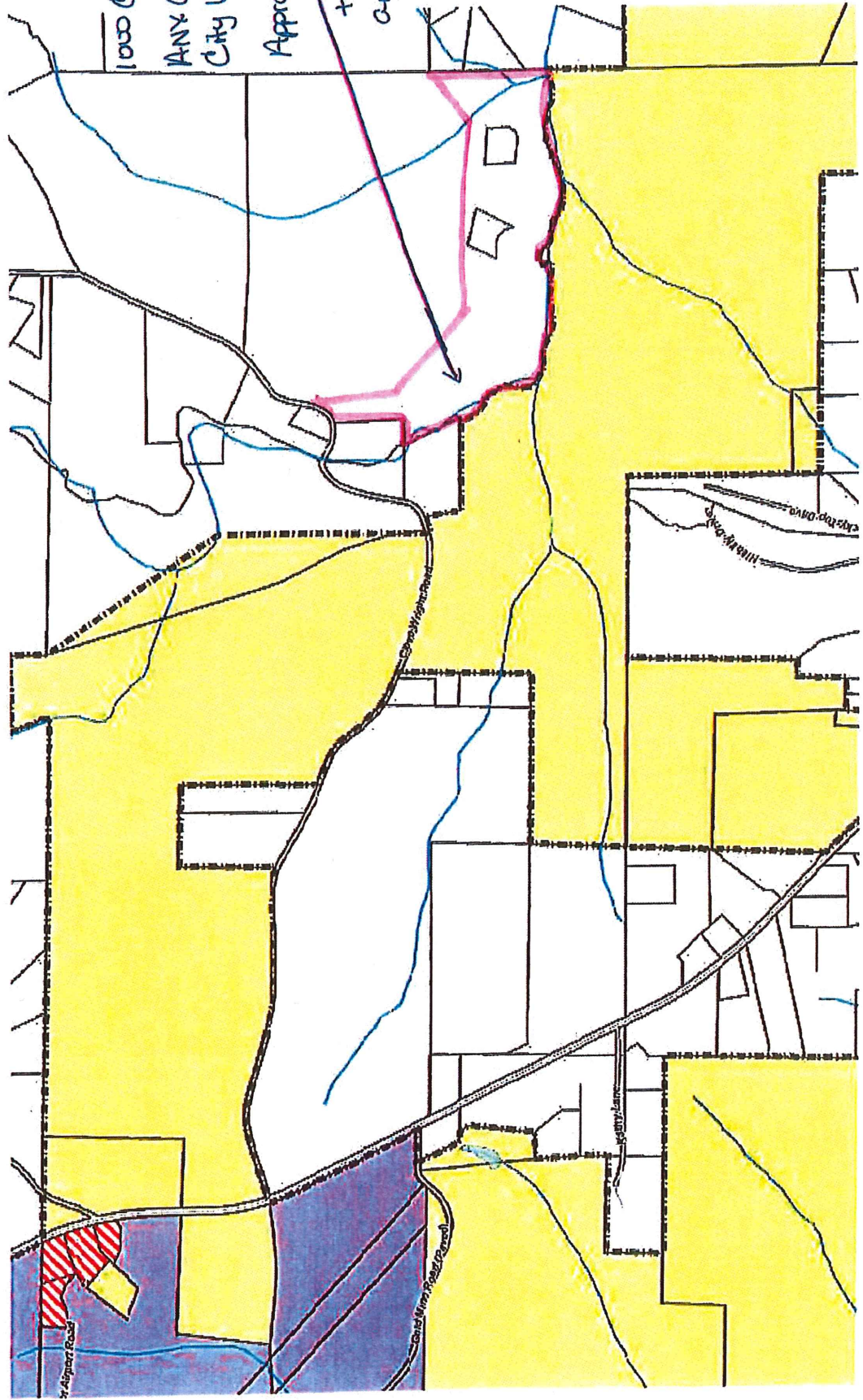
Please let me know if you have any questions regarding this matter.

Sincerely,

R.J. Irvin
Planning Director, City of Dawsonville

1000 @levelwright Rd.
ANY 2000024
City Well Sites

Approximate
area
to be
annexed.
Plat
shows
more
defined
area





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

Annexation Petition
 into the
 City of Dawsonville, GA

Annexation # C2900024

FEE \$250.00 (NONREFUNDABLE) Date Paid N/A Cash /Ck # N/A

No Fee - City owned property

Please Print Clearly **ZONING AMENDMENT APPLICATION AND FEES RECEIVED?** YES NO

Applicant Name(s): Bob Bolz

Mailing Address 415 Hwy 53 E, Ste 100 City Dawsonville State GA Zip 30534

E-Mail _____

Applicant Telephone Number(s): 706-265-3256

Property Owner's Name(s): City of Dawsonville

Mailing Address 415 Hwy 53 E, Ste 100 City Dawsonville State GA Zip 30534

E-Mail _____

Property Owner's Telephone Number(s): _____

Address of Property to be Annexed: 1000 Cleve Wright Rd. VACANT LOT

Tax Map & Parcel # 080036003 Property Size in Acres: 32.68 Survey Recorded in Plat Book # 84 Page # 198

Land Lot # 113, 160, 161 District # 4 Section # 1 Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: City Well Site

County Zoning Classification: RA City Zoning Classification: INST

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 708. Annexation:

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (single-family residential district) until or unless otherwise classified by amendment to the official zoning map.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

✓ An 8 1/2 x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.

✓ A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.

✓ Survey **must** be signed and sealed by a Registered Land Surveyor.

✓ Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court



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**Annexation Petition
 into the
 City of Dawsonville, GA**

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of Land: _____ Residential _____ Commercial
 _____ Existing Structure(s) _____ Vacant
 Other (specify) City Well Sites
2. Number of persons currently residing on the property: 0; VACANT
 Number of persons 18 years or older: 0; Number of persons registered to vote: 0
3. The number of all residents occupying the property:

_____ American Indian	_____ Alaskan Native
_____ Asian	_____ Pacific Islander
_____ Black, not of Hispanic Origin	_____ Hispanic
_____ White, not of Hispanic Origin	_____ VACANT

Please answer the following questions to meet and comply with the U. S. Department of Commerce, which requires this information to provide Population Estimates.

ARC Population Estimate Information

- A. Number of existing housing units: 0
- B. List of Addresses for each housing unit in the annexed area at the time of the annexation:
N/A
- C. Disposition of existing structures (e.g. to stay the same, be demolished, moved or converted):
N/A
- D. Names of affected Subdivision: N/A
- E. Name of affected Multi-Family Complex: N/A
- F. Names of Group Quarters (dormitories, nursing homes, jails, etc.):
N/A
- G. Names of affected Duplexes: N/A
- H. Names of Mobile Home Parks: N/A



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

**Annexation Petition
 into the
 City of Dawsonville, GA**


Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as 1000 Cleve Wright Rd (Address/Tax Map Parcel), respectfully request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true and accurate to the best of our knowledge.

(1)	_____	<u>City of Dawsonville</u>
	Property Owner Signature	Property Owner Printed Name
(2)	_____	_____
	Property Owner Signature	Property Owner Printed Name
(1)	* <u>Bob Bolz</u>	<u>Bob Bolz</u>
	Applicant Signature	Applicant Printed Name
(2)	_____	_____
	Applicant Signature	Applicant Printed Name

Sworn to and subscribed before me
 this 22 day of August 2019.
Nalita Y. Copeland
 Notary Public, State of Georgia
 My Commission Expires: May 15, 2023


 Nalita Y. Copeland
 NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 May 15, 2023
 Notary Seal

Annexation Application Received Date Stamp:	Rec'd <u>8/22/19</u>	Completed Application with Signatures
	Rec'd <u>11/11</u>	Current Boundary Survey
	Rec'd <u>11/11</u>	Legal Description
	Rec'd <u>11/11</u>	ARC Population Estimate Information
Planning Commission Meeting Date (if rezone):	<u>9/16/19</u>	
Dates Advertised:	<u>8/28/19</u>	
1 st City Council Reading Date:	<u>9/23/19</u>	
2 nd City Council Reading Date:	<u>10/7/19</u>	
Date Certified Mail to:	<u>8/27/19</u> County Board of Commissioners & Chairman	<u>8/27/19</u> County Manager
		<u>8/27/19</u> County Attorney
<input type="checkbox"/> Letter Received from Dawson County	Date:	_____



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

Zoning Amendment Application

Request # ZA-C2005024 Condition/Stipulation Change

Original ZA # _____

Applicant Name(s): Bob Boltz - City of Dawsonville

Address: 415 Hwy 53 E, Ste 100 City: Dawsonville GA Zip: 30534

Phone: 706-265-3256 Cell Phone: _____

Property Address: 1000 Cleve Wright Rd.

Directions to Property from City Hall: _____

Tax Map # 080 Parcel # 036 003 Current Zoning**: RA - County

Land Lot(s): 113, 160, 161 District: 4 Section: 1

Subdivision Name: N/A Lot # _____

Acres: 32.68 Current Use of Property: City Well Site

Has a past Request of Rezone of this property been made before? NO If yes, provide ZA # _____

The applicant request:

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

Proposed use of property if rezoned is: Same - City Well Site

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

Is an Amenity area proposed N/A, if yes, what N/A

If Commercial: Total Building area proposed N/A (Include Conceptual Plan)

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

Proposed Utilities: (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: Cleve Wright Road Type of Surface: _____

- ◆ 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.

* Robert Boltz
 Signature of Applicant

8-22-19
 Date

Office Use Only:
 Date Completed Application Rec'd 8/22/19 Amount Paid \$ 0 - City Request - City Property Check # _____ /Cash
 Date of Planning Commission Meeting: 9/16/19 Dates Advertised: 8/28/19
 Date of City Council Meeting: 9/23/19 Dates Advertised: 8/28/19
 Postponed: YES NO Date: _____ Rescheduled for next Meeting: _____
 Approved by Planning Commission: YES NO Approved by City Council: YES NO

	<p align="center">City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 Phone: (706) 265-3256</p>	<p align="center">Zoning Amendment Authorization</p>
---	--	--

Property Owner Authorization

I / We Bob Bolz / City of Dawsonville hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 1000 Cleve Wright Rd,
080 036 003 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 under signer 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 by the City Council.

Printed Name of Applicant or Agent Bob Bolz
 *Signature of Applicant or Agent [Signature] Date 8-22-19
 Mailing Address 415 Hwy 53 East, Ste 100
 City Dawsonville State GA Zip 30534
 Telephone Number 706-265-3256

Printed Name of Owner(s) City of Dawsonville
 Signature of Owner(s) [Signature] Date 8-22-19
 Date _____

Sworn to and subscribed before me
 this 22 day of August 2019.

[Signature]
 Notary Public State of Georgia

My Commission Expires: May 15, 2019



Nalita Y. Copeland
 NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 May 15, 2023

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.)



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 13

SUBJECT: CHAMBER OF COMMERCE PRESENTATION

CITY COUNCIL MEETING DATE: 09/23/2019

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:

**CHRISTIE MOORE TO PRESENT THE CHAMBER'S ACHIEVEMENTS AND GOALS FOR
TOURISM IN DAWSONVILLE**

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 14

SUBJECT: SOLID WASTE COLLECTION SERVICE CONTRACT RENEWAL AND
ESTABLISH SERVICE CHARGE

CITY COUNCIL MEETING DATE: 09/23/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

1. TO PRESENT THE NEW RATE OF COMPENSATION TO THE SOLID WASTE CONTRACTOR FOR RENEWAL OF SERVICES IN 2020 AS PERMITTED IN THE CONTRACT
2. TO ESTABLISH THE CITY'S ANNUAL SERVICE CHARGE TO COVER THE ADMIN AND CAPITAL COSTS INCURRED FOR PROVIDING THE SERVICE TO RESIDENTS

HISTORY/ FACTS / ISSUES:

2019 CONTRACTOR RATE - \$12.50 PER CAN, PER MONTH

2020 CONTRACTOR RATE - \$13.00 PER CAN, PER MONTH

2019 CITY SERVICE CHARGE TO RESIDENTS - \$14.50

2020 RECOMMENDED SERVICE CHARGE TO RESIDENTS - \$17.00**

** CURRENT MARGIN PLUS AN ADDITIONAL TWO DOLLARS TO COMPENSATE FOR THE PURCHASE OF NEW TRASH CANS

OPTIONS:

APPROVE, AMEND, DENY

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Hayden Wiggins, Finance Administrator



2 RUBY ST., GAINESVILLE, GA 30501
WWW.REDOAKSANITATION.COM
(770) 536-7868

To Whom It May Concern,

Red Oak Sanitation would like to continue to service the City of Dawsonville for 2020 based on the 2019 contract at a rate of \$13.00 per residence per month.

Sincerely,

Stub Luce
President
Red Oak Sanitation

Sec. 14-141. - Service charge for garbage collection.

- (a) For garbage service collection, each address for which garbage service is provided pursuant to the terms of this article shall be assessed a monthly service charge.
- (b) In the event that multiple addresses deposit their garbage into a single collection location, a separate service charge shall be assessed on each of those addresses, even if only a single garbage collection pick-up is made for all of them.
- (c) The service charge assessed pursuant to this section shall be based upon the cost to the City of Dawsonville to provide this service to its citizens, in the following manner:
 - (1) *Baseline charge:* The baseline upon which the service charge is determined shall be the cost per address charged by the garbage collection contractor awarded the contract to collect garbage in the City of Dawsonville. In the event that the garbage collection contractor awarded the contract to collect garbage in the City of Dawsonville charges the city a flat fee, not based upon the number of addresses receiving the service, then the baseline upon which the service charge is to be determined shall be the cost charged by the garbage collection contractor, divided by the number of addresses receiving the service.
 - (2) *Calculation of service charge:* The service charge shall be the baseline referred to in subsection (c)(1) above, plus an additional fee or charge in an amount, to be determined and approved by the city council annually, to cover the administrative and capital costs incurred by the city in providing such garbage collection services. The total service charge amount (baseline plus administrative/capital cost fee) shall be assessed and collected on a monthly basis from each address for which garbage service is provided pursuant to the terms of this article.
- (d) The service charge provided for in this section may be incorporated into the water bill for those addresses which receive water and garbage service from the city. In the event that an address which receives garbage service from the city does not also receive water service from the city, the garbage service fee shall be assessed by separate invoice.

(Ord. of 12-5-2005(3), § 6; Ord. of 2-4-2019, § 1)



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 15

SUBJECT: ALCOHOL EXCISE TAX DISCUSSION

CITY COUNCIL MEETING DATE: 09/23/2019

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 DISCUSS THE COLLECTION OF ALCOHOL EXCISE TAX FOR DISTILLERIES

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

Sec. 3-320. - Per drink excise tax on distilled spirits.

- (a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits in the amount of three percent of the charge to the public for the beverage; this does not include any sales tax.
- (b) The excise tax imposed in this subsection does not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverages made in whole or in part from fruit, berries or grapes either by natural fermentation or fermentation with brandy or any similar fermented beverage.
- (c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensee of distilled spirits by the drink.
- (d) Each licensee selling distilled spirits by the drink within the city shall file a report with the city by the 20th day of each month showing the preceding calendar month summary of the licensee's gross sales derived from the sale of distilled spirits sold by the drink during the month.
- (e) Each such licensee shall remit to the city by the 20th day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.
- (f) Each licensee collecting the tax authorized by this section shall be allowed a percentage of the tax due and account for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if the amount is not delinquent at the time of payment. The deduction amount authorized will be the rate authorized under O.C.G.A. § 48-8-50, as now written or hereafter amended; (currently the rate of deduction as authorized under O.C.G.A. § 48-8-50 is three percent of the total amount due).
- (g) Excise taxes received after the twentieth day of the month shall be charged a ten percent penalty.
- (h) If the city manager or designee deems it necessary to conduct an audit of the records and books of the licensee, he/she will notify the licensee and an agreed upon date and time will be arranged.
- (i) Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty of \$25.00 for each deficient reporting period in addition the ten percent penalty on any excise taxes owed as set forth in sub-section (g) above.

(Ord. No. 2018-02, 4-23-2018)

Sec. 3-321. - Excise tax on alcohol produced by brewpubs, breweries, and distilleries.

- (a) Every brewpub, brewery, and distillery located within the city shall file a monthly report with the city manager or designee no later than the twentieth day of each month, on such forms as the city manager or designee may prescribe, setting forth all alcohol produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of alcohol during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty of \$25.00 for each deficient reporting period along with a ten percent penalty of the tax then due as set forth in subsection (d) below.
- (b) There is levied an excise tax on all beer and malt beverages produced by a brewpub or brewery at the rate of \$3.00 per half barrel (15½ gallons) and \$12.00 per barrel (31 gallons).
- (c) There is levied an excise tax on all distilled spirits produced by a distillery at the rate of \$0.22 per liter or \$0.0035 per ounce.
- (d) Such tax shall be paid to the city no later than the twentieth day of each month for the preceding month's production. A late payment penalty of ten percent of the tax otherwise due shall be added to the amount due for any payment not received by the due date.

(Ord. No. 2018-02, 4-23-2018)

Sec. 3-322. - Excise tax required on wholesalers.

- (a) There is levied an excise tax computed at the rate of \$0.22 per liter or \$0.0035 per ounce which shall be paid to the city on all distilled spirits and wine sold by wholesalers to retailers in the city.
- (b) Such tax shall be paid to the city by the wholesale distributor on all distilled spirits and wine sold in the city as follows:
 - (1) Each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees under this chapter, shall collect the excise tax at the time of delivery and shall remit the same to the city together with a summary of all deliveries to each licensee on or before the 20th day of the following month.
 - (2) Excise taxes received after the 20th day of the month shall be charged a ten percent penalty.
 - (3) It shall be unlawful and a violation of this chapter for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting such tax.
 - (4) It shall be unlawful and a violation of this chapter for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Wholesalers collecting the tax authorized in this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be at the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-50, and any amendment thereto.
- (c) There is levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the city at the rate of \$0.05 per 12-ounce container and \$3.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

Size of Container	Tax Per Container
7-ounce	\$0.0291
8-ounce	0.0333
12-ounce	0.0500
14-ounce	0.0583
13-ounce	0.0333
32-ounce	0.1333
Half barrel (15½ gallons)	3.00
One barrel (31 gallons)	12.00

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

(Ord. No. 2018-02, 4-23-2018)

Sec. 3-323. - Tax delinquent on twenty-first day.

The tax imposed under this chapter shall, for each month, become delinquent on the twenty-first day of each succeeding month. Any such delinquent tax shall bear interest at the rate of one percent per month, or fraction thereof, and a penalty of ten percent of such delinquent tax shall be added and attached to the total amount of the fee. The city manager or designee is empowered to pursue any remedy or right of collection and payment of taxes lawfully levied by the city, as may be allowed under the laws of the state and the ordinances of the city.

(Ord. No. 2018-02, 4-23-2018)



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 16

SUBJECT: GRHOF EVENT PERMIT WITH ALCOHOL, OCTOBER 25 – 27, 2019

DATE(s): 9/23/19 WORK SESSION _____ CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

NEED CITY COUNCIL APPROVAL SO THAT THE GRHOF CAN APPLY FOR A STATE SPECIAL EVENT ALCOHOL PERMIT IN ORDER TO SERVE AND SELL ALCOHOLIC BEVERAGES INSIDE THE MUSEUM DURING MOONSHINE FESTIVAL. (October 25,26,27, 2019) THIS IS FOR THE ACTIVITIES THE MUSEUM WILL BE HAVING INSIDE ONLY(Museum tours, selling merchandise, silent auction) NO ALCOHOL WILL BE TAKEN OUTSIDE THE BUILDING

HISTORY/ FACTS / ISSUES

THE GRHOF HAS DONE THIS FOR THE PAST FEW YEARS WITHOUT INCIDENT. THEY HOLD FUNDRAISER ACTIVITIES SUCH AS A SILENT AUCTION INSIDE MUSEUM DURING MOONSHINE FESTIVAL

NEED CC APPROVAL LETTER TO SUBMIT WITH STATE APPLICATION

OPTIONS:

APPROVE OR DENY

RECOMMENDED SAMPLE MOTION:

DEPARTMENT: PLANNING AND ZONING

REQUESTED BY: ROBBIE IRVIN, PLANNING DIRECTOR



City of Dawsonville
 415 Highway 53 East Suite 100
 Dawsonville, Georgia 30534
 Phone: (706)265-3256
 Email: clerk@dawsonville-ga.gov
 Website: www.dawsonville-ga.gov

**Event Permit with Alcohol
 Application
 One per Event**

Application **MUST** be received 10 Days Prior to City Council Meeting for CC approval. A State Special Event Permit must also be obtained after CC approval. Permit **MUST** be displayed at the event. Sheriff's Office will be notified.

Type of License:	# of Days	Fee	Total Fee
For Profit: <input type="checkbox"/> Non-Profit: <input checked="" type="checkbox"/>	3	\$25	\$25.00
Total Payable to "City of Dawsonville"			\$

BUSINESS / ORGANIZATION INFORMATION: Contact Person: Trampas Hansard / Faye Abercrombie
 Business Name: Dawsonville History Museum, dba Georgia Racing Hall of Fame
 Address: 415 Hwy 53E, Dawsonville Ga 30534 Phone# 706-216-7223
 City: Dawsonville State: Ga Zip: 30534 Fax# _____
 Email Address: Ms.faye.1002@aol.com Web Address: georgia racing hof. com

LOCATION OF EVENT: Contact Person at Location: Trampas Hansard, Faye Abercrombie
 Location Name: Georgia Racing Hall of Fame
 Address: 415 Hwy 53E Phone# 706-216-7223
 City: Dawsonville State: Ga Zip: 30534 Fax# _____

EVENT TIME: Date: 10/25/19 - 10/26/19 Time: Start: 10:00 a.m. / (p.m.) End: 5:00 p.m.
 Date: 10/27/19 Time: Start: 1:00 a.m. / (p.m.) End: 5:00 a.m. / (p.m.)

OATH:
 I, Faye Abercrombie, do solemnly swear, subject to the penalties of false swearing, that the information contained in this application are true and correct; and that I agree to abide by the rules and regulations of the City of Dawsonville's Alcohol Ordinance.

I, Faye Abercrombie, do solemnly swear, subject to the penalties of false swearing, that a caterer's license is not necessary because the alcoholic beverages are being purchased from a licensed establishment located in the City. I understand that a copy of the permit must be displayed at the event and the Sheriff's Office will be notified.

Faye Abercrombie 8/29/19
 Applicant's Signature Date

FOR OFFICIAL USE ONLY:
 Completed Application Date: 8/29/19 Amount Paid \$ 25.00 Check# 1412 /Cash
 City License State Special Event Permit Pourer's Permit Business License or 501(c)(3)
 CC Approval Received Date: _____



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534

(706)265-3256

Payment Due Upon Receipt

INVOICE #
12000152

INVOICE DATE: 08/29/19

DUE DATE: 09/28/19

ACCOUNT ID: GEOR0015 PIN: 3994 GEORGIA RACING HALL OF FAME GORDON PIRKLE 415 HWY 53 EAST, STE 110 DAWSONVILLE, GA 30534

LICENSE INFORMATION
 LICENSE ID: L2000059
 NAME: DAWSONVILLE HISTORY MUSEUM dba
 LOCATION: 415 HWY 53 EAST STE 110

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		TEMPORARY ALCOHOL PERMIT		
1.0000/EA	AL-092	TEMPORARY ALCOHOL PERMIT	25.000000	25.00
			TOTAL DUE:	\$ 25.00
		Prn Payment: 08/29/19 CK 1412		-25.00
			BALANCE:	\$ 0.00

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

City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534

INVOICE #: 12000152
 DESCRIPTION: TEMPORARY ALCOHOL PERMIT
 ACCOUNT ID: GEOR0015 PIN: 3994
 DUE DATE: 09/28/19
 TOTAL DUE: \$ 0.00

GEORGIA RACING HALL OF FAME
 GORDON PIRKLE
 415 HWY 53 EAST, STE 110
 DAWSONVILLE, GA 30534





DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 17

SUBJECT: SIDEWALK EASEMENT ACQUISITION FROM PHILLIP ANDERSON AT 112 PERIMETER ROAD

CITY COUNCIL MEETING DATE: 09/23/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST:

TO REQUEST APPROVAL OF ACQUISITION OF SIDEWALK EASEMENT AT 112 PERIMETER ROAD FROM PHILLIP ANDERSON IN THE AMOUNT OF \$12,000 TO BE PAID OUT OF SPLOST VI

HISTORY/ FACTS / ISSUES:

EASEMENT REQUIRED TO CONNECT SHOAL CREEK TO RAINHILL BY SIDEWALKS

OPTIONS:

RECOMMENDED SAMPLE MOTION:

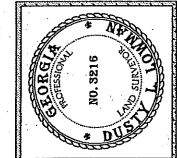
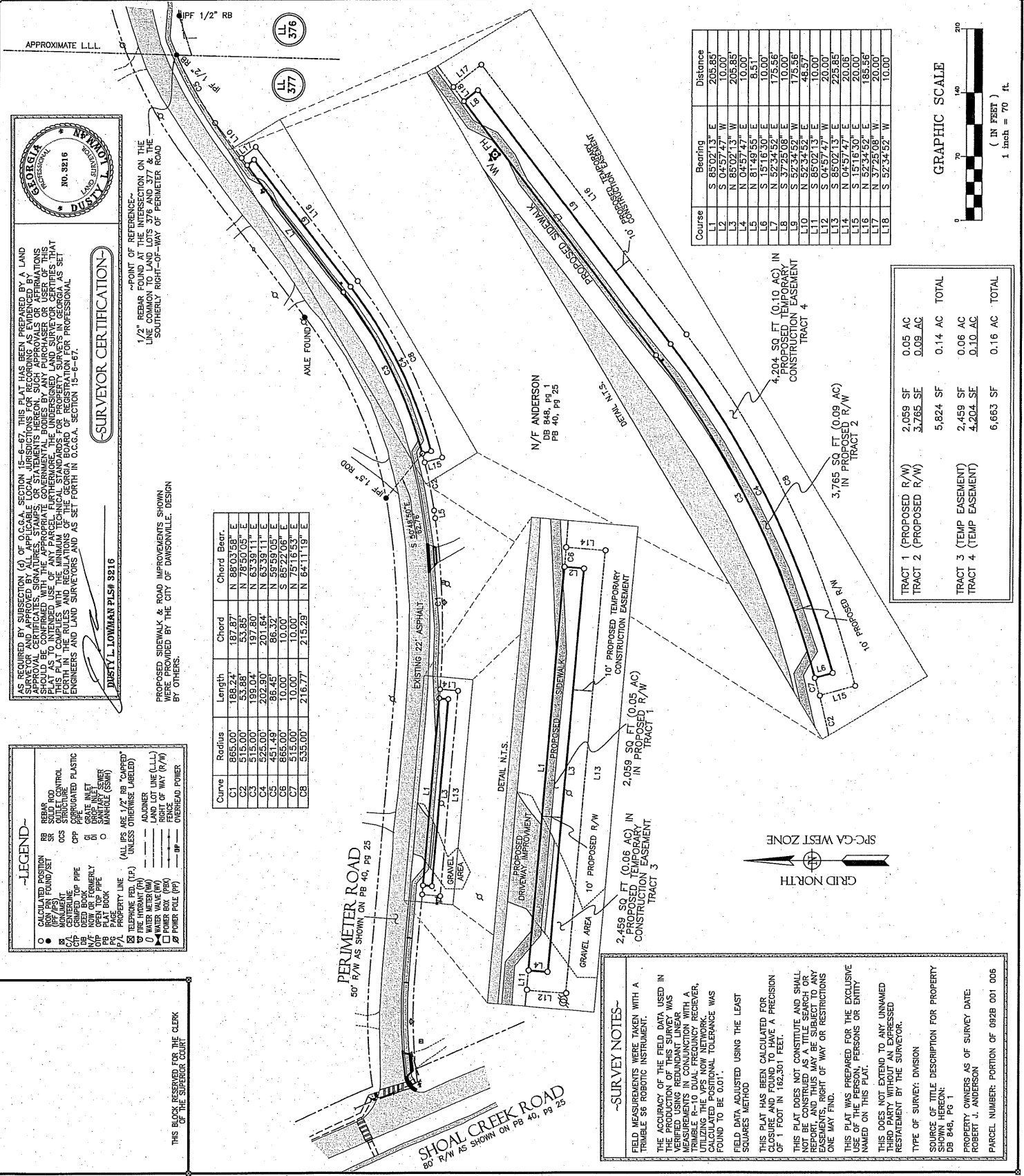
REQUESTED BY: Trampas Hansard, Public Works Director

SURVEY FOR:
 THE CITY OF DAWSONVILLE
 LAND LOT 377
 4TH DISTRICT, 1ST SECTION
 CITY OF DAWSONVILLE
 DAWSON COUNTY, GEORGIA

DRAWN BY: DL/DS
 FIELD CREW: CC, AM
 PLAT DATE: 6/25/2019
 FIELD DATE: 6/7/2019

SHEET NO.
1 OF **1**
 PROJECT NO.
19-185

CERTIFICATE OF AUTHORIZATION NUMBER: 1SF 00193



SURVEYOR CERTIFICATION
 I, DUSTY L. LOWMAN, PLS# 8216, DO HEREBY CERTIFY THAT I AM THE SURVEYOR OF THIS SURVEY AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF GEORGIA.

POINT OF REFERENCE
 1/2" REBAR FOUND ON THE
 LINE COMMON TO LAND LOTS 376 AND 377 & THE
 SOUTHERLY RIGHT-OF-WAY OF PERIMETER ROAD

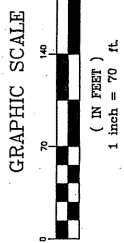
AS REQUIRED BY SUBSECTION 10 OF O.C.G.A. SECTION 46-5-27, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY AN APPLICABLE LOCAL JURISDICTION'S EXISTING REGULATIONS, ORDINANCES, APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHALL BE LIMITED TO THE APPLICABLE JURISDICTION'S REGULATIONS, ORDINANCES, APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. THIS PLAT COMPLETES THE APPLICABLE JURISDICTION'S REQUIREMENTS FOR THE SURVEY AND THE SURVEYOR'S OBLIGATION UNDER THE RULES AND REGULATIONS OF THE SURVEYING BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 46-5-27.

PROPOSED SIDEWALK & ROAD IMPROVEMENTS SHOWN WERE PROVIDED BY THE CITY OF DAWSONVILLE. DESIGN BY OTHERS.

Curve	Radius	Length	Chord	Bear.
C1	865.00'	188.24'	187.87'	N 85°03'58" E
C2	515.00'	53.88'	53.36'	N 78°50'05" E
C3	515.00'	79.00'	78.80'	N 83°38'11" E
C4	451.49'	36.45'	36.34'	N 89°59'08" E
C5	865.00'	10.00'	10.00'	S 85°27'08" E
C6	515.00'	10.00'	10.00'	N 75°18'53" E
C7	515.00'	216.77'	215.29'	N 64°11'19" E
C8	535.00'	187.87'	187.87'	N 85°03'58" E

Course	Bearing	Distance
L1	S 85°02'13" E	205.85'
L2	S 04°57'47" W	10.00'
L3	N 85°02'13" W	205.85'
L4	N 04°57'47" E	10.00'
L5	N 81°49'55" E	8.51'
L6	S 15°16'30" E	10.00'
L7	N 52°34'52" E	175.56'
L8	S 37°25'08" E	10.00'
L9	S 52°34'52" W	175.56'
L10	N 37°25'08" W	10.00'
L11	S 65°07'33" E	16.00'
L12	S 04°57'47" W	20.00'
L13	S 85°02'13" E	225.85'
L14	N 04°57'47" E	20.00'
L15	S 15°16'30" E	20.00'
L16	N 52°34'52" E	185.56'
L17	N 37°25'08" W	20.00'
L18	S 52°34'52" W	10.00'

TRACT 1 (PROPOSED R/W)	TRACT 2 (PROPOSED R/W)	TRACT 3 (TEMP EASEMENT)	TRACT 4 (TEMP EASEMENT)	TOTAL
2,059 SF	3,765 SF	2,459 SF	4,204 SF	0.05 AC
0.05 AC	0.09 AC	0.06 AC	0.10 AC	0.14 AC
0.05 AC	0.09 AC	0.06 AC	0.10 AC	0.14 AC
0.05 AC	0.09 AC	0.06 AC	0.10 AC	0.14 AC



- LEGEND-**
- CALCULATED POSITION
 - ROAD FOUND/SET
 - MARK/SET
 - CENTERLINE
 - NEW OR EXISTING
 - ROAD
 - PLAT BOX
 - PROPERTY LINE
 - REBAR (R/B)
 - WATER METER (WM)
 - WATER VALVE (WV)
 - POWER BOX (PB)
 - POWER POLE (PP)
 - SEWER (S)
 - SANITARY SEWER (SS)
 - MANHOLE (MH)
 - ADJONDER
 - RIGHT-OF-WAY (R/W)
 - FENCE
 - OVERHEAD POWER
- (ALL PLS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

-SURVEY NOTES-

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S6 ROBOTIC INSTRUMENT.

THE ACCURACY OF THE FIELD DATA USED IN THE PRODUCTION OF THIS SURVEY WAS VERIFIED USING REDUNDANT LINEAR MEASUREMENTS IN CONJUNCTION WITH A TRIMBLE S6 ROBOTIC INSTRUMENT. RECEIVING UTILIZING THE GPS NETWORK. CALCULATED POSITIONAL TOLERANCE WAS FOUND TO BE 0.01'.

FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD

THIS PLAT HAS BEEN CALCULATED FOR POSITIONS TO HAVE A PRECISION OF 1 FOOT IN 102,301 FEET.

THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE USED AS A BASIS FOR ANY REPORT AND THIS PLAT SHALL BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT.

THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

TYPE OF SURVEY: DIVISION

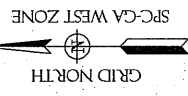
SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON:
 DB 848, PG 1

PROPERTY OWNERS AS OF SURVEY DATE:
 ROBERT J. ANDERSON

PARCEL NUMBER: PORTION OF 0928 001 006

PERIMETER ROAD
 80' R/W AS SHOWN ON PG 40, PG 25

SHOAL CREEK ROAD
 80' R/W AS SHOWN ON PG 40, PG 25





DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 18

SUBJECT: CUSTOMER APPRECIATION WEEK, OCTOBER 7 -11, 2019

CITY COUNCIL MEETING DATE: 09/23/2019

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 DISCUSS AND APPROVE EFFORTS TO APPRECIATE OUR CUSTOMERS DURING THE WEEK OF OCTOBER 7 – 11, 2019 TO INCLUDE SUCH ITEMS AS A RAFFLE FOR A UTILITY BILL CREDIT AND COMPLIMENTARY DONUTS, HOT DOGS AND POPCORN DURING THE WEEK

HISTORY/ FACTS / ISSUES:

OPTIONS:

APPROVE, AMEND, DENY

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 19

SUBJECT: ONE-WAY ACCESS STREET TO CITY HALL

CITY COUNCIL MEETING DATE: 09/23/2019

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 REQUEST APPROVAL TO CLOSE THE ONE-WAY ACCESS STREET FROM CITY HALL TO ALLEN STREET TO VEHICULAR TRAFFIC

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 20

SUBJECT: ALCOHOL ORDINANCE AMENDMENT

CITY COUNCIL MEETING DATE: 09/23/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST: **FIRST READING**

AN ORDINANCE TO AMEND THE ALCOHOL ORDINANCES OF THE CITY BY REPEALING THE EXISTING CHAPTER THREE-ALCOHOLIC BEVERAGES OF THE CODE OF THE CITY OF DAWSONVILLE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER THREE-ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES. (FIRST READING: SEPTEMBER 23, 2019; SECOND READING AND ADOPTION: OCTOBER 7, 2019)

HISTORY/ FACTS / ISSUES:

PREVIOUS ORDINANCE AMENDMENT DENIED ALLOWING FOR ADDITIONAL CHANGES

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

First Reading: 09/23/2019

Second Reading: 10/07/2019

Passed: _____

AN ORDINANCE TO AMEND THE ALCOHOL ORDINANCES OF THE CITY BY REPEALING THE EXISTING CHAPTER THREE-ALCOHOLIC BEVERAGES OF THE CODE OF THE CITY OF DAWSONVILLE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER THREE-ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Dawsonville find that the adoption of a revised alcohol ordinance that is consistent with other current ordinances and the needs of the City to be in the best interest of the citizens of the City of Dawsonville;

WHEREAS, the revision of the alcohol ordinance will streamline and make more effective the operation of the government of the City of Dawsonville; and

WHEREAS, the Mayor and City Council desire to adopt such alcohol ordinance amendment.

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

SECTION 1.

Chapter 3 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing Chapter 3 and replacing it in its entirety with a new Chapter 3 as follows:

CHAPTER 3 – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

DIVISION 1. – GENERAL

Sec. 3-1. – Definitions.

All words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Whenever a definition includes, or looks to, a federal, state, or local law for any portion of its definition or meaning, and said law is hereafter amended, the federal, state, or local law, as amended, shall control. All words, terms, and phrases, when not defined by this section shall have the common meaning attributed to them. The following words, terms, and phrases shall be defined as follows:

Alcohol. Any ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage. Includes all alcohol, distilled spirits, beer, malt beverage, wine, mead, or fortified wine as defined in this section.

Art shop. A retail business devoted exclusively to providing art education that is limited to instruction in painting, sculpture, and similar crafts, or to selling and displaying portraits, paintings, sculptures, art supplies, and similar art work and crafts. An art shop shall not allow activities that would cause the business to be an "adult entertainment business" as defined in this Code.

Authorized catered function. An event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed, or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this Chapter.

Adult entertainment business. A business as defined in Chapter 8 of the City Code that provides adult entertainment or sells adult novelties or devices that are primarily oriented toward sex.

Beer and/or Wine Amenity permit. A permit issued which allows a licensee to provide, free of charge, beer and/or wine to customers as an act of hospitality where the primary purpose and business of the licensee is to provide goods or services other than beer and/or wine. A beer and/or wine amenity permit may not be issued to an eating establishment or an adult entertainment business.

Beer or malt beverage. Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than ten (10) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as "nonalcoholic beer" which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three (3) percent, but more than point one (0.1) percent alcohol by volume. The term "malt beverage" does not include sake, otherwise known as Japanese rice wine.

Brewery. A facility that manufactures beer or malt beverages.

Brewpub. An eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-33, and sold at retail in coordination with the eating establishment for on-premises consumption in draft form, as well as in closed packages for off-premises consumption.

Brown bagging. The practice of customers, patrons, or guests bringing alcoholic beverages into an establishment that is open to the public; a practice more commonly referred to as "bring your own bottle." This practice is prohibited in the city except in the case of art shops that are licensed under this Chapter, which may allow customers to bring in wine and/or beer subject to the specific provisions governing the operation of an art shop.

Church building. The main structure used by any religiously affiliated organization for purposes of worship.

City Special Event. A City-sponsored event that is approved and/or sanctioned by the city, occurring on city or public property, or in which the city's personnel oversees such event.

City Manager. The City Manager of the City of Dawsonville or his/her designee.

Cocktail Room. A room or establishment operated by a licensed distilled spirits manufacturer where distilled spirits manufactured on the premises are served by the drink.

Distilled spirits. Any alcoholic beverage obtained by distillation or containing more than twenty-four (24) percent alcohol by volume including, but not limited to, all fortified wines.

Distillery. A facility that manufactures distilled spirits.

Eating establishment or restaurant. Any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises. An eating establishment shall derive at least fifty (50) percent of gross receipts annually from the sale of prepared meals or food.

Farm Winery. A type of winery as defined, and licensed with the state of Georgia, by O.C.G.A. § 3-6-21.1 *et seq.*

Fixed salary. The amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities, which are added to the bills under club regulation, shall not be considered as profits from the sale of alcoholic beverages.

Food caterer. Any person who holds a valid occupational tax certificate and, for consideration, prepares food for consumption off the premises.

Fortified wine. Any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume that is made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

Full-service kitchen. A full-service kitchen shall, at minimum, consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator; all of which must be approved by the health and fire departments.

Gender. For convenience in construction, the masculine pronouns "he" or "his" may sometimes be used; however, such usage shall, where appropriate, imply the feminine gender and may be construed as "she," "her," or any other feminine usage as may be necessary.

Governing authority. Governing authority refers to the city council of Dawsonville, Georgia.

Grocery store. A retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality.

Growler. The term growler shall mean a multiple serving glass, ceramic, or plastic bottle or container that is filled by a licensee or employee of a licensee with beer from a keg and securely sealed for off-premises consumption. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.

Hotel and motel. Any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, public club or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor or otherwise. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center or other buildings in which human beings are housed and detained under legal restraint. Said structure shall be kept, used, maintained, advertised, and held out to the public as a place where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential. Such hotels shall have fifty (50) or more rooms used for the sleeping accommodations of such guest and one (1) or more public dining rooms that include a seating capacity of at least twenty (20) guests. The sleeping accommodations and dining rooms may be constructed in the same building or in separate buildings or structures used in connection therewith, which shall be considered to be on the same premises and part of the same operation. The hotel or motel has the privilege of granting franchises for the operation of an eating establishment in their premises and the holder of the franchise shall be included in the definition.

Identification or proper identification. Any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state issued ID card. Said term shall not include a birth certificate.

In-room service. The provision of a cabinet or other facility located in a hotel-motel guestroom which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale contained therein is final at the time requested.

Indoor commercial recreational establishment. An establishment that is limited to regularly serving prepared food, with a full-service kitchen, and deriving at least seventy (70) percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises. The primary activity on the premises of the indoor commercial recreational establishment is family oriented in nature, which attracts a range of individuals from all age groups. Uses include, but are not limited to, bowling centers, and other similar uses. Outdoor commercial recreation is not included in this definition, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dance halls, night clubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

Instruction. Subjects commonly taught in the schools and colleges of this state.

License and permit. Authorization granted by the City to engage in conduct and/or activities authorized by this Chapter.

Licensed alcoholic beverage caterer. Any person licensed for the sale of alcoholic beverages by the state who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off of the licensee's licensed premises and in connection with an authorized catered function.

Licensee. A person, as defined herein, holding any class of license and/or permit issued under this Chapter. Additionally, the term *permittee* shall be synonymous and interchangeable with the term licensee.

Liter. A metric measurement currently used by the United States.

Manager. Any person who supervises the regular operations of a business, establishment, organization, or premises licensed under this chapter.

Manufacturer. Any maker, producer, or bottler of an alcoholic beverage. It shall include, but in no way be limited to, a brewer of beer or malt beverages or distiller of distilled spirits.

Mobile food vendor. A mobile seller of food that is lawfully located in a public place within the Town Center District and sells prepared food for consumption by the public where the food is prepared by one or more food trucks or similar mobile kitchen(s).

Minor. Any person or persons under the legal age for consumption or possession of alcoholic beverages as defined in O.C.G.A. § 3-3-23, and any subsequent amendment thereto.

Outdoor dining area. A space/area in which a licensee serves food and beverages as part of the operation of the licensed premises that is outside of the enclosed building structure and is open to the air and weather. Said term shall include, but in no way be limited to, a sidewalk café or patio.. An outdoor dining area must be located immediately adjacent to the licensed enclosed restaurant.

Package. A bottle, can, keg, barrel, box, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale.

Package store. A building within the city for which a license may be issued for the sale of packaged alcoholic beverages. A package store must be operated as a distinct business and cannot be operated in conjunction with or as a part of any other business, except as allowed by state law or this Chapter.

Performance Facility. A facility where the principal objective or business is the presentation of live music, mainline dramatic arts, plays, theatre productions, stand-up comedy, and/or similar ticketed events, except that no performance facility may feature, show, allow, promote, or advertise adult entertainment as defined and regulated in the Code of Dawsonville, Georgia, and by state law.

Person or entity. Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, limited liability company, agency, syndicate, estate, trust, business trust, receiver, fiduciary, sole proprietorship, or other group or combination acting as a unit, whether such entity operates for profit or non-profit.

Premises. The space or area owned, leased, and/or controlled by a licensee and used for the purpose of operating under a license issued under this Chapter; except in the case of hotels and motels. A premise is further defined as one physically identifiable place of business consisting of one room, or two or more contiguous rooms operating under the same trade name. This would also include parking areas, outdoor eating areas, or patios. Any premises outlets which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishment having the same trade name, ownership, or management.

Retail consumption dealer. Any person who sells alcoholic beverages at retail for on-premises consumption to consumers and not for resale.

Retail package dealer. Any person who sells unbroken packages at retail only to consumers and not for resale.

School building. State, county, city or church school buildings. Said term shall include only those structures in which instruction is offered.

Sports club. An association or corporation organized and existing under the laws of the state, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events.

Structure. An area that can be contained by a secured, contiguous structure, including walls, sturdy fencing, or other similar approved structures. Metal stakes or fence posts are not permitted to make a fence. The structure should be erected without driving stakes, poles, fence post, or any other object into the ground. The structure must be approved by the City Manager.

Taproom. A room or establishment operated by a licensed brewery where beer is served by the drink.

Tasting room. An outlet operated by a licensee for the instructional or educational promotion of wine and/or beer by providing complimentary samples or samples for sale to the public for the sale of retail inventory on hand.

Town Center District. That certain geographic area consisting of the City Hall complex and parking area and the City Farmer's Market and City Park located directly adjacent to City Hall. All property within the Town Center District is owned or leased by the city.

Wholesaler or wholesale dealer. Any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine. Any alcoholic beverage containing not more than twenty-four (24) percent alcohol by volume and is made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term wine shall also include mead. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

Winery. A facility that manufactures wine or mead.

Sec. 3-2. – Penalties.

Any person who violates any provision(s) of this chapter may, upon conviction, be punished as provided by this Code, or as provided by state law.

Secs. 3-3–3-5. – Reserved.

DIVISION 2. – LICENSES AND PERMITS OFFERED; REGULATIONS FOR CERTAIN LICENSES AND PERMIT

3-6. – Types of licenses and permits offered.

All licenses/permits are subject to the regulations of this Chapter and shall be issued by the City Manager or his/her designee unless specifically provided to the contrary. The fees for all licenses/permits are set forth in Section 2-110 of the City Code. The greater shall include the lesser: For example, a fee for a Distillery with Cocktail Room and Package Sales includes the right to manufacture distilled spirits and sell them both by the drink and by package as provided and regulated by this Chapter. The applicant in that example would not have to buy a license to manufacture, a license to sell by the drink and a license to sell by package because all three are included in the license fee for a Distillery with Cocktail Room and Package Sales. The following types of licenses may be applied for and obtained pursuant to this Chapter:

- (a) Manufacturing Licenses:
 - (1) Beer or Malt Beverage
 - (2) Wine
 - (3) Distilled Spirits
- (b) Wholesale Dealer Licenses:
 - (1) Beer or Wine
 - (2) Beer and Wine
 - (3) Distilled Spirits
 - (4) Beer, Wine, and Distilled Spirits
- (c) Retail Consumption Dealer:
 - (1) Beer or Wine
 - (2) Beer and Wine
 - (3) Distilled Spirits
 - (4) Beer, Wine, and Distilled Spirits
- (d) Retail Package Dealer:
 - (1) Beer or Wine
 - (2) Beer and Wine
 - (3) Distilled Spirits

- (4) Beer, Wine, and Distilled Spirits
- (5) Retail Package Dealer Wine and/or Beer Tasting Permit
- (e) Special Licenses/Permits:
 - (1) Brewpub License
 - (2) Brewery with Taproom and Package Sales
 - (3) Winery/Farm Winery with Tasting Room and Package Sales
 - (4) Distillery with Cocktail Room and Package Sales
 - (5) Alcoholic Beverage Caterer License
 - (6) Alcoholic Beverage Caterer Event Permit
 - (7) Art Shop Alcohol Permit
 - (8) Beer and/or Wine Amenity Permit
 - (9) Temporary On-Premises Consumption Permit
 - (10) Special Event Alcohol Permit
 - (11) Hotel-Motel In Room Service Permit
 - (12) Private Club Permit
 - (13) Sports Club Permit
 - (14) Indoor Commercial Recreational Establishment Permit
 - (15) Performance Facility
 - (16) Mobile Food Vendor Permit

Sec. 3-7. – General licensing regulations.

(a) All persons, business, organizations, or entities desiring to manufacture, wholesale, distribute, sell at retail, or dispense alcoholic beverages within the City shall first apply for the applicable licenses and/or permits required by this Division, prior to engaging in such activity.

(b) A person, business, organization, or entity shall be required to comply with any specific regulations regarding application and/or operation for a license/permit as provided in this Chapter.

(c) Unless otherwise specified within this Chapter, any licensee authorized to engage in manufacturing activities shall also be authorized to sell its products, as produced and/or manufactured on the licensed premises, to a wholesale dealer and/or distributor for resale.

(d) Unless otherwise specified within this Chapter, any licensee authorized to engage in wholesale activities shall be authorized to only sell alcoholic beverages, in closed packaged, to other wholesale dealers or to retail consumption dealers and/or retail package dealers for resale. Wholesale dealers shall not be authorized to sell alcoholic beverages directly to consumers.

(e) Unless otherwise specified within this Chapter:

(1) Any establishment and/or licensee which sells beer, wine, and/or distilled spirits for on-premises consumption must derive at least fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(2) Any establishment and/or licensee which sells beer, wine, and/or distilled spirits for on-premises consumption must acquire, purchase, and/or obtain its products from a licensed and/or authorized wholesale dealer and/or distributor.

(f) Unless otherwise specified within this Chapter, any establishment and/or licensee which sells beer, wine, and/or distilled spirits in closed packages for off-premises consumption must acquire, purchase, and/or obtain its products from a licensed and/or authorized wholesale dealer and/or distributor.

Sec. 3-8. – Manufacturing license.

(a) An individual or entity desiring to engage in the manufacture of alcoholic beverages shall, prior to engaging in such activities, apply for a license to manufacture:

(1) Beer or malt beverages

(2) Wine

(3) Distilled spirits

(b) A manufacturing licensee is authorized to engage in manufacturing activities to produce and/or manufacture beer, wine, or distilled spirits on its licensed premises.

(c) A manufacturing licensee is authorized to sell its products, produced or manufactured on its licensed premises, to a wholesale dealer and/or distributor for resale.

Sec. 3-9. – Wholesale dealer license.

(a) An individual or entity desiring to engage in the wholesale distribution of alcoholic beverages within the City shall, prior to engaging in such activities, apply for a license to sell at wholesale:

(1) Beer or wine

- (2) Beer and wine
- (3) Distilled spirits
- (4) Beer, wine, and distilled spirits.

(b) Any person desiring to sell at wholesale any alcoholic beverages in the city shall be licensed by the state and maintain on file with the City Manger a copy of their current state wholesaler license.

(c) A wholesale dealer licensee is authorized to sell beer, wine, and/or distilled spirits in closed packages to other wholesale dealers, as well as retail consumption dealers and/or retail package dealers for resale.

(d) A wholesale dealer licensee shall not sell alcoholic beverage directly to consumers.

(e) Unless otherwise authorized and/or provided for in this Chapter, no person who has any direct financial interest in any license for the retail sale of any alcoholic beverages in the city shall be allowed to sell at wholesale within the city limits.

(f) Unless otherwise authorized and/or provided for in this Chapter, no wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter.

(g) Unless otherwise authorized and/or provided for in this Chapter, all deliveries of alcoholic beverages to retail consumption dealers and/or retail package dealers within the City shall be delivered by a duly licensed wholesale dealer or distributor with the State of Georgia. The name of said wholesale dealer or distributor shall be clearly marked on the delivery vehicle transporting the alcoholic beverages for delivery.

(h) Licensees authorized to engage in the wholesale and/or distribution of alcoholic beverages within the City shall not engage in such conduct and/or activity except between 7:00 a.m. and 3:00 p.m., Mondays through Saturdays. There shall be no wholesale and/or distribution of alcoholic beverages on Sundays.

Sec. 3-10. – Retail consumption dealer license.

(a) An individual or entity desiring to sell alcoholic beverages for on-premises consumption shall, prior to engaging in such activities, apply for a license to sell, for on-premises consumption:

- (1) Beer or wine
- (2) Beer and wine
- (3) Distilled spirits
- (4) Beer, wine, and distilled spirits

(b) Unless otherwise specified in this Chapter, a retail consumption dealer licensee is authorized to sell alcoholic beverages purchased from an authorized wholesale dealer and/or distributor for final sale directly to consumers for on-premises consumption.

(c) Alcoholic beverages for on-premise consumption shall only be sold from 12:30 p.m. until 11:30 p.m. on Sundays and 11:00 a.m. until 11:30 p.m. on the other days of the week.

Sec. 3-11. – Retail package dealer license.

(a) An individual or entity desiring to sell alcoholic beverages in closed packages for off-premises consumption shall, prior to engaging in such activities, apply for a license to sell, for off-premises consumption:

- (1) Beer or wine
- (2) Beer and wine
- (3) Distilled spirits
- (4) Beer, wine, and distilled spirits

(b) Unless otherwise specified in this Chapter, a retail package dealer licensee is authorized to sell alcoholic beverages purchased from an authorized wholesale dealer and/or distributor for final sale directly to consumers for on-premises consumption.

(c) Unless otherwise provided for in this Chapter, the retail sale of alcoholic beverages in closed packages directly to consumers shall only occur between the hours of 7:00 a.m. and 11:30 p.m., Mondays through Saturdays, and 12:30 p.m. and 11:30 p.m. on Sundays. Notwithstanding the previous, the retail sale of alcoholic beverages in closed packages directly to consumers shall not occur at any time in violation of any local ordinance or regulation, or any special order of the Mayor and City Council.

(d) Retail package dealer licensees shall indicate plainly, by tags or labels on alcohol containers or the shelf immediately below where such containers are placed, the prices of all beer, wine, and/or distilled spirits exposed and/or offered for sale.

(e) Retail package dealer licensees may sell alcoholic beverages in closed packages by single or group cans, bottles, or other container packages.

Sec. 3-12. – Retail package dealer wine and/or tasting permit.

(a) An entity possessing a duly issued retail package dealer license for off-premises consumption shall be eligible to apply for a wine and/or beer tasting permit.

(b) An eligible licensee may petition the city for a wine and/or beer tasting permit provided it meets all the applicable requirements in this Chapter and maintains a valid retail package dealer license.

(c) A tasting permit shall allow the license holder to offer or sell wine and/or beer samples in connection with an instructional or educational promotion.

- (d) All tasting operations shall be conducted only during the normal business and operating hours of the licensee during which sale of alcoholic beverages is permitted.
- (e) A tasting permit is intended to allow such activity on a limited basis and shall not be part of the core operations of such establishment or occur on a daily basis.
- (f) Wine and/or beer tasting shall be limited to a confined, enclosed area with a single means of ingress and egress into such area. The applicant's proposed measures to segregate the wine and/or beer tasting area along with proposed staffing and oversight shall be submitted and approved by the City Manager.
- (g) The tasting permit shall be renewed with the retail dealer license and shall be automatically renewed upon renewal of the permittee's retail dealer license and payment of the Package Dealer Wine/Beer Tasting permit annual fee as set forth in Section 2-110. Notwithstanding the previous, the City may revoke or suspend such tasting permit and/or impose such conditions on its operation at the city's discretion for violations of this Chapter or in furtherance of the health, safety, and welfare of the city's inhabitants. Any tasting permit that is not renewed at the time that the licensee's retail dealer license is also renewed shall expire at the end of said permit term. If a licensee wishes to renew or apply for a tasting permit after their retail dealer license has been renewed, the application for the tasting permit shall be treated as an initial tasting permit application, as if no prior tasting permit existed.
- (h) All initial tasting permit applications shall be subject to an application administrative fee as set forth in Section 2-110.

Sec. 3-13. – Brewpub license.

- (a) Any person, business, or entity desiring to operate a brewpub within the City shall apply for a brewpub license prior to engaging in such activities.
- (b) Unless otherwise provided in this Chapter, a licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a brewpub license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.
- (c) A brewpub licensee is authorized to manufacture beer or malt beverages on the licensed premises and sell its products, as produced or manufactured on the licensed premises, at retail in an on-premises eating establishment for on-premises consumption, in accordance and compliance with state law.
- (d) A brewpub licensee is authorized to sell at retail, for on-premises consumption, wine and other beer and/or malt beverages not produced or manufactured by the licensee pursuant to O.C.G.A. § 3-5-36, as now written or hereafter amended.
- (e) A brewpub license shall not authorize a brewpub licensee to sell distilled spirits at retail for on-premises consumption. However, nothing in this section shall be interpreted or construed as prohibiting or precluding a brewpub licensee from applying for an additional alcohol license/permit authorizing such activity, provided that the grant of such license is in no way guaranteed.

(f) A brewpub licensee is authorized to sell its products, as produced or manufactured on the licensed premises, to wholesale dealers and/or distributors as authorized by state law and at retail in closed packages for off-premises consumption directly to consumers.

(g) A brewpub licensee is authorized to, and shall, operate an eating establishment on the licensed premises that is in compliance with all applicable state and local regulations.

Sec. 3-14. – Brewery with taproom and package sales license.

(a) Any person, business, or entity desiring to operate a brewery with taproom and package sales within the City shall apply for a brewery with taproom and package sales license prior to engaging in such activities.

(h) Unless otherwise provided in this Chapter, a brewery licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a brewery with taproom and package sales license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(b) A brewery licensee is authorized to manufacture beer or malt beverages on its licensed premises and sell its products, produced or manufactured by the licensee on the licensed premises, to wholesale dealers and/or distributors or at retail to individuals on the brewery's licensed premises for:

(1) On-premises consumption in a taproom or similar facility located on the licensed premises; and

(2) Off-premises consumption in closed packages, in compliance with O.C.G.A. § 3-5-1 *et seq.*, as now written or hereafter amended.

(c) Food sales or service is permitted in a brewery, but is not required. There is no requirement for minimum revenue for food sales or for an on-premises fixed or full-service kitchen.

(d) A brewery licensee is authorized to sell beer or malt beverages, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on Friday, Saturday, and Sunday, along with Federal Holidays from 12:30 p.m. until 11:30 p.m. In addition, upon application and approval by the City Manager, a licensee may be authorized to sell beer or malt beverages, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on other dates for special events, pursuant to a temporary on-premises consumption permit.

(e) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a brewery, including any exterior patio or similar.

(f) No gaming devices, including coin-operated amusement machines, as defined and regulated by the state law are permitted in breweries.

Sec. 3-15. – Winery/farm winery with tasting room and package sales license.

(a) Any person, business, or entity desiring to operate a winery/farm winery with tasting room and package sales within the City shall apply for a winery/farm winery with tasting room and package sales license prior to engaging in such activities.

(b) Unless otherwise provided in this Chapter, a winery/farm winery licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a winery/farm winery with tasting room and package sales license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(c) A winery/farm winery licensee is authorized to manufacture wine and/or mead on its licensed premises and sell its products, produced or manufactured by the licensee on the licensed premises, to wholesale dealers and/or distributors or at retail in closed packages for off-premises consumption directly to consumers, in compliance with state law.

(d) A winery/farm winery licensee is authorized to offer, for free, samples of its products, as produced and/or manufactured by the licensee on the licensed premises, to customers as a promotion for package sales. Samples shall be limited to one (1) ounce pours and shall be limited to no more than eight (8) pours per customer, per day. Samples shall only be offered during normal business and/or operating hours of the licensee during which the sale of alcoholic beverages is permitted.

(e) A winery/farm winery licensee is authorized to sell wine and/or mead, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on Friday, Saturday, and Sunday, along with Federal Holidays from 12:30 p.m. until 11:30 p.m. In addition, upon application and approval by the City Manager, a winery/farm winery licensee may be authorized to sell wine and/or mead, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on other dates for special events, pursuant to a temporary on-premises consumption permit.

(f) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a distillery, including any exterior patio or similar.

(g) No gaming devices, including coin-operated amusement machines, as defined and regulated by the state law are permitted in distilleries.

Sec. 3-16. – Distillery with cocktail room and package sales license.

(a) Any person, business, or entity desiring to operate a distillery with cocktail room and package sales within the City shall apply for a distillery with cocktail room and package sales license prior to engaging in such activities.

(b) Unless otherwise provided in this Chapter, a distillery licensee engaging in any manufacturing, wholesale, distribution, retail on-premises consumption sales, and/or retail package sales authorized by a distillery with cocktail room and package sales license shall comply all regulations of the applicable general manufacturing, wholesale dealer, retail consumption dealer, and/or retail package dealer licenses provided for in this Article.

(c) A distillery licensee is authorized to manufacture distilled spirits on its licensed premises and sell its products, produced or manufactured by the licensee on the licensed premises, to wholesale dealers and/or distributors or at retail in closed packages for off-premises consumption directly to consumers, in compliance with state law.

(d) A distillery licensee is authorized to offer, for free, samples of its products, as produced and/or manufactured by the licensee on the licensed premises, to customers as a promotion for package sales. Samples shall be limited to one-half (1/2) ounce pours and shall be limited to no more than five (5) pours per customer, per day. Samples shall only be offered during normal business and/or operating hours of the licensee during which the sale of alcoholic beverages is permitted.

(e) A distillery licensee is authorized to sell distilled spirits, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on Friday, Saturday, and Sunday, along with Federal Holidays from 12:30 p.m. until 11:30 p.m. In addition, upon application and approval by the Mayor and City Council, a distillery with cocktail room licensee may be authorized to sell distilled, as produced and/or manufactured by the licensee on the licensed premises, at retail for on-premises consumption on other dates for special events, pursuant to a Temporary On-premises Consumption Permit.

(f) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises of a distillery, including any exterior patio or similar.

(g) No gaming devices, including coin-operated amusement machines, as defined and regulated by the state law are permitted in distilleries.

Sec. 3-17. – Alcoholic beverage caterer license.

A person, business, or entity desiring to operate as an alcohol beverage caterer within the City of Dawsonville to sell and/or dispense alcoholic beverages by the drink for on-premises consumption at location where authorized catered functions are to be held, shall, prior to engaging in such activity shall apply for an alcoholic beverage caterer license.

(a) Such licenses may be obtained only by those persons, businesses, or entities that hold and maintain a valid local and state alcohol license.

(b) If the person, business, or entity is a licensed alcohol beverage caterer by another jurisdiction, said person, business, or entity shall not be required to obtain an alcohol beverage caterer license from the City, provided that their activities within the City as an alcohol beverage caterer do not exceed three (3) events.

(c) An alcohol beverage caterer license shall only authorize the caterer to sell those alcoholic beverages for which he/she/it is otherwise licensed locally and through the state.

(d) All alcoholic beverages served by a licensed alcohol beverage caterer must be purchased from a licensed retail dealer located within the city limits in order to ensure that proper excise tax is paid.

Sec. 3-18. – Alcoholic beverage caterer event permit.

Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit from the City Manager at least ten (10) business days prior to the event.

- (a) The application for a permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event.
- (b) A permit fee shall be charged as set in section 2-110. No investigative or administrative fee shall be charged for an event permit.
- (c) The permit shall be good for the specific event at the specific address and times set forth in the application.
- (d) As a condition of the permit, alcoholic beverage caterers licensed by jurisdictions other than the city shall be provided a copy of the city's alcoholic beverages ordinances and acknowledge the applicability of such ordinances to their operations.
- (e) The permit and a copy of the state license shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.
- (f) Caterers licensed by the city or any other jurisdiction shall maintain records of alcoholic beverages transported for each event as may be required by state law.
- (g) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as for retail sales of alcoholic beverages sold at retail for on-premises consumption.
- (h) No licensed alcoholic beverage caterer shall employ any person under twenty-one (21) years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.
- (i) Except as set forth above in the section, a permit holder must comply with all other provisions set forth in this chapter.

Sec. 3-19. – Art shop alcohol permit.

- (a) A person, business, or entity desiring to operate an art shop within the City of Dawsonville, and allow patrons to bring closed packages of wine and/or beer onto the licensed premises for the purpose of consuming said wine and/or beer on-premises, may apply for an art shop alcohol permit.
- (b) An art shop permitted under this section may allow customers to each bring in one container of wine or no more than three containers of beer in closed packages for the purpose of on-premises consumption.
- (c) The customers must pour out or otherwise dispose of any unconsumed wine and/or beer from the licensed premises before leaving the licensed premises.
- (d) The limited exception of brown-bagging wine and/or beer in an art shop shall be subject to all other provisions of this Chapter and state law, including, but not limited to, the

prohibition of consumption of alcohol by one who is under twenty-one (21) years of age or intoxicated.

(e) An art shop may serve food provided it meets all federal, state and local requirements.

(f) All art shop alcohol permit applications shall be subject to an application administrative fee as set forth in Section 2-110.

Sec. 3-20. – Beer and/or wine amenity permit.

(a) A non-eating establishment that offers beer and/or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer and/or wine amenity permit. Eating establishments and adult entertainment businesses shall not be eligible for a beer and/or wine amenity permit.

(b) A beer and/or wine amenity permit shall allow the permit holder to offer beer and/or wine as an act of hospitality and shall not be part of the core operations of such establishments.

(c) A beer and/or wine amenity permit may be renewed annually. Provided, however that the city may revoke or suspend such amenity permit and/or impose such conditions on its operation at the city's discretion for violations of this chapter or in furtherance of the health, safety, and welfare of the city's inhabitants.

(d) All beer and/or wine amenity permit applications shall be subject to an application administrative fee as set forth in Section 2-110.

Sec. 3-21. – Temporary on-premises consumption permit.

(a) Any person, organization, or entity, maintaining an alcohol beverage license in good standing with the state, may be issued a temporary permit to sell and/or dispense alcoholic beverages for a period not to exceed ten (10) days in any one (1) calendar year.

(b) By way of example, the person, organization, or entity may submit one application for a ten-day event, or several applications that, in totality, do not exceed ten days.

(c) Said permit shall not be subject to any investigative and administrative fee requirement.

(d) Such persons, organizations, and/or entities will be required to comply with all ordinances and regulations of this Chapter, with the exception of the full-service kitchen requirement.

(e) Any person, organization, or entity that is exempt for state licensure shall not be required to obtain and/or maintain a state license. Proof of said person's, organization's, or entity's status as exempt from state licensing requirements shall suffice.

Sec. 3-22. – City Special Event alcohol permit

Any person, business, organization, or entity maintaining an alcohol beverage license in good standing with the state may obtain a City Special Event permit to sell and dispense alcoholic beverages at a City Special Event under the following terms and conditions:

- (a) The applicant shall submit, as may be required by the City Manager, a plan or rendering which details operational matters.
- (b) The application for any City Special Event alcohol permit shall be reviewed and must be duly approved by the City Manager prior to issuance of said permit.
- (c) When safety consideration and/or effective traffic circulation issues exist, it may be deemed necessary by the city to require enclosed structures providing restricted public ingress/egress.
- (d) Upon request by the applicant and specific approval by the City Council, alcoholic beverages may be sold by licensed establishments during permitted City Special Events and taken outside of normal dining areas into the Town Center District.
- (e) The possession of any open glass container for the consumption of any beverage is prohibited during a City Special Event
- (f) The City Manager shall be authorized to suspend or terminate a City Special Event Permit or any alcohol sales at any time, if he/she determines that it is necessary for the health, safety and welfare of the residents of the city.
- (g) Notwithstanding the provisions of this section, nothing in this section shall relieve applicants from complying with all other provisions of this chapter and state law.
- (h) Said permit shall not be subject to any investigative and administrative fee requirement.
- (i) Any person, organization, or entity that is exempt for state licensure shall not be required to obtain and/or maintain a state license. Proof of said person's, organization's, or entity's status as exempt from state licensing requirements shall suffice.

Secs. 3-23—3-29. – Reserved.

DIVISION 3. – APPLIATION AND OPERATION REGULATIONS FOR CERTAIN ESTABLISHMENT TYPES

Sec. 3-30. – Purpose of division

- (a) The purpose of this Division is to provide regulations for the application for a license/permit under this Chapter or for the operation of a business pursuant to a license/permit issued under this Chapter for particular establishment and/or business types.
- (b) This Division in no way creates any additional license/permit that a person, business, organization, or entity may apply for.
- (c) All establishments falling under this Division must apply for and be issued the appropriate license/permit under Division 2 of this Article prior to engaging in the conduct desired.

(d) If there is a conflict between the regulations of this Division or any other provision of this Chapter, the regulations of this Division shall control.

Sec. 3-31. – Hotel-motel In-room Service.

(a) Hotel-motel in-room alcohol service shall require a permit and be limited to beer and/or wine from a cabinet or refrigerator.

(b) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this section.

(c) No minimum food sales requirement is associated with beer and wine provided by an in-room service cabinet or refrigerator.

Sec. 3-32. – Private Clubs.

(a) Any association organized under the laws of this state which:

(1) Has been in existence at least six (6) months prior to the filing of its application for a license to be issued pursuant to this article.

(2) Has at least 30 regular dues paying members.

(3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:

(i) Suitable full-service kitchen and dining room space and equipment as approved by the Dawson County Environmental Health Department with adequate water and sewer/septic service;

(ii) A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and

(iii) Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(b) In order to serve alcoholic beverages, private clubs must apply for and obtain a Private Club Permit.

(c) Private clubs shall sell food prepared on the premises. Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages and upon payment of the permit fee and sales and excise taxes that are required.

(d) Veterans organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia Income Tax Law shall be considered and regulated as a private club, but shall not be required to operate a food establishment serving prepared food. However, any such

organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations of this Chapter applicable to general licensing requirements and the provisions of this section.

Sec. 3-33. – Sports Clubs.

(a) To qualify for a Sports Club Permit, a sports club must have been actively in operation within the city at least six (6) months prior to an application for license under this Chapter. However, the six-month operational requirement shall not apply to golf club associations or golf club corporations where the selling and/or serving of alcoholic beverages is to take place on the golf course premises.

(b) A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this chapter, and accordingly shall not be permitted to serve alcoholic beverages at any time.

(c) In order to serve alcoholic beverages, a sports clubs must apply for and obtain a Sports Club Permit. Unless otherwise indicated, a sports club shall comply with all other requirements imposed upon retail consumption dealers.

(d) Sports clubs shall sell food on the premises prepared in a full-service kitchen and have dining room space and equipment as approved by the Dawson County Environmental Health Department with adequate water and sewer/septic service.

Sec. 3-34. – Indoor Commercial Recreational Establishment.

(a) In order to qualify for an Indoor Commercial Recreational Establishment Permit, the establishment must sell food on the premises prepared in a full-service kitchen.

(b) An indoor commercial recreational establishment must derive at least seventy (70) percent of gross receipts annually from the sale of prepared meals or food and recreation activities.

(c) In order to serve alcoholic beverages, an indoor commercial recreational establishment must apply for and obtain a Indoor Commercial Recreational Establishment Permit. The sale of food and alcoholic beverages is incidental to the primary enterprise and activity on the premises. The primary activity on the premises of the indoor commercial recreational establishment is family oriented in nature, which attracts a range of individuals from all age groups.

(d) No indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

Sec. 3-35. – Performance Facility.

(a) Beer, wine, and/or distilled spirits may be sold and/or dispensed at a performance facility as defined in this chapter upon proper application for and issuance of a Performance Facility Permit.

- (b) Alcohol may be sold or dispensed at a performance facility only at a bar located in the lobby area of the facility or by a server within the facility on days where a performance will take place in the facility.
- (c) In addition to the hours of sale requirements set forth in this chapter, alcohol may not be dispensed at a performance facility earlier than one hour before the start of a performance or later than one hour after the performance has ended.
- (d) Alcohol may be sold or dispensed at a performance facility by a city licensed alcohol caterer in the same manner set forth within this chapter without the need for the facility or the caterer to obtain a performance facility license.
- (e) Performance facilities may serve food, but it does not have to be prepared in a full-service kitchen. Furthermore, there is no minimum revenue threshold for food sales relative to the sale of alcoholic beverages.
- (f) All Performance Facility Permits for the sale or serving of alcoholic beverages require special review, analysis, consideration, and approval by the City Council prior to issuance of a license.

Sec. 3-36. – Mobile Food Vendor.

- (a) Mobile food vendors are only permitted to sell alcohol within the Town Center District upon proper application for and issuance of a Mobile Food Vendor Permit.
- (b) A mobile food vendor must derive at least fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
- (c) Alcohol may be sold or dispensed at a mobile food vendor only at a fixed bar or by a server to patrons within the establishment.
- (d) The food trucks/mobile food vendors must be located/parked within the Town Center District or at a location specifically designated by resolution of the City Council.
- (e) Smoking of any type, including cigarettes, cigars, vaping, or similar, is prohibited within the premises, including any exterior patio or similar.
- (f) Alcoholic beverages shall only be sold from 12:30 p.m. until 11:00 p.m. on Sundays and 11:00 a.m. until 11:00 p.m. on the other days of the week.
- (g) No gaming devices, including coin-operated amusement machines, as defined and regulated by state law are permitted.
- (h) All Mobile Food Vendor Permits for the sale or serving of alcoholic beverages require special review, analysis, consideration, and approval by the City Council prior to issuance of a license.

Secs. 3-37–3-39. – Reserved.

ARTICLE II. – LICENSE REQUIREMENTS

DIVISION 1. – APPLICATION AND REVIEW PROCESS

Sec. 3-40. – Alcoholic beverage activity within incorporated area of city; license/permit a privilege.

- (a) In order to engage in conduct requiring authorization under this Chapter within the incorporated area of the City under a license and/or permit as set forth in this Chapter, a proper application must be filed by the applicant and approved by the City Manager or if otherwise provided by the City Council.
- (b) All licenses and permit issued pursuant to this Chapter are a mere grant of privilege to carry on the business allowed pursuant to such licenses and/or permit and is subject to all terms and conditions imposed by the City ordinances and state law
- (c) No applicant shall be allowed to hold both an on-premises consumption and off-premises consumption license for the same business, except as otherwise expressly provided for in this Chapter.
- (d) All licenses under this Chapter shall have printed on their front the following: “This license is a mere privilege subject to being revoked and annulled, and is subject to any further ordinances which may be enacted and/or amended.”

Sec. 3-41. – License application forms.

- (a) The City Manager or his/her designee shall prepare application forms consistent with this Chapter and all applicants shall complete an application form in order to be considered for a license or permit.
- (b) The application shall include, but shall not be limited to, the name and address of the applicant; the proposed business to be carried on; location of the proposed business; the name and address of the manager(s) of the business; if a partnership, the names and residence addresses of the partners; if a corporation, the names of the officers, the names of the managers, and the names of all shareholders holding more than ten percent of any class of corporate stock; if a limited liability company (LLC) the names of all managers, members holding more than ten percent of any units; or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought.
- (c) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.

Sec. 3-42. – Fingerprint requirements for applications

- (a) All applicants shall furnish data, fingerprints and other records as required by the City Manager to ensure compliance with the provisions of this chapter. Failure to furnish such data, fingerprints and other records within thirty (30) days from the date of such request shall automatically serve to dismiss the application with prejudice.
- (b) Fingerprints shall be required for all initial applications, unless otherwise provided for in this Chapter or waived by the City Manager. Furthermore, fingerprints, unless otherwise

required or waived by the City Manager, shall be required in all renewal applications in even numbered years.

Sec. 3-43. – Costs and fees to accompany applications.

(a) Unless otherwise specified, any person, organization, business, or entity applying for a license and/or permit under this Chapter, whether an initial or renewal application shall submit with his application the appropriate fee(s) as set forth in Section 2-110, including:

(1) The applicable license/permit annual fee

(2) The general investigative and administrative fee set out in section 2-110, to cover investigative and administrative costs, or some other license/permit specific investigative and/or administrative fee.

(b) Anyone applying for more than one license shall pay only one investigative and administrative fee. If an applicant is applying for more than one licenses/permits with differing investigative and/or administrative fees, the higher fee shall be assessed and submitted with the application.

Sec. 3-44. – Licensing qualifications.

(a) No license/permit authorized by this Chapter shall be granted to any person who is not a citizen of the United States or to any person who cannot provide documentation of their ability to be lawfully employed in the United States.

(b) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, officers, managers, and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder; where the majority stockholder, is not an individual, then the license shall be issued jointly to the corporation and its license applicant under the provisions of this chapter. In the case of a partnership the license will be issued to one of the partners owning at least ten percent of the partnership. If no partner owns ten percent of the partnership then the general partner, managing partner or the partner with the greatest ownership will be licensed.

(c) No license/permit authorized by this Chapter shall be granted to any person convicted under any federal, state or local law of any felony, within ten (10) years prior to the filing of application for such license.

(d) Should any applicant, partner, or officer, after a license/permit has been granted, be convicted under any federal, state or local law of any felony, the license shall be immediately revoked and canceled by the city.

(e) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses/permits under this Chapter, to have any whole, partial, or beneficial interest in any license/permit issued under this Chapter.

(f) No license/permit authorized by this Chapter shall be granted to any person who has had any pervious license/permit issued by the city revoked within two (2) years prior to the filing of the application.

(g) No new or renewal license for the sale of alcoholic beverages within the city shall be issued for a location that fails to meet all applicable state and local fire, life safety, building, health, and zoning codes. A license/permit authorized by the Chapter may be issued for a location prior to the completion of the building or tenant space indicated on the license/permit application, provided activities authorized by said license/permit may be undertaken or engaged in until said building or space is completed as determined by the city planning and zoning department.

(h) No new or renewal alcoholic beverage license shall be issued to any applicant who is delinquent in the payment of city taxes or fees, including, but not limited to utility fees, property taxes, alcoholic beverage excise taxes, occupational tax certificate fee, hotel/motel excise taxes, or any other taxes or fees which are owed to the city by the applicant.

Sec. 3-45. – Returned payments for application fees.

If a payments for initial or renewal license/permit application is returned by a financial institution, it will be considered a non-payment and the license/permit will be invalid. The licensee shall have seven (7) days from the date the payment was returned by the financial institution to provide payment by cash or certified check. If the appropriate payment is not received within seven (7) days, the license will be invalid. After the seven-day period, if a license/permit is still invalid, it shall be voided and the applicant will be required to re-apply for a new license/permit.

Sec. 3-46. – Compliance with rules and regulations required.

Before a license shall be granted under this Chapter, the applicant shall comply with all rules and regulations adopted by the city council regulating the manufacturing, wholesale, distribution, sale at retail, and/or dispensing of alcoholic beverages to consumers.

Sec. 3-47. – Public hearing required.

A public hearing shall be required for all applications requiring special review by the City Council. All applications requiring a public hearing shall be included on the City Council's public hearing agenda for consideration. A notice of each application and said hearing date shall be advertised on the city's website and in the city's legal organ once a week for two weeks immediately preceding the initial consideration of the application.

Sec. 3-48. – Administrative approval versus City Council approval.

(a) All alcohol licenses, unless otherwise specified or provided for in this Chapter, may be administratively approved by the City Manager.

(b) All licenses issued pursuant to this chapter which require approval of the City Council shall comply with the procedures set forth in this Article II.

Sec. 3-49. –Special review by City Council defined.

(a) By nature of the potential for concerns with noise, late night activity, parking, traffic management, and other factors that are unique to certain types of establishments, the City Council shall specially review and analyze the location and operations plan for the certain types

of establishments, as provided for within this Chapter, before approving a license for the on-premise consumption of beer, wine, and/or distilled spirits.

(b) The factors and criteria utilized and considered during this special review by the City Council, include the following:

- (1) Location;
- (2) Proximity to low density residential;
- (3) Consistency with comprehensive plan/city vision;
- (4) Floor plan and size of space;
- (5) Hours of operation;
- (6) Proposed decibels/noise impact;
- (7) Occupancy load;
- (8) Outdoor seating;
- (9) Traffic and parking management plan;
- (10) Sanitation management plan; security plan; and
- (11) Type of entertainment, number of entertainers, and frequency of entertainment acts, as applicable.

(c) The city finds that the criteria set forth above to promote the health, safety, and welfare of the city's inhabitants and are necessary to prevent congestion on streets; to secure safety from fire, flood and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements; to preserve the natural environment; and to encourage the most appropriate use of land.

Sec. 3-50. – Multiple locations for sale of alcohol.

Each license is for a single location/licensed premises. A separate application must be made, and a separate license must be issued, for each separate premises to be licensed for the manufacturing, wholesale, distribution, sale at retail, or dispensing of alcoholic beverages.

Sec. 3-51. – Withdrawal of application; refund of fees.

(a) Any license/permit application made pursuant to this Chapter may be withdrawn by the applicant at any time prior to the initial official decision on said application by either the City Manager or City Council, whichever decision maker is applicable.

(b) If a license/permit application is withdrawn prior to such decision, only the applicable annual license fee shall be refunded. Administrative and/or investigative fees shall not be

refunded. No funds shall be refunded if an application is withdrawn after the initial decision of the City Manager or City Council, whichever is applicable.

Sec. 3-52. – Expansion or upgrade of license or permit during calendar year.

(e) If a licensee wishes or desires to expand the scope of its operations during a calendar year in which it has a valid license/permit with the City, said licensee may apply for a new license/permit with expanded scope and/or authorization or an additional license/permit authorizing the desired conduct.

(f) A licensee applying for a new license/permit, which includes both the conduct or activity authorized by the licensee's current license/permit and the desired expanded operations shall pay the difference between the applicable license/permit fee of the licensee's current license/permit and the license/permit fee of the license/permit applied for. By way of example, if a licensee holds a license to manufacture distilled spirits and wish to expand its operations to include retail sale for on-premises and off-premises consumption, the licensee may apply for a distillery with cocktail room and package sales license. Under such example, the licensee shall only pay the difference between the two license fees.

(g) A licensee applying for an additional license/permit, which includes only the desired expanded conduct or activity shall pay the full amount of the additional license/permit. By way of example, if a licensee holds a license to brewpub and wish to expand its operations to include retail sale of distilled spirits on-premises consumption (an activity not authorized by a brewpub license), the licensee may apply for a retail consumption dealer license for distilled spirits. Under such example, the licensee shall pay the full license fee for the additional license.

(h) This section shall in no way apply to applications for renewal of a license/permit or applications for a new or additional license/permit for a subsequent calendar year.

Secs. 3-53–3-59. – Reserved.

DIVISION 2. – LICENSE DENIAL, SUPENSION, OR REVOCATION

Sec. 3-60. – Denial of license/permit application.

(a) An initial application or application for renewal of a license/permit may be denied:

(1) When a licensee furnishes fraudulent or untruthful information in the application for a license/permit or omits information required in the application for a license/permit, or for failure to pay all fees, taxes, or other charges imposed under the provisions of this Chapter or otherwise owed to the City.

(2) When the State revokes any permit or license of any licensee to sell at wholesale or retail any alcoholic beverages. Upon such occurrence, the city license to sell alcoholic beverages shall thereupon be automatically revoked.

(3) When a licensee has been found in violation of any federal or state law or provision of this Chapter concerning the manufacture, wholesale, distribution, sale at retail, dispensing, or transportation of alcoholic beverages.

(4) Where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license/permit for any reason whatsoever.

(5) The City Manager or City Council, at their sole discretion, may consider any extenuating circumstances, which may reflect favorably or unfavorably on the applicant, application, or the proposed location of the business. If, in their judgment, circumstances are such that granting of the license/permit would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

(b) An application for renewal of a license may be denied by the City Manager when a licensee has been chronically delinquent or chronically in default in monthly excise tax reporting and remittance. A licensee shall be deemed chronically delinquent/in default when said licensee has been delinquent or in default in their monthly excise tax reporting and remittance obligations at least three (3) months in a calendar year.

(c) In instances in which an application is denied under the provisions of this Chapter, the applicant may not reapply for a license/permit for at least two (2) consecutive years from the final date of such denial.

Sec. 3-61. – Notice of denial of license/permit application.

(a) Applicants and licensees under this Chapter are entitled to notice of any denial of an initial application or renewal application for a license/permit.

(b) Said notice shall outline the reason(s) and/or rationale for such denial, inform the applicants and/or licensee of his/her/its right to appeal the decision, and include the date of the denial.

(c) Said notice shall be deemed delivered when personally served by hand delivery to the applicant and/or licensee, by a member of the city staff, or when served to the same by overnight delivery via a nationally recognized carrier.

Sec. 3-62. – Suspension or revocation of license/permit generally.

A license/permit may be suspended or revoked by the City Manager, at his/her discretion, upon any of the following:

(a) When a licensee furnishes fraudulent or untruthful information in the application for a license/permit or omits information required in the application for a license/permit, or for failure to pay all fees, taxes, or other charges imposed under the provisions of this Chapter or otherwise owed to the City.

(b) When the State revokes any permit or license of any licensee to sell at wholesale or retail any alcoholic beverages. Upon such occurrence, the city license to sell alcoholic beverages shall thereupon be automatically revoked.

- (c) When a licensee has been found in violation of provisions of state and/or local law prohibiting the employment of underage persons to dispense, serve, sell, or take orders for any alcoholic beverage.
- (d) When a licensee has been found in violation of provisions of state and/or local law prohibiting sales of alcoholic beverages to underage persons.
- (e) When a licensee has been found to be engaging in conduct authorized by his license/permit during a period of license/permit suspension.
- (f) When any licensed/permitted establishment does not meet the licensing qualifications set forth in this Chapter, any time such knowledge becomes known to the city.
- (g) When an act or omission by a licensee, owner of more than ten (10) percent interest in the licensed/permitted establishment, is willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this Chapter.
- (h) When an act of omission by an employee of a licensee, where such acts of the employee were known to or under reasonable circumstances should have been known to the licensee, which constitutes a violation of federal or state laws or of any provision of this Chapter.
- (i) When a licensee has been delinquent or in default in their monthly excise tax reporting and remittance obligations at least three (3) months in a calendar year.
- (j) When a licensee is found to have violated any provision of this Chapter.

Sec. 3-63. – Suspension of license/permit for public welfare, safety, health, or a nuisance.

A license/permit may be suspended by the City Manager, at his/her discretion, when he/she deems a business to be operating or conducting business in a manner contrary to the public welfare, safety, health, or in such a manner as to constitute a nuisance. Any combination of the following, totaling at least three (3) occurrences within any sixty (60) day period, shall constitute prima facie evidence a nuisance:

- (a) Breach of the peace, disturbance, or altercation resulting in violence occurring on the licensed premises.
- (b) Permitting the solicitation of patrons on the licensed premises for prostitution or any other unlawful act where the licensee, or the licensee, knew or should have known of such conduct.
- (c) The selling or serving of any alcoholic beverage to any person that the licensee, or the licensee, knew or should have known to be in a state of intoxication.
- (d) The violation of any state law or regulation governing the manufacture, wholesale, distribution, sale at retail, dispensing, or transportation of alcoholic beverages.

Sec. 3-64. – Revocation of license/permit for prior suspensions.

A license/permit may be revoked by the City Manager if a license/permit has been suspended two (2) or more times in any consecutive twelve (12) month period.

Sec. 3-65. – Default period of suspension or revocation; effect of revocation.

(a) Wherever this Chapter permits the City Manager to suspend any license/permit issued under this Chapter, but does not mandate the period of such suspension, the suspension period shall be fourteen (14) calendar days from the date of delivery of said notice. During the suspension period, no activities authorized by the subject license/permit may take place. Following the expiration of the suspension period, the license/permit shall automatically be reinstated.

(b) Whenever this Chapter permits the City Manager to revoke any license/permit issued under this Chapter, but does not define the period of such revocation, the revocation period shall be two (2) consecutive years from the date of revocation. During the revocation period, no activities authorized by the subject license/permit may take place and the licensee may not submit an application for a license/permit under this Chapter.

(c) Following the expiration of the revocation period, the license/permit shall not automatically be reinstated, the licensee shall be required to reapply for said license/permit, if the licensee so desires, and said application shall be treated as an initial application.

Sec. 3-66. – Notice and enforcement of suspension/revocation of license/permit.

(a) Whenever a license is suspended or revoked, the City Manager shall cause a cease and desist notification to be delivered to the licensed premise.

(b) Said notice shall be deemed delivered when personally served by hand delivery to the applicant and/or licensee, by a member of the city staff, or when served to the same by overnight delivery via a nationally recognized carrier.

(c) This notification shall include the reason(s) and/or rationale for suspension or revocation, outline the licensee rights to an appeal hearing, and detail the dates of suspension or revocation.

(d) The City Manager shall take the necessary steps to see that signs are removed and that all alcoholic beverage activities authorized by the subject license/permit cease as outlined in the cease and desist notification letter.

(e) Upon suspension or revocation of a license/permit under this Chapter, licensee shall not be entitled to a refund of any portion of any license/permit fees, excise taxes, or any other fees or taxes paid to the City.

Sec. 3-67. – Right to appeal denial, suspension, or revocation; appeal procedure.

(a) Any applicant and/or licensee may choose to appeal the decision to deny an application for a license/permit or to suspend or revoke a license/permit to the city council. Such appeal

shall be by written petition, filed in the office of the City Manager within ten (10) calendar days after delivery of the written notice provided by the City Manager.

(b) In order to defray administrative costs, the written petition must be accompanied by a filing fee as set forth in section 2-110. If the filing fee is not submitted with the written petition, the petition shall not be considered to be filed. The city council may, at the request of the appellant, refund the filing fee by a majority vote.

(c) A hearing shall be conducted on each appeal within fifteen (15) calendar days of the date of filing of the licensee's written petition with the office of the City Manager unless a continuance of such date is agreed to by the appellant and the City Manager.

(d) The appellant at the hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, such request must be made at least three (3) days prior to such hearing and appellant must pay for the cost of the transcript. The appellant shall have the burden of proof on any such appeal.

(e) The decision of the city council shall be forwarded to the appellant by hand delivery to the applicant by a member of the city staff or served upon applicant by overnight delivery via a nationally recognized carrier within seven (7) calendar days after the conclusion of the hearing.

(f) The decision to deny an application or suspend or revoke a license/permit shall not be set aside unless found to be:

- (1) Contrary to law or ordinances;
- (2) Unsupported by evidence on the record as a whole; or
- (3) Unreasonable.

(g) The findings of the city council shall be final, unless appealed within thirty (30) days of the date of such finding by certiorari to the Dawson County Superior Court.

Sec. 3-68. – Stay/reinstatement of denial, suspension, or revocation period upon appeal; final date of denial.

(a) Upon the proper filing of an appeal to a denial of an application for a license/permit under this Chapter, the denial period shall be stayed. If after appeal, the City Council determines to uphold the denial of the application for a license/permit, the denial period shall be reinstated and run from the final date of denial.

- (1) The final date of denial, when no appeal is taken, shall be from the date noted as the date of denial in the notice informing the applicant that his/her/its application for a license/permit has been denied.
- (2) The final date of denial, when an appeal is taken and the City Council does not grant the appeal shall be the date of the City Council's decision.

(b) Upon the proper filing of an appeal to suspension/revocation of a license/permit under this Chapter, the suspension/revocation period shall be stayed. If after appeal, the City Council determines to uphold the suspension/revocation of a license/permit, the denial period shall be reinstated and run from the date of delivery of the notice informing the licensee of the decision of the City Council.

Secs. 3-69—3-79. – Reserved.

DIVISION 3. – OPERATIONS AFTER ISSUANCE OF LICENSE/PERMIT

Sec. 3-80. – Display of license/permit at place of business.

A licensee shall, at all times, display its license/permit on the licensed premises and in plain view, so as it may be easily viewed by patrons.

Sec. 3-81. – Engaging in conduct under this Chapter without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person to engage in conduct requiring authorization under this Chapter where the person does not have a license granted by the city to engage in said conduct, or to engage in said conduct beyond the boundaries of the premises covered by a license/permit issued under this Chapter, except for authorized deliveries by wholesale dealers and/or distributors.

Sec. 3-82. – Expiration and renewal of licenses/permits.

(a) All licenses/permits granted under this chapter shall be valid from the date issued until December 31st of the license/permit year. All licenses/permits granted under this chapter shall expire on December 31st of each year.

(b) Renewal packages will be sent to all current licensees by November 1st of each year. It is the licensee's responsibility to return renewal paperwork to the City Manager by November 20th of each year. A renewal application may be submitted after November 20th; however, the City does not guarantee that such application will be reviewed, processed, and approved prior to December 31st.

(c) Any licensee who has not submitted the renewal application and the required fee(s) before 4:00 p.m. on November 20th, and does subsequently submit a renewal application after 4:00 p.m. on November 20th, shall pay, in addition to the annual license/permit fee, a late charge of twenty (20) percent of the applicable license/permit fee. Additionally, all alcohol sales shall be suspended until the renewal license/permit is issued, if the renewal license/permit is not issued by 11:59 p.m. on December 31st.

(d) Any renewal paperwork received after 4:00 p.m. on December 31st shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses/permits as if no previous license/permit had been held. This will include a reassessment of investigative and administrative fees and no activity authorized by the subject license/permit will be permitted during the reapplication process. If December 31st should fall on a Saturday or Sunday, this deadline shall be the last Friday in the month of December.

Sec. 3-83. – Transferability of licenses/permits.

- (a) No license/permit under this Chapter shall be transferable, except as otherwise provided in this section.
- (b) All license/permit transfers are subject to an administrative fee only, as set forth in section 2-110.
- (c) In the case of the death of a licensee, the establishment shall be allowed to continue to engage in the activity authorized by its license/permit for a period of ninety (90) days from the date of the death of the licensee. During the 90-day period, a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for a new license/permit with the city. After said application has been made, the establishment shall be allowed to continue to engage in the activity authorized by its license/permit until such time that the estate is settled and a new application has been filed or, ownership is transferred, and a new license/permit has been issued. No additional license/permit fees shall be required during the period for which the original license/permit was issued.
- (d) If a licensee terminates his association with a licensed establishment, the establishment shall be allowed to continue to engage in the activity authorized by its license/permit for a period of ninety (90) days from the date of termination. During the 90-day period, a new application for a license/permit is required. No additional license/permit fees shall be required during the period for which the original license/permit was issued.
- (e) Nothing in this section, however, shall prohibit one or more of the partners holding a license/permit to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license/permit. Such a withdrawal shall not serve to bring any new ownership into the partnership. This section shall neither prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license/permit nor shall it prohibit transfers of stock, which does not result in any person increasing his stock holdings to a total of ten (10) percent or more of any class of stock.
- (f) Any licensee who desires to transfer the location of a business with a licensed premises under a license/permit authorized by this Chapter within the City shall notify the City Manager prior to any transfer of location. The City Manager shall determine whether the new location is in compliance with all provisions of this Chapter and other city ordinances. No change in the location of a licensed premises shall be permitted unless the new location complies within all provisions of this Chapter. The City shall have the authority to approve or deny the transfer of location in the same manner that it may approve or deny issuance of a new license/permit. Should a transfer of location be approved, with no change of ownership in the business, the license/permit fee paid for the old location shall be applied to the new location.
- (g) Any licensee who desires to change the name of a business licensed under this Chapter within the city shall so notify the City Manager prior to any change of name, and the City Manager shall direct the issuance of a corrected license in replacement of the original license. No administrative fee is required for a change in name.

(h) Any licensee who changes the manager(s) of a licensee within the city shall so notify the City Manager within five (5) days of the effective date of such change and shall file, with the City Manager, the change in manager form, which includes a background check on the new manager.

(i) Except as provided in this section, any change in the ownership of any entity owning a licensed business under this Chapter shall be cause to cancel and revoke any license issued under this Chapter. The establishment shall be allowed to continue to engage in the activity authorized by the license/permit for a period of ninety (90) days from the date of change, provided that a new application for a license/permit is filed prior to the commencement of said 90-day period. Said application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses/permits as if no previous license/permit had been held. This will include a reassessment of investigative and administrative fees; however, the activity authorized by the license/permit may be engaged in as described herein.

Sec. 3-84. – Automatic license/permit forfeiture for nonuse.

Any holder of any license/permit under this Chapter who shall for a period of six (6) consecutive months after the license/permit has been issued, cease to engage in the activity authorized by said license/permit shall after the six-month period automatically forfeit the license/permit without the necessity of any further action. This shall not apply to a license/permit that was issued prior to the construction of the licensed premises being completed.

Sec. 3-85. – Audit of records of licensee.

(a) If the City Manager deems it necessary to conduct an audit of the records and books of a licensee, the licensee shall be notified and an agreed upon date, time, and place of the audit shall be arranged. The City Manager may designate the City's auditor or another person to perform any audit authorized in this Chapter. The licensee shall cooperate with the audit or forfeit any license/permit issued under this Chapter. Failure to arrange an agreed upon date within thirty (30) calendar days of an audit request will be deemed an uncooperative act and the licensee will forfeit any licenses/permits issued.

(b) All licensees must maintain the following records for a period of three (3) years and make them available for audit at the licensed premises:

(1) Monthly income or operating statements.

(2) Daily sales receipts showing food sales separate from liquor, beer and/or wine sales. This requirement applies only to licenses/permits which authorize the sale of alcoholic beverages for on-premises consumption, if minimum food sales are required by such license/permit.

(3) Daily cash register receipts such as "Z" tapes or guest tickets.

(4) Monthly state sales and use tax reports, and excise tax reports.

(5) Federal income tax returns, with all 1099-S forms. The City Manager can waive all or some of the requirements of this requirement if the City Manager finds that no

such records exist and it is not financially practical based on the net income of the licensee to require the licensee to keep such records.

(c) If a licensee is unable to provide the records, or does not meet the required food consumption percentage, another audit shall be performed within ninety (90) days. If after two consecutive audits a licensee is unable to provide the records, or does not meet the required food consumption percentage, the licensee's license/permit shall be suspended for thirty (30) days. During the 30-day suspension period, the licensee shall not engage in the activity authorized by the subject license/permit.

(d) If, after an audit, it is determined that a licensee has not paid the proper amount of excise tax for alcohol sales, then the licensee's license/permit shall be suspended for thirty (30) days, or until all outstanding excise taxes are paid in full based upon the audited amount of alcohol sales. If the outstanding amount of excise tax is not paid in full during the 30-day suspension period, the license/permit shall be revoked.

Sec. 3-86. – Inspection of licensed premises.

The City shall have the authority to inspect the licensed premises of a licensee under this Chapter during the hours in which the licensed premises is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this Chapter and state law. This section is not intended to limit the authority of any other state, county, or city officer to conduct inspections authorized by other provisions of this chapter or state or federal law.

Sec. 3-87. – Closure of licensed establishments in cases of emergency.

(a) The City Manager, may immediately close the licensed premises of a licensee under this Chapter in case of emergency, for the safety of the public, or to investigate a crime, for a period of time not to exceed twenty-four (24) hours.

(b) Additionally, the mayor is authorized to suspend any license/permit issued under this Chapter for any emergency situation such as civil disorder or natural disasters, or for any situation that the mayor deems such immediate suspension necessary to effectuate the protection of the health and welfare of the citizens of the city. Such suspension may be made effective immediately and shall remain in force until the city council determines the emergency is over at the next regular meeting of the city council or at a special meeting called prior to the next regular meeting.

Sec. 3-88—3-99. – Reserved.

ARTICLE III. – GENERAL BUSINESS REGULATIONS

DIVISION 1. – BUILDING AND LOCATION REQUIREMENTS

Sec. 3-100. – Building requirements.

(a) No license/permit under this Chapter shall be issued to any person, business, organization, or entity unless the building in which, or location where, the activity authorized will be located/take place is complete and detailed plans of such building/location and outside premises are attached to the application, or, if the building or location is not complete at the time

of applying, unless the proposed plans and specifications and a building permit of a proposed building to be built, if applicable, are attached to the application. The completed or proposed building/location must comply with city ordinances, as well as county and state regulations. The proposed building/location shall also be subject to final inspection and approval by the building inspector, if applicable.

(b) Each building and/or location in which the activity authorized by a license/permit issued under this Chapter will be located shall contain sufficient lighting so that the building/location itself and the premises on all sides of the building/location are readily visible at all times from the front of the street on which the building/location is located so as to reveal all of the outside premises of such building/location.

(c) All premises for which a license/permit authorized under this Chapter shall be issued shall afford adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways, and open areas may be clearly seen by its customers.

Sec. 3-101. – Distance requirements.

(a) A license/permit authorized under this Chapter shall not be granted to any establishment within three hundred (300) feet of any church building, or on any property owned or leased to a church or 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 licensed premises, 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 shall be allowed to continue operating within such proximity so long as said licensee remains in compliance with all other provisions of this Chapter and the use of the premises to sell alcoholic beverages remains ongoing and continuous. If the sale of alcoholic beverages is discontinued, the grandfather entitlement under this paragraph shall be forfeited.

(b) Nothing in this section shall prohibit a grocery store, licensed for the retail sale of only wine and/or malt beverages for off-premises consumption, from selling wine and/or malt beverages within three hundred (300) feet of any church building, or on any property owned or leased to a church or 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.

(c) No person shall knowingly and intentionally sell or offer to sell alcoholic beverages within the distances set forth in this section.

(d) A retail package dealer license for the closed package sale at retail of distilled spirits shall not be issued to any applicant with a premises to be licensed that is within two hundred (200) feet of any residence.

(e) A retail package dealer license for the closed package sale at retail of distilled spirits shall not be issued to any applicant with a premises to be licensed that is within twenty-five hundred (2,500) feet of another package store located either within or outside the city limits.

(f) For the purposes of this section, distance shall be measured in a straight line from the front door of the structure activities authorized by a license/permit under this Chapter, to the

front door of the building of a church, government-owned treatment center, school, or retail package store.

(g) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited in this section shall not prevent the continuance of an existing license or the renewal thereof, or the issuance of a new license to any subsequent owner of such property.

Secs. 3-103—109. – Reserved.

DIVISION 2. – SALE FOR ON-PREMISES CONSUMPTION

Sec. 3-110. – On-premises consumption of distilled spirits at certain eating establishments.

When eating establishments are located in hotels, motels, and high-rise office and apartment buildings, every entrance to the area serving distilled spirits shall be from a public lobby, hallway, mall, or other publicly used interior portion of the primary use structure.

Sec. 3-111. – Sale and open container consumption in Town Center District.

(a) In event the city sponsors an event in the Town Center District and the City Council specifically approves sale and open container consumption during the event, entities that are licensed/permitted for retail sales of alcohol for on-premises consumption within the Town Center District and/or permitted by the City for retail sales of alcohol at a city sponsored event in the Town Center District may sell alcoholic beverages that can be carried about and consumed within the Town Center District or such smaller area with the Town Center District as may be designated by the City Council.

(b) The city finds that its Town Center District is contemplated as the central commercial and entertainment center of the city where ample parking, infrastructure, an amphitheater, nearby residential uses, etc. are present to allow the sale and open container consumption of alcohol at city sponsored events that may not be appropriate in other areas in the city. The city believes that this regulation will further the vitality of this area and attract additional businesses where the location in other areas may be harmful or detrimental. The city further finds that this advances a legitimate end of government and such regulations are reasonably related to these goals.

Sec. 3-112. – Open area and patio sales.

(a) Alcoholic beverage sales for on-premises consumption can be made on a properly licensed premises in a patio/open area type environment if the licensee has been approved to do so by the City Manager or City Council.

(b) The patio/open area type environment must be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open container drink without the licensee's knowledge.

(c) The height of the structure required by this section to enclose a patio/open area type environment shall be a minimum of three and one-half (3½) feet above ground level. Said structure does not have to be solid or restrict visibility into or out of the patio/open area type environment. Said structure must be permitted and approved by the city's planning and zoning and building inspection departments and the county's fire department as required by their governing regulations or codes.

(d) The only exit from this type area is to be through the licensed establishment's main premises or through an approved fire exit (not for general public use unless as an emergency exist). The fire exit should be of the type that sounds an alarm so that the licensee will be alerted in the event of unauthorized use when no emergency exists.

(e) If a licensee desires a patio/open area type environment inside an existing structure, plans will be reviewed and approved on an individual basis by the City Manager or his/her designee. Interior type patio/open area environments must also meet the requirements of the city's building, development and fire codes.

(f) Nothing contained in this section shall prohibit a hotel or motel with a retail consumption dealer license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel provided such functions are catered in connection with a meeting, conference, convention, or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

(g) Approved sidewalk cafes within the Town Center District, may be exempt from the requirements of this section upon approval be the City Council.

Sec. 3-113. – Outside consumption.

(a) Other than as specifically provided for in this Article, no customer shall leave the premises of a licensee authorized to sell alcoholic beverages for on-premises consumption, nor shall such licensee allow a customer to leave its licensed premises, with open alcohol containers. It shall be the licensee's responsibility to ensure that no open alcohol containers are carried out.

(b) Customers shall not gather outside the premises of a licensee authorized to sell alcoholic beverages for on-premises consumption and consume alcoholic beverages.

(c) Nothing in this section shall be construed to prohibit the carrying out of wine and/or malt beverages for consumption at or on a golf course.

(d) The prohibitions of this section shall not apply to licensee's and licensed premises within the Town Center District, during hours and under the rules set forth in this Chapter.

(e) If approved by the City Council as set forth in this Article, licensed entities during a city sponsored event located in the Town Center District may sell individual alcoholic beverages for open container consumption to persons authorized to possess or consume alcoholic beverages in the Town Center District.

Sec. 3-130. – Noise from establishments.

It shall be unlawful for any licensee under this Chapter to make or cause to be made any loud, unnecessary, or unusual sound or noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in the city and that is audible to a person of normal hearing ability from the nearest property line of the licensee's licensed premises in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by a licensee under this Chapter after the hour of 11:59 p.m.

Sec. 3-131. – Order required.

(a) Owners, managers, and employees of a licensee shall be responsible for keeping an orderly place and shall not permit any employee, patron, or other person to cause a disturbance or engage in loud, boisterous, lewd, or obscene conduct or practice within the licensed premises.

(b) The owner and manager of any licensee shall be responsible for monitoring parking lots and other outside areas around the onsite establishment and prohibiting patrons and other persons associated with the licensee from standing, sitting, mingling, or assembling outside the licensed premises in a manner which causes or contributes to disturbances and/or illegal acts.

Sec. 3-132. – Solicitation prohibited.

(a) No licensee authorized to sell alcoholic beverages for the purpose of on-premises consumption shall require, permit, suffer, encourage, or induce any employee or person to solicit, while in/on the licensed premises, the patron or his/her guest to purchase any drink, whether an alcoholic beverage or nonalcoholic beverage, or for money with which to purchase the same. Said prohibition shall apply when the solicitor is acting for the licensee or for any person other than the patron and guest of the patron.

(b) No licensee shall pay a commission or any other compensation to any person frequenting his establishment or to the licensee's manager to solicit for themselves or for others, the purchase of any drink, whether alcoholic beverage or nonalcoholic beverage, or money with which to purchase the same.

Sec. 3-133. – Prohibited conduct by employees and managers concerning on-premises consumption.

No licensee or employee of the licensee authorized to sell alcoholic beverages, shall do any of the following at the licensed premises:

(a) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.

(b) Consume alcoholic beverages while on duty. For purposes of this section, any licensee or employee of an establishment who is on the premises shall be presumed on duty if he is:

(1) Being paid a salary or wage of any kind while on the licensed premises;

(2) Is on the premises for the benefit of the establishment (not as a customer, patron, or guest);

- (3) Engaging in the direct or indirect sale of food or beverage;
- (4) Taking a break during a period of on-duty employment.

Sec. 3-134. – Adult entertainment.

(a) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the city council believes are relevant to the problems faced by this city, the city council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.

(1) Moreover, it is the finding of the city council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare, and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments that serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) *Prohibited activities.* Any premises licensed under the provisions of this Chapter is prohibited from permitting or engaging in the following activities:

- (1) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
- (2) Live entertainment that provides or features nude or semi-nude or erotic dancing or the performance of obscene acts that simulate:
 - (i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
 - (ii) The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - (iii) The displaying of the pubic hair, anus, vulva or genitals.

(3) The showing of any film, still pictures, electronic reproduction, or other visual reproductions depicting any of the acts described in subsection (2), above or which are obscene under state law.

(4) The holding, promotion, or allowance of any contest, promotion, special night, or any other activity where patrons of the licensed premises are encouraged or allowed to engage in any of the above-prohibited conduct.

(5) Knowingly permitting any person in the licensed premises to view from the licensed premises, by glass partition or other artifice, any of the above-prohibited conduct performed on a premises other than the licensed premises.

(6) Knowingly permitting any person to remove any alcoholic beverage sold or dispensed on the licensed premises to adjacent or other premises for the purpose of view any of the above-prohibited conduct; provided, however, that this code section shall not be applicable to a person who removes an alcoholic beverage to his home or place of abode.

(7) The employment, encouragement, allowance, or assistance of any person to engage in the above-prohibited conduct.

(c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b), nothing in this chapter shall, or is intended to, apply to theatrical or motion picture performance houses, museums, or to restaurants or places set apart for traditional family-oriented naturism where the consumption or service of alcohol is not a primary purpose or the mainstream activity of such establishment. The phrase "places provided or set apart for traditional family-oriented naturism" includes nudist parks, clubs, and resorts chartered by the American Association for Nude Recreation or affiliated with the Naturist Society or by traditional family-oriented naturist groups.

Secs. 3-135—3-149. – Reserved.

DIVISION 4. – PURCHASE AND INVENTORY

Sec. 3-150. – Purchasing and selling alcoholic beverages for inventory.

(a) No licensee holding a retail consumption dealer license or selling any other alcoholic beverage in addition to that alcoholic beverage that they produce and/or manufacture themselves on the licensed premise shall purchase alcoholic beverages from any person, firm, or corporation other than a wholesale dealer or distributor licensed by the state.

(b) No wholesale dealer or distributor shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter, excepted as otherwise provided by this Chapter.

(c) Nothing in this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

(d) The City Manager may request, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

Sec. 3-151. – Retail consumption dealers to store inventory only on-premises.

No retail consumption dealer licensed under this Chapter shall keep any beer, wine, distilled spirits, and/or other alcoholic beverages at any place except the licensee's licensed premises.

Sec. 3-152. – No adding to contents.

No one shall add to, or permit the adding to, any alcoholic beverage. No one shall refill any alcoholic beverage manufacturer's container in any manner other than by the manufacturer.

Secs. 3-153–3-179. – Reserved.

ARTICLE IV. – MINORS

Sec. 3-180. – Employment of underage persons.

- (a) No person shall allow, or require, a person in employment under eighteen (18) years of age to manufacture, transport, distribute, dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold at retail for off-premises consumption.

Sec. 3-181. – Failure to require and properly check identification.

It shall be a violation not to require and properly check identification of patrons to ensure that a person under the age of twenty-one (21) years is not sold, served, or has in his/her possession, any alcoholic beverages while in/on the licensed premises.

Sec. 3-182. – Sales to underage person prohibited.

- (a) No holder or employee of the holder of a license/permit authorizing the sale of alcoholic beverages at retail directly to consumer for either on-premises or off-premises consumption, shall do any of the following upon the licensed premises:
 - (1) Sell or offer to sell any beer, wine, distilled spirits, and/or any other alcoholic beverages to any person under the age of twenty-one (21) years. Notwithstanding the previous, this prohibition shall not apply to the retail sale of distilled spirits to a consumer, when such consumer has furnished proper identification showing that the person to whom the distilled spirits are being sold is 21 years of age or older.
 - (2) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
 - (3) Allow any minors to be in, frequent, or loiter about the licensed premises unless such minors are accompanied by a parent, legal guardian, or custodian. However, such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this Chapter without being accompanied

by a parent, legal guardian, or custodian. In addition, this subsection shall not apply to minors who are employees under the terms of this Chapter.

(b) Any licensed establishment where three (3) or more violations of this section, or O.C.G.A. § 3-3-23 have occurred within any thirty-three (33) month period shall be punished as follows:

(1) For the third (3rd) offense within any thirty-three (33) month period, a minimum thirty (30) day suspension of the licensee's license/permit.

(2) For the fourth (4th) violation within any thirty-three (33) month period, a minimum ninety (90) day suspension of the licensee's license/permit.

(3) For the fifth (5th), or any subsequent, offense within any thirty-three (33) month period, the license/permit shall be revoked.

(c) If there is a change in a majority of the licensee's owners, partners, or shareholders, the violations under the old ownership shall not count against the new owners. Notwithstanding the previous, a different licensee shall be charged with the violations of its predecessor(s) if a majority of the owners, partners, or shareholders are the same as said licensee's predecessor.

Sec. 3-183. – Purchase or possession of alcoholic beverages by underage persons.

(a) No person under the age of twenty-one (21) years shall purchase or possess any alcoholic beverage.

(b) No person under the age of twenty-one (21) years shall attempt to purchase any alcoholic beverage or misrepresent their age in any manner for the purpose of obtaining alcoholic beverages.

Secs. 3-184–3-199. – Reserved.

ARTICLE V. – EXCISE TAXES

Sec. 3-200. – Per drink excise tax on distilled spirits.

(a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits for on-premises consumption in the amount of three (3) percent of the charge to the public for the beverage. The amount taxed shall not include any sales tax imposed on the purchase.

(b) The excise tax imposed under this section does not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverages made in whole or in part from fruit, berries, or grapes either by natural fermentation, fermentation with brandy or any other similar fermented beverage.

(c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensee selling distilled spirits at retail directly to consumers for on-premises consumption.

Sec. 3-201. – Excise tax on alcohol produced by brewpubs, breweries, and distilleries.

(a) There is levied an excise tax on all beer and malt beverages produced by a brewpub or brewery at the rate of six dollars (\$6.00) per half barrel (15½ gallons) and a proportionate tax at the same rate on all fractional parts thereof.

(b) There is levied an excise tax on all wine and distilled spirits produced by a winery, farm winery, or distillery at the rate of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts thereof.

Sec. 3-202. – Excise tax on package sales.

(a) There is levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts thereof, which shall be paid to the city, on all distilled spirits and wine sold in closed packages for off-premises consumption within the city.

(b) There is levied an excise tax, which shall be paid to the city, on all beer and/or malt beverages sold within the city, at the following rates:

(1) When sold in or from a barrel or other bulk container, a tax of six dollars (\$6.00) per each container with no more fifteen and one-half (15.5) gallons and a proportionate tax at the same rate on all fractional parts thereof.

(2) When sold in bottles, cans, or other containers, except a barrel or other bulk container, a tax of five cents (\$0.05) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts thereof.

Sec. 3-203. – Excise tax on wholesalers.

(a) There is levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts thereof, which shall be paid to the city, on all distilled spirits and wine sold at wholesale to retailers in the city. Said tax shall be paid as follows:

(1) Each licensee selling, shipping, or in any way delivering distilled spirits and/or wine at wholesale to any licensees under this Chapter, shall collect the excise tax at the time of delivery and shall remit the same to the city together with a summary of all deliveries to each licensee on or before the tenth (10th) day of the following month.

(2) Excise taxes received after the tenth (10th) day of the month shall be charged a ten percent penalty.

(3) It shall be unlawful, and a violation of this Chapter, for any licensee to sell, ship, or in any way deliver at wholesale any distilled spirits and/or wine to a retailer without collecting such tax.

(4) It shall be unlawful, and a violation of this Chapter, for any retailer to possess, own, hold, store, display, or sell any distilled spirits and/or wine on which such tax has not been paid.

(b) There is levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the city at the rate of five cents (\$0.05) per twelve (12) ounces, \$6.00 for each barrel or bulk container of tap or draft beer or malt beverage with no more than fifteen and one-half (15.5) gallons, and proportionate tax at the same rate on all fractional parts thereof.

(c) All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

Sec. 3-204. – Payment of excise tax.

(a) Unless otherwise provided for in this Article or in state law, each licensee required to pay excise taxes shall file a report with the city by the twentieth (20th) day of each month showing a summary of the licensee's gross sales derived from the sale of alcoholic beverages and/or amount of alcoholic beverages produced for the preceding calendar month and shall remit to the city the excise taxes due in accordance with this Article.

(b) In calculating alcoholic beverages produced, the licensee shall submit a report showing the beginning and ending inventories of the licensee.

(c) Unless otherwise provided for in this Article or under state law, each licensee collecting the taxes authorized by this Article shall be allowed a percentage of the tax due and accounted for, and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if the amount is not delinquent at the time of payment. The deduction amount authorized will be the rate authorized under O.C.G.A. § 48-8-50, as now written or hereafter amended.

(d) Excise taxes received after the twentieth (20th) day of the month shall be charged a ten (10) percent penalty.

(e) Failure to properly complete or submit the required reports shall subject the licensee to a late filing fee of twenty-five dollars (\$25.00) for each deficient reporting period in addition to any ten (10) percent penalty on any excise taxes owed as set forth in this Article.

Sec. 3-205. – Tax delinquent.

(a) All taxes imposed under this Chapter, except excise taxes on licensee selling alcoholic beverages at wholesale, shall, for each month, become delinquent on the twenty-first (21st) day of each succeeding month. Excise taxes on licensees selling alcoholic beverages at wholesale shall, for each month, become delinquent on the eleventh (11th) day of each succeeding month.

(b) Any such delinquent tax shall incur a late filing fee of twenty-five dollars (\$25.00), bear interest at the rate of one (1) percent per month, or fraction thereof, and a penalty of ten (10) percent of such delinquent tax shall be added and attached to the total amount of the fee. The City Manager is empowered to pursue any remedy or right of collection and payment of taxes lawfully levied by the city, as may be allowed under the laws of the state and the ordinances of the city.

Secs. 3-206—3-249. – Reserved.

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 A. Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 21

SUBJECT: FEE SCHEDULE AMENDMENT

CITY COUNCIL MEETING DATE: 09/23/2019

BUDGET INFORMATION: GL ACCOUNT # _____

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

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

PURPOSE FOR REQUEST: **FIRST READING**

AN ORDINANCE TO AMEND SECTION 2-110 TO PROVIDE FOR PROPER REFERENCES TO CHAPTER THREE; TO PROVIDE NEW FEES FOR VARIOUS ALCOHOLIC BEVERAGE LICENSES AND PERMITS; TO CORRECT THE FEE ASSOCIATED WITH INSURERS TO COMPLY WITH STATE LAW; AND FOR OTHER PURPOSES. (FIRST READING: SEPTEMBER 23, 2019; SECOND READING AND ADOPTION: OCTOBER 7, 2019)

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

First Reading: 09/23/2019

Second Reading: 10/07/2019

Passed: _____

AN ORDINANCE TO AMEND SECTION 2-110 TO PROVIDE FOR PROPER REFERENCES TO CHAPTER THREE; TO PROVIDE NEW FEES FOR VARIOUS ALCOHOLIC BEVERAGE LICENSES AND PERMITS; TO CORRECT THE FEE ASSOCIATED WITH INSURERS TO COMPLY WITH STATE LAW; AND FOR OTHER PURPOSES.

WHEREAS, the revision of the fee schedule will provide proper references to the newly adopted Chapter 3 relating to alcoholic beverages;

WHEREAS, the Mayor and City Council desire to amend various licensing and permitting fees associated with alcoholic beverages;

WHEREAS, the Mayor and City Council desire to correct licensing fees associated with insurers and comply with state law; and

WHEREAS, the Mayor and City Council desire to adopt such fee schedule amendment.

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

SECTION 1.

Section 2-110 of Chapter 2, Article IV of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 2-110(A) and replacing it in its entirety with a new subsection 2-110(A) as follows:

A. ALCOHOLIC BEVERAGES (CHAPTER 3):

3-6(a)(1). Beer or Malt Beverage Manufacturing, per year	\$500.00
3-6(a)(2). Wine Manufacturing, per year	\$500.00
3-6(a)(3). Distilled Spirits Manufacturing, per year	\$500.00
3-6(b)(1). Beer or Wine Wholesale Dealer, per year	\$500.00
3-6(b)(2). Beer and Wine Wholesale Dealer, per year	\$500.00
3-6(b)(3). Distilled Spirits Wholesale Dealer, per year	\$500.00
3-6(b)(4). Beer, Wine and Distilled Spirits Wholesale Dealer, per year	\$500.00

3-6(c)(1). Retail consumption dealer of beer or wine for on-premises consumption, per year	\$500.00
3-6(c)(2). Retail consumption dealer of beer and wine for on-premises consumption, per year	\$1,000.00
3-6(c)(3). Retail consumption dealer of distilled spirits for on-premises consumption, per year	\$2,000.00
3-6(c)(4). Retail consumption dealer of beer, wine, and distilled spirits for on-premises consumption, per year	\$3,000.00
3-6(d)(1). Retail package dealers of beer or wine for off-premises consumption, per year	\$1,000.00
3-6(d)(2). Retail package dealers of beer and wine for off-premises consumption, per year	\$1,500.00
3-6(d)(3). Retail package dealers of distilled spirits for off-premises consumption, per year	\$3,000.00
3-6(d)(4). Retail package dealers of beer, wine, and distilled spirits for off-premises consumption, per year	\$4,000.00
3-6(d)(5). Retail Package Dealer Wine and/or Beer Tasting permit fee, per year	\$500.00
3-6(e)(1). Brewpub, per year	\$1,000.00
3-6(e)(2). Brewery with taproom and package sales, per year	\$1,000.00
3-6(e)(3). Winery/farm winery with tasting room and package sales, per year	\$1,000.00
3-6(e)(4). Distillery with cocktail room and package sales, per year	\$1,000.00
3-6(e)(5). Alcoholic Beverage Caterer license, per year	\$500.00
3-6(e)(6). Alcoholic beverage caterer permit when licensed by the City, per event	\$25.00
3-6(e)(6). Alcoholic beverage caterer permit when licensed by a jurisdiction other than the City, per event	\$50.00
3-6(e)(7). Art shop alcohol permit, per year	\$100.00
3-6(e)(8). Beer and/or wine amenity permit, per year	\$250.00
3-6(e)(9). Temporary on-premises consumption permit, per day, maximum of ten days per year	\$100.00

3-6(e)(10). Special Event Alcohol Permit fee, per event	\$50.00
3-6(e)(11). Hotel-Motel In Room Service Permit, per year	\$500.00
3-6(e)(12). Private Club Permit, per year	\$3,000.00
3-6(e)(13). Sports Club Permit, per year	\$3,000.00
3-6(e)(14). Indoor Commercial Recreational Establishment Permit, per year	\$3,000.00
3-6(e)(15). Performance Facility Permit, per year	\$3,000.00
3-6(e)(16). Mobile Food Vendor Permit, per year	\$500.00
3-12(h). Package Dealer Wine/Beer Tasting permit application administrative fee	\$50.00
3-19(f). Art shop permit application administrative fee	\$50.00
3-20(d). Beer and/or Wine Amenity permit application administrative fee	\$50.00
3-43(a)(2). General license/permit application investigation and administrative fee, per application	\$100.00
3-68(c). Appeal fee	\$300.00
3-84(b). Alcoholic beverage license transfer fee	\$150.00

SECTION 2.

Chapter 2, Article II, Section 2-110(D) of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing the existing row “8-271. Insurers license fee, per year, per separate business location” and replacing it in its entirety with a new row as follows:

8-271. Insurers license fee, per year, per separate business location	\$40.00
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SECTION 3.

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 4.

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

SECTION 5.

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

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this _____ 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 A. Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 23

SUBJECT: STAFF REPORT: FINANCE ADMINISTRATOR

CITY COUNCIL MEETING DATE: 09/23/2019

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 AUGUST 30, 2019

HISTORY/ FACTS / ISSUES:

SEE ATTACHED FINANCIAL REPORTS

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Hayden Williams, Finance Administrator

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

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
REVENUES			
Taxes	\$ 1,585,569	\$ 231,431	14.60%
Licenses and permits	144,875	19,454	13.43%
Intergovernmental revenues	75,940	25,939	34.16%
Fees	266,000	24,425	9.18%
Other	<u>102,100</u>	<u>24,012</u>	<u>23.52%</u>
 Total revenues	 <u>2,174,484</u>	 <u>325,261</u>	 <u>14.96%</u>
 EXPENDITURES			
Department:			
Council	107,625	15,368	14.28%
Mayor	42,020	1,590	3.78%
Elections	14,000	-	0.00%
Administration	802,271	107,075	13.35%
City Hall building	154,000	19,449	12.63%
Animal control	2,000	-	0.00%
Roads	506,484	83,206	16.43%
Parks	108,940	26,014	23.88%
Planning and zoning	382,644	84,408	22.06%
Economic development	<u>54,500</u>	<u>-</u>	<u>0.00%</u>
 Total expenditures	 <u>2,174,484</u>	 <u>337,110</u>	 <u>15.50%</u>
 TOTAL REVENUES OVER EXPENDITURES		 <u><u>(11,849)</u></u>	

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

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
REVENUES			
Water fees	\$ 680,000	\$ 137,918	20.28%
Sewer fees	794,000	120,081	15.12%
Garbage fees	171,000	30,102	17.60%
Miscellaneous	<u>194,994</u>	<u>9,937</u>	<u>5.10%</u>
Total revenues	<u>1,839,994</u>	<u>298,038</u>	<u>16.20%</u>
EXPENDITURES			
Depreciation	430,000	68,836	16.01%
Garbage service	152,950	39,068	25.54%
Group insurance	89,450	19,731	22.06%
Insurance	35,000	4,336	12.39%
Interest	111,000	18,270	16.46%
Payroll taxes	24,306	4,790	19.71%
Professional	135,000	12,198	9.04%
Miscellaneous	85,600	11,387	13.30%
Repairs/supplies	231,500	24,458	10.57%
Retirement	16,500	2,595	15.73%
Salaries	317,738	63,077	19.85%
Technical services	66,000	4,153	6.29%
Utilities	<u>144,950</u>	<u>12,280</u>	<u>8.47%</u>
Total expenditures	<u>1,839,994</u>	<u>285,179</u>	<u>15.50%</u>
INCOME (LOSS)		<u><u>12,859</u></u>	

CITY OF DAWSONVILLE, GEORGIA

SPLOST

July 1, 2019 - August 31, 2019

SPLOST VI

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
REVENUES			
Taxes	1,417,000	227,228	16.04%
Interest	8,000	786	9.83%
Other	<u>387,912</u>	<u>-</u>	<u>0.00%</u>
Total revenues	<u>1,812,912</u>	<u>228,014</u>	<u>12.58%</u>
EXPENDITURES (Capital Outlays)			
City hall acquisition	468,912	326,015	69.53%
Roads and sidewalks	384,000	-	0.00%
Public works equipment - roads	45,000	26,250	58.33%
Sewer projects	27,500	4,520	16.44%
Public works equipment - sewer	-	-	0.00%
Water projects	87,500	14,562	16.64%
Public works equipment - water	-	-	0.00%
Farmers market	800,000	125,422	15.68%
Parks and recreation	<u>-</u>	<u>53,005</u>	<u>0.00%</u>
Total expenditures	<u>1,812,912</u>	<u>549,774</u>	<u>30.33%</u>
TOTAL REVENUES OVER EXPENDITURES		<u><u>(321,760)</u></u>	

City of Dawsonville
 SPLOST VI Completion Schedule
 Inception through August 31, 2019

Project	Original Budget	Current Project Budget	Prior Year Project to Date	Current Year	Total	Percent Complete
Roads, Streets, Bridges and Sidewalks	1,250,000	1,250,000	288,716	-	288,716	23.10%
Water and Sewer Projects	2,750,000	2,750,000	316,313	19,082	335,395	12.20%
Park and Recreation Facilities	2,250,000	2,250,000	1,968,576	53,005	2,021,581	89.85%
Farmers Market Facility	1,000,000	1,000,000	154,085	125,422	279,507	27.95%
Public Works Facility and Equipment	400,000	400,000	243,342	26,250	269,592	67.40%
City Hall Acquisition	2,000,000	2,000,000	885,671	326,015	1,211,686	60.58%
Total	\$ 9,650,000	\$ 9,650,000	\$ 3,856,703	\$ 549,774	\$ 4,406,477	45.66%

MSP Recap

Total Through 8/31/19	2,021,581
Remaining on Phase One Contract	273,548
Street Lighting for MSP	119,275
MSP Amphitheater Design	8,000
MSP Paving Overage	49,569
Total MSP Expenditures	\$ 2,471,973