

## **DAHLONEGA CITY COUNCIL**

### **REGULAR MEETING**

**DECEMBER 7, 2009**

#### **CALL TO ORDER:**

The Dahlonega City Council met in regular session at City Hall on December 7, 2009. Council members present were Johnny Ariemma, Michael Clemons, Gerald Lord, Sam Norton, Terry Peters and Ralph Prescott. Mayor Gary McCullough called the meeting to order at 6:00 p.m. The meeting was opened with prayer by Ralph Prescott and the Pledge of Allegiance to the American Flag was led by Gerald Lord.

#### **PROCLAMATIONS:**

Mayor Gary McCullough and Lumpkin County Board of Commissioners Chairman Dr. John Raber presented a Proclamation to representatives of the US Census Bureau concerning the upcoming 2010 Census. Mayor McCullough and Chairman Raber urged all citizens to complete the 2010 Census Forms as an accurate census count is critical for both the city and county.

Mayor McCullough presented a Resolution to Dr. Potter, NGCSU President and NGCSU staff members in support of the NGCSU Public Safety Department. He advised that the City Council is desirous of supporting and encouraging North Georgia College and State University's Public Safety Department as they seek to supplement and enhance the efforts of the Sheriff's Department in enforcing the laws of the State of Georgia and ordinances of the City of Dahlonega.

#### **PUBLIC HEARING:**

A Public Hearing was conducted by City Attorney Doug Parks concerning a rezoning request submitted by Roy Lee Gibson for his property located on North Grove Street. Mr. Gibson advised that the rezoning request is for two lots one currently zoned R1 and one currently zoned B1. The rezoning request is for a classification of B2 for both adjoining lots. Mr. Gibson stated that the existing structure is more suitable for commercial use and he plans to convert it for office spaces. Mr. Parks asked for comments either for or against the rezoning. Hearing no comments, Mr. Parks asked for recommendations from the Dahlonega Planning and Zoning Commission and for staff recommendations. Planning Director Chris Head advised that the Dahlonega Planning and Zoning Commission recommended approval of the request. She also advised that an adjoining property owner plans to purchase a 10 to 15 ft. strip of this property and a new plat will be provided. Gerald Lord asked Mr. Gibson if he plans to provide parking for the office space. Mr. Gibson advised that there will be 1.63 acres of property and parking will be provided. A motion was made by Ralph Prescott to approve the recommendations of the Dahlonega Planning and Zoning Commission to rezone this property identified as Tax Plat and Parcel D 10-16 and D10-17 to B-2. The motion was seconded by Gerald Lord and approved by all members present.

**MINUTE APPROVAL:**

A motion was made by Gerald Lord to approve the minutes of the last regular City Council Meeting held on November 2, 2009. This motion was seconded by Sam Norton and approved by all members present. A motion was made by Terry Peters to approve the minutes of the special City Council Meeting held on December 1, 2009. This motion was seconded by Sam Norton and approved by all members present.

**CITIZENS:**

JG Representative Ben Williams presented a Progress Report concerning Contract A for construction of the new Water Treatment Plant. Mr. Williams advised that the contract final completion date is February 4, 2010. The Contractor has provided an updated overall project schedule showing a final completion date of March 9, 2010. In order to accomplish the completion date shown in the updated schedule a company vice president has been assigned to oversee the project in the corporate office; the project manager has been moved from the corporate office to the project office at the construction site; the project superintendent has moved from the site project office to the site to head up additional crews; the general contractor has increased the work force from 3 crews, 9 workers to 5 crews 17 workers; work hours have been increased from 40 hours per week to 60 hours per week for the general contractor crews; and the electrical sub has increased hours from 40 hours per week to 50 hours per week. A contract time extension request has been submitted by the contractor for adverse weather days. The request is being reviewed and the granting or denial of the requested contract time extension will be deferred until closer to completion of the contract. Mr. Williams advised of major accomplishments since his last update to the council and he also advised of major tasks to be accomplished during the next 30 days. City Council members toured the project site on November 3 and November 6. Mr. Williams invited the Mayor and Council to tour the site again in late January, 2010. He also advised that the project is within budget. Johnny Ariemma asked Mr. Williams to give an explanation of the meaning of adverse weather days. Mr. Williams advised that information is obtained from the US Weather Bureau as to the normal rainfall in Dahlonega which is a ten year historical average. The Contractor must prove that rainfall has exceeded this amount by one tenth of an inch of rain or greater during the time of construction. Ralph Prescott advised that the Contractor should be able to get back on schedule with the additional crews and increase in work hours. Mr. Williams stated this is true but the Contractor was further behind than we thought. Mr. Williams also advised that Contract B has been completed and Contract C is still under construction but should be completed on time.

Anne Amerson provided handouts concerning the history of the Chestatee Diving Bell. She advised that the 1858 Diving Bell is probably the only surviving Diving Bell of this type in the world. The Diving Bell was discovered in 1983 located in the Chestatee River where it was used to mine the bed of the Chestatee River in 1875. Several experts in the field of underwater archaeology have traveled to Dahlonega to inspect the diving bell. Achasta is offering to donate the Diving Bell to the City of Dahlonega. Mrs. Amerson advised that the Diving Bell can be a significant addition to attract visitors to Dahlonega. A Committee was formed with the stated mission of protecting, preserving and presenting the Diving Bell. A number of locations have been proposed but only two are still under

consideration, Madeline Anthony Park and Hancock Park. She advised that Madeline Anthony Park is located at the busiest intersection in Dahlenega. It has a difficult access, background sound is loud, and the only viable location for the Diving Bell would wedge it between the pavilion and a steep bank below the new stamp mill display. Hancock Park is just one block from the Public Square and the Gold Museum. It is easily accessed both on foot and by vehicle. An unused, narrow strip of land in the southeastern portion of the park would provide an ideal location for the Diving Bell where it would be visible without intruding into the main body of the park. Johnny Ariemma stated that Mrs. Amerson has done an amazing job of bringing in experts to examine the Diving Bell. He asked if there are any stipulations that Achasta representatives would have for the donation of the Diving Bell. He was advised that Achasta would only ask for credit for the display. A panel would be installed to tell the history of the Diving Bell giving Achasta credit for the donation. Ralph Prescott asked if they plan to repaint the Diving Bell. He was advised that it would be painted when funds become available. Council Members were advised that plans call for a mock stack on top of the diving bell with the main actual tube entry on the side of the Bell. A motion was made by Michael Clemons to install the Diving Bell at Hancock Park. This motion was seconded by Ralph Prescott. Gerald Lord and Sam Norton recommended that the Diving Bell be located at Madeline Anthony Park to reserve Hancock Park only for park use. The motion was approved by the following vote count: Voting for the motion were Clemons, Ariemma, Peters and Prescott. Voting against the motion were Lord and Norton.

The council was advised that all paperwork has been completed for the issuance of a beer license for Foothill Grill. Charles Wehunt has applied for the license and his background check indicated no record. A motion was made by Terry Peters to approve the issuance of the license. The motion was seconded by Michael Clemons and approved by all members present.

Laura Estrada requested a license to serve alcohol outdoors in Pueblo's Mexican Restaurant's covered porch addition. The council was advised that the handrails at Pueblo's have been changed to comply with the original recommendation of the Dahlenega Historical Preservation Commission. A motion was made by Sam Norton to approve this request. The motion was seconded by Michael Clemons and approved by all members present.

#### **DEPARTMENT REPORTS:**

Mayor McCullough advised that reports have been received from the Dahlenega Planning and Code Enforcement Departments, Chamber of Commerce, and Historic Preservation Commission concerning their activities during the month of November, 2009. Chamber of Commerce Activities Director Steven Smith advised that the Christmas Parade was the greatest ever with a large number of spectators. He also advised that a four hour planning session was held to lay out the long range plans for the Chamber. Johnny Ariemma asked whether repairs and renovations have been completed for the Chamber Building. Mr. Smith advised that they are currently working on plans for the repairs and renovations. Council members commented that the Christmas lights and decorations are prettier than ever before. Ralph Prescott suggested that an open letter of appreciation be published thanking all volunteers for

decorating the town square. Sam Norton asked about the installation of a new security system for the Chamber. Mr. Smith advised that they are currently exploring all options.

DDA Director Joel Cordle and DDA Member Hal Williams gave the 2009 DDA Report. They outlined all the programs, training, and special projects completed during 2009. City Manager Bill Lewis stated that the DDA is very active. Mayor McCullough spoke of the outstanding leadership provided by Joel. Gerald Lord stated that the DDA has improved 100 percent under Joel's leadership.

**RESOLUTION-SPECIAL ELECTIONS:**

A motion was made by Michael Clemons to approve the attached Resolution requesting that the State of Georgia General Assembly amend Article V, Section 5.12 of the City's Charter to extend the time period from 90 days to 180 days within which special elections will not be required. This motion was seconded by Johnny Ariemma and approved by all members present.

**SECOND READING ORDINANCE 2009-10-WATERSHED PROTECTION:**

A motion was made by Michael Clemons to approve the second reading of Ordinance 2009-10-Watershed Protection. This motion was seconded by Johnny Ariemma and approved by all members present. City Attorney Doug Parks advised that state authorities have reviewed and approved the ordinance.

**FIRST READING ORDINANCE 2009-11-COMPACT CAR PARKING:**

A motion was made by Sam Norton to approve the first reading of Ordinance 2009-11-Compact Car Parking Zone Ordinance. This motion was seconded by Michael Clemons. Gerald Lord recommended that the title, Compact Car, be changed. Johnny Ariemma advised that the fines established within this ordinance are too high. Mayor McCullough stated that this ordinance can be revised during the next Council Work Session before the second reading of the Ordinance. The ordinance was approved by all members present.

**FIRST READING AMENDMENT 2-ORDINANCE 2008-4-SIGN ORDINANCE:**

The Council was advised that the Dahunega Planning and Zoning Commission recommended amendments to the Sign Ordinance. Metal frames for signs could not exceed ¼ inch diameter and frames made of other materials cannot exceed the size of ¾ inches x 1 ½ inches. This will eliminate problems with businesses mounting temporary signs on larger posts which makes the sign look like a permanent sign. A motion was made by Sam Norton to approve the recommendation of the Planning and Zoning Commission to amend the ordinance. The motion was seconded by Terry Peters and approved by all members present.

**CITY MANAGER'S COMMENTS:**

A motion was made by Gerald Lord to approve the attached results of the General Election held November 3, 2009. This motion was seconded by Johnny Ariemma and approved by all members present.

Finance Director Christopher Austin recommended that the attached FY 2009 Budget Amendment # 3 be approved. He advised that this amendment will balance the final budget figures to comply with state law. He also advised that the FY 2009 Audit is almost complete. A motion was made by Gerald Lord to approve this recommendation. The motion was seconded by Terry Peters and approved by all members present.

Finance Director Christopher Austin recommended that the Council approve a new IRS Section 125 Plan Document. This document outlines the rules under which city employees pay for health, dental, eye, and various other insurance plans along with other benefits. This will permit the employee's payment for these benefits to be withheld from their pay pretax. A motion was made by Ralph Prescott to approve this recommendation. The motion was seconded by Sam Norton and approved by all members present.

City Manager Bill Lewis announced that the council annual retreat will be held February 18 and 19, 2010 at the Lodge at Tallulah Falls.

**MAYOR'S COMMENTS:**

Mayor McCullough announced that Jeff Wolff resigned as Municipal Court Judge effective December 31, 2009. He recommended to elevate the current Assistant Judge Hammond Law and to the Judgeship and to solicit RFQ for a new Assistant Judge. A motion was made by Michael Clemons to approve this recommendation. The motion was seconded by Johnny Ariemma. Gerald Lord and Sam Norton recommended that RFQ be solicited and the Judgeship be open to the public for anyone who meets the qualifications to apply. The motion was approved by the following vote count: Voting for the motion were Clemons, Ariemma, Peters and Prescott. Norton and Lord voted against the motion.

**COUNCIL'S COMMENTS:**

Ralph Prescott asked about Roberta Simms plans to tear down their house on North Grove Street to follow through with the plans submitted to the council for a new development. Planning Director Chris Head advised that they were having second thoughts about tearing it down but have now decided to follow their original plans. Sam Norton asked about recommendations from staff concerning parking on

Park Street. Staff advised that this is still under discussion but the ordinance requires no parking based on the width of the street. Mayor McCullough recommended that this be discussed at the next council work session.

**ADJOURNMENT:**

A motion was made by Ralph Prescott to adjourn the meeting at 7:40 p.m.

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

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MAYOR

Attest:

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CITY CLERK