

**CITY OF DAHLONEGA  
COUNCIL MEETING  
MINUTES  
APRIL 4, 2011**

The Dahlonega City Council met in regular session on April 4, 2011. Members present were Ralph Prescott, Gerald Lord, Michael Clemons, Terry Peters and Johnny Ariemma. Sam Norton was not present. Mayor Gary McCullough called the meeting to order at 6:03 p.m. Prayer was led by Ralph Prescott and the Pledge to the American Flag was led by Johnny Ariemma.

**AGENDA AMENDMENT:**

Mayor McCullough asked for a motion to amend the agenda to add the approval of the Disposal Agreement. A motion was made by Terry Peters to amend the agenda, seconded by Gerald Lord. Mayor McCullough asked for all in favor say aye, motion approved by all members present.

**COMMENTS TO COUNCIL:**

Stroud Stacy, citizen of Dahlonega expressed to Council his concerns of the new Resolution and Ordinance to remove a Council Member. He stated he felt the proposal was too easy of a decision making process being a three person board narrowly comprised of only attorneys and city managers. He further stated that this decision will affect not only members of the Council now, but all elected officials in the future. Mr. Stacy advised Council to utilize the Cities Ethics Board in this type of situation or include citizens from the voters list for members of the board. He stated even if this is a Constitutional proposal, he does not feel it is a fair process. He further stated, it needs to be a broader group with more than a three (3) member board making the final decision and is requesting Council to reconsider.

**AGENDA APPROVAL:**

Mayor McCullough asked for a motion to approve the agenda as amended. A motion was made by Gerald Lord, seconded by Terry Peters. Mayor McCullough asked for all in favor say aye, motion approved by all members present.

**CITIZENS:**

Mayor McCullough asked City Clerk, Lou Stewart if all paperwork was in order for Council approval of Bobber's Fish House wine license application. Ms. Stewart stated all paperwork was in order with no issues. A motion was made by Michael Clemons to accept the request, seconded by Ralph Prescott. Mayor McCullough asked for discussion, hearing none he asked for all in favor to raise your hand, motion approved by all members present.

**MINUTE APPROVAL:**

Mayor McCullough requested a motion to approve the minutes of March 7, 2011. A motion was made by Gerald Lord to accept the minutes as written, seconded by Ralph Prescott. Mayor McCullough asked for any corrections or additions, hearing none he asked for all in favor say aye, motion approved by all members present.

## **DEPARTMENT REPORTS:**

Mayor McCullough asked Council for any comments or questions on monthly reports. Hearing none, he asked Finance Director Christopher Austin if he had any comments concerning the financial report. Mr. Austin stated the City was half way through our fiscal year and all budget line items are in order.

## **ORDINANCES:**

Mayor McCullough asked for a motion to approve the amendments to the Occupational Tax Ordinance. A motion was made by Michael Clemons to pass the first reading of the amendments, seconded by Johnny Ariemma. Mayor McCullough asked for any discussion. Councilman Peters questioned were the only changes the ones that were highlighted. City Attorney Doug Parks informed Council the tax table above Section 5 is not complete and will be installed in the document. Also, Section 39 will have small refinements and the language referring to the City Marshall will be revised before second reading of the Ordinance. After further discussion concerning the fee schedule, Mr. Lewis advised Council to have a work session to determine if the fee schedule should be based on gross revenues of the business instead of number of employees. Mayor McCullough asked all in favor raise your right hand, motion approved by all members present.

Mayor McCullough asked for a motion to approve the amendments to Resolution 2011-2, which is the specified due process requirements and time frame for other purposes. A motion was made by Gerald Lord to approve the second reading, seconded by Michael Clemons. Mayor McCullough asked for discussion. Councilman Ariemma asked City Attorney Doug Parks if the appeal process in Section 4 of the Resolution was de-novo. Mr. Parks stated he was not the draftsman of the document but at the same time he would not think so. He further stated he felt it would be governed like all other appeals of that type. At this time, Mayor McCullough requested Mr. Parks to give a definition of de-novo. Mr. Parks informed Council that you would go through the whole process at the Council level and then appeal to the Superior Court to go through the process again, and the Judge would sit in place of the Council to make the same exact determination. After further discussion, Mayor McCullough asked for all in favor raise your right hand, motion approved by the following vote: Ralph Prescott, Gerald Lord, Michael Clemons and Terry Peters. Johnny Ariemma opposed. At this time, City Attorney Doug Parks stated he would inquire of the draftsman if the appeal process is de-novo and will report findings to Council.

Mayor McCullough asked for a motion to approve the second reading of Ordinance 2011-1 to supplement by adding Section 5.16 to the Charter. A motion was made by Michael Clemons to add it to the Charter, seconded by Gerald Lord. Mayor McCullough asked for discussion, hearing none he asked all in favor raise your hand, motion approved by the following vote: Ralph Prescott, Gerald Lord, Michael Clemons and Terry Peters. Johnny Ariemma opposed.

Mayor McCullough asked for a motion to approve Amendment #7 to the Soil Erosion Ordinance 85-4 to comply with State Law. A motion was made by Michael Clemons to approve the amendment, seconded by Terry Peters. Mayor McCullough asked for discussion, hearing none he asked for all in favor raise your hand, motion was approved by all members present.

Mayor McCullough asked for a motion to approve the Disposal Agreement with our local landfill for a three year agreement and rate of \$30.75 per ton. A motion was made by Terry Peters to approve the agreement, seconded by Gerald Lord. Mayor McCullough asked for any discussion, hearing none he asked for all in favor raise your hand, motion was approved by all members present.

### **CITY MANAGER COMMENTS:**

City Manager Bill Lewis requested approval for a new City Hall Phone System. He informed Council the existing system is twenty-two (22) years old and no capability of adding new lines. He further informed by replacing the system the City will be saving approximately \$300.00 a month on the monthly billing. With this savings the new system can be paid for in two years, nine months. Mr. Lewis informed Council he recommended upgrading the system to become more efficient in our duties and to help better serve our customers. A motion was made by Gerald Lord to approve the proposal as written, seconded by Ralph Prescott. Mayor McCullough asked all in favor raise your hand, motion approved by all members present.

City Manager Bill Lewis informed Council of Staff recommendation for a health insurance consultant. Mr. Lewis stated Council heard Mr. Matt Bidwell with MSI Benefits presentation at the work session concerning the process of the cost evaluation. He further stated Council was in agreement to accept MSI Benefits as the Cities consultant and to begin this process in September. A motion was made by Michael Clemons to approve the recommendation and begin the process in September, seconded by Terry Peters. Mayor McCullough asked for discussion, hearing none he asked for all in favor raise your hand, motion approved by all members present.

City Manager Bill Lewis requested approval of the updated Safety and Wellness Policy. Mr. Lewis stated this is a requirement of our current health insurance provider, GMA. The policy has been updated from a one page document to a multi page with more definitions and clarifications. A motion was made by Gerald Lord to approve the updated Safety and Wellness Policy, seconded by Ralph Prescott. Mayor McCullough asked for any discussion, hearing none he asked all in favor raise your hand, motion approved by all members present.

City Manager Bill Lewis requested approval of the Fund Balance Policy to comply with the GASB Rules. Mr. Lewis informed Council the total General Fund Balance was \$3,771,375 and of that, the City is required to maintain six months of the current year's budgeted revenues or expenditures which is \$1,527,937. This leaves a balance of \$1,859,035 and staff is recommending that 1,500,000 be assigned to City Hall Construction and the balance of \$359,035 be retained for Emergency's in Capital Improvement. A motion was made by Ralph Prescott that \$1, 500,000 be designated for the City Hall Construction Fund and subject to of course, come back if we have to have it for some other reason, and that leaves \$359,035 for designated Capital Improvement's and Emergency Fund if needed, seconded by Gerald Lord. Mayor McCullough asked for discussion, Council Peters questioned, for technical correctness should these be specified as assigned funds, which is the technical term under GASB and the City Ordinance. After further discussion, Mr. Lewis advised Council that committed funds required an ordinance, and assigned funds can be done administratively. At this time Councilman Prescott readdressed his motion to read assigned. Mayor McCullough asked for all in favor of the motion to raise their hand, motion approved by all members present.

### **MAYORS COMMENTS:**

Mayor McCullough requested approval from Council to re-appointment J. L. Collins to the Planning and Zoning Commission. A motion was made to approve by Michael Clemons, seconded by Terry Peters. Mayor McCullough asked for all in favor to raise their hand, motion approved by all members present.

Mayor McCullough informed Council that Vince Dooley would be coming to Dahlonaga on April 28, 2011 and a Proclamation will be presented in honor of Vince Dooley Day. Representative, Sharon Thomason informed Council Mr. Dooley would be in Dahlonaga to benefit United Way and he will also be signing his new book. His book signing will be at Achasta.

Mayor McCullough asked for any comments from Council, City Attorney and the Public. With no comments, Mayor McCullough entertained a motion to adjourn the meeting. A motion was made by Johnny Ariemma, seconded by Michael Clemons and approved by all members present.

Meeting was adjourned at 6:40 p.m.

---

Mayor

Attest:

---

City Clerk