

**DAHLONEGA ZONING BOARD OF APPEALS MEETING
AUGUST 4, 2008**

The Dahlonega Zoning Board of Appeals met at City Hall on August 4, 2008. Council members present were Michael Clemons, Gerald Lord, Sam Norton, Guy Laboa and Terry Peters. The meeting was called to order at 6:00 p.m. by Mayor Gary McCullough.

A motion was made by Michael Clemons to approve the minutes of the last Zoning Board of Appeals Meeting held on June 5, 2008. This motion was seconded by Gerald Lord and approved by all members present.

Mayor McCullough advised that a variance request submitted by Steve Leibel has been withdrawn. A sign variance request submitted by Darrell Hensley was also on the agenda. Mr. Hensley was not present and the meeting was adjourned.

MAYOR

Attest:

CITY CLERK

**REGULAR MEETING
DAHLONEGA CITY COUNCIL
AUGUST 4, 2008**

CALL TO ORDER:

The Dahlonega City Council met in regular session at City Hall on August 4, 2008. Council members present were Michael Clemons, Terry Peters, Sam Norton, Guy Laboa and Gerald Lord. Mayor Gary McCullough called the meeting to order at 6:04 p.m. and opened with prayer. Mayor McCullough read a proclamation proclaiming August, 2008 as Lumpkin County Fire Fighters Appreciation Month. Michael Clemons lead everyone present in the Pledge of Allegiance to the American Flag.

PUBLIC HEARING:

A Public Hearing was conducted by City Attorney Doug Parks concerning a subdivision approval request submitted by Trent Armstrong. Tommi Burk presented the request to subdivide two additional lots from 5.08 acres owned by Trent and Brandi Armstrong. Mr. Burk advised that the two lots would meet the city's lot size and would have access off of Laurel Heights which is a city street. Mr. Parks requested public comments for or against the subdivision. No comments were made for the request. Paula Bingham spoke in opposition. Ms. Bingham advised that she and her neighbors are requesting that if the subdivision is approved the front setback be at least 55 ft. from the middle of the street and that the houses to be constructed on the lot be required to be a minimum of 1200 sq. ft on the ground floor to be consistent with other homes in the area. Mr. Parks asked for comments from staff. Planning Director Chris Head advised that the Dahlonega Planning and Zoning Commission recommended approval of the request as it meets all city requirements for subdivision. Mrs. Head also recommended that a new survey be submitted showing all three lots. She also recommended that Mr. Armstrong consult with city staff concerning easements that are shown on the property. Mr. Burke had requested that the city consider relocating some of the city easements. Terry Peters asked what easements are located on the property. He was advised that this is a city sewer force main but any costs for relocation would have to be paid by the property owners. A motion was made by Sam Norton to approve the recommendations of the Dahlonega Planning and Zoning Commission for subdivision conditional upon a new survey showing Lots 1, 2 and 3 being provided to the city. This motion was seconded by Gerald Lord and approved by all members present.

A Public Hearing was held by City Attorney Doug Parks concerning final approval of Achasta Bear Paw Unit 9A. Achasta Development Manager Steve Foulke presented the request. He advised that 17 single family lots are being completed with minor changes per the approved preliminary plan. Mr. Foulke advised that water and sewer mains are complete and the paving is almost complete. They were unable to complete a small section of the street but it should be complete within two or three weeks. Mr. Foulke requested to dedicate the public utilities and advised that a one year maintenance bond will be posted. Mr. Parks asked for public comments and hearing no comments asked for staff recommendation. Planning Director Chris Head advised that the Dahlonega Planning and Zoning Commission recommended approval with the condition that

standard letters of credit be posted. Mr. Foulke advised that the letters of credit will be for fifty percent of the cost of utilities which is \$150,000. A motion was made by Michael Clemons to approve the recommendations of the Dahlonga Planning and Zoning Commission for final approval of Bear Paw Ridge Unit 9A upon posting of the maintenance bonds. This motion was seconded by Gerald Lord and approved by all members present.

MINUTE APPROVAL:

A motion was made by Michael Clemons to approve the minutes of the meeting held on July 7, 2008. This motion was seconded by Terry Peters and approved by all members present. A motion was made by Sam Norton to approve the minutes of the special council meeting held on July 29, 2008. This motion was seconded by Guy Laboa and approved by all members present.

CITIZENS:

Jerry Butler advised that he was speaking for property and business owners on Meaders Street who are opposed to the city's new dumpster location on Meaders Street. He stated that the proposed hedge will not block view of the dumpster from the East side of Meaders Street. Susan Rhodes, owner of Littlefield Cottage and Healing Arts Facility also spoke in opposition to the dumpster location. Ms. Rhodes stated that she was shocked to learn that the dumpster will be located adjacent to her business. She stated that fencing and shrubs will not block the insects and the odor coming from the dumpster site. Mayor McCullough advised that a public hearing was held concerning this location and over thirty business owners agreed to the location. Michael Clemons asked that the council reevaluate the site. Guy Laboa advised that the fence should be up this week and the location does not contain any grease storage. City Manager Bill Lewis stated that he has been talking with business owners for the last six months and only one merchant disagreed with this location. This location was also part of the recommendations from the UGA Hancock Park Master Plan. Mr. Lewis stated that he would be happy to work with the merchants to try to resolve this problem. Mr. Butler also requested relief from the flooding problems on East Main Street. He stated that he had requested the city to check into this problem over three months ago. Mr. Lewis advised that he has applied with GDOT to divert the flood waters from North Grove Street down Wimpy Mill Road. An extra drain was also installed several years ago. Guy Laboa recommended that Mr. Butler be kept informed of the status of the project.

JJ & G Engineer Ben Williams gave a quarterly report on the status of city utility projects. Mr. Williams advised that Contract A-Construction of a new water treatment facility, was awarded to Southern Champion Construction Company on May 5, 2008. The project has a construction period of 22 months and final construction should be completed February 4, 2010. Southern Champion is making substantial progress and we should be able to see a lot of activity within the next two weeks. They have not submitted their first pay request at this time. Contract B is for the water transmission mains for both raw and finished water. This contract was awarded to WL Hailey Construction. City staff is in charge of monitoring this construction. They have reported

that fifty percent of the pipe has been installed and the bridge is to be installed within the next month. They are ahead of schedule for the entire project and it should be completed within the next four months. Contract C is for the sewer force main to be installed across the bridge. The gravity portion of the line should be complete in October and the force main should be completed in December, 2008. City crews are constructing a water distribution line down Hamp Mill Road. The Timken sewer line was awarded to Strack Construction and this project is also moving along well. JJ & G Engineering is working on water supply options for the community and finishing work on the Watershed Protection Plan to be submitted to EPD for approval.

DEPARTMENT REPORTS:

Mayor McCullough advised that reports have been submitted by the Dahlonega Planning and Code Enforcement Departments for activities during the month of July, 2008. A report was also submitted by the Corridor Committee. Jeffrey Kridel advised that there was not a quorum of members at the last Corridor Committee Meeting. He recommended that the Mayor appoint additional members. He also requested that a council work session be held with the Corridor Committee concerning interfacing the planning and historical preservation committees.

Chamber of Commerce Director Gary Powers recommended that the mayor consult with Leadership Lumpkin County Class members to fill vacancies on the Corridor Committee. He advised that a Tourism Market College was held recently at NGCSU and he attended the seminar. A new newsletter was distributed to council members. He announced that the Dahlonega Literary Festival will be held August 8-10 and Business After Hours will be held August 5 at Silver Summit. A Business Expo and Job Fair will be held August 19. Mr. Powers stated that there should be a lot of participation due to the recent lay offs at Timken and cut backs at Southern Switches. Mr. Powers advised that new hand outs will be available for tourists at the Welcome Center. Renovations are planned for the Welcome Center building. He also advised that 2500 bike riders are expected to participate in the 6 Gap Bike Ride. The Chamber is planning for Old Fashioned Christmas which will begin Friday after Thanksgiving with the Parade scheduled for December 6th. Mr. Powers stated that he appreciates the support of the City Council. Mayor McCullough stated that he appreciates all the chamber does to bring tourists to Dahlonega.

FIRST READING AMENDMENT 1-ORDINANCE 82-4-FLOOD DAMAGE PREVENTION:

A motion was made by Terry Peters to approve the first reading of Amendment 1 to Ordinance 82-4-Flood Damage Prevention Ordinance. This motion was seconded by Sam Norton. City Attorney Doug Parks advised that this amendment was required by FEMA and this will also amend the language concerning flood damage in the Zoning Ordinance. The final draft which contains the penalties for violation will be submitted to the council before second reading of the ordinance. The motion was approved by all members present.

CITY MANAGER'S COMMENTS:

City Manager Bill Lewis recommended that the Watershed Protection Plan be approved to comply with our NPDES permit for the Waste Water Treatment Plant. JJ & G will do the biological monitoring for three testing points identified in the protection plan. There is also a required education program for the school system which will be focused on sixth grade students. Two staff members and a private volunteer will provide this training. NGCSU will train staff members. If a private contractor were used the estimated cost for these reports are about \$71,000 over two years. By utilizing city staff, private labs and JJ & G Engineering, Mr. Lewis estimated this work can be performed for \$26,600 over a two year period. The educational program developed by NGCSU will be a one time cost of approximately \$2,000. Violations of water quality outside the city's jurisdiction that impact Yahoola Creek and Cane Creek must be included in the city's report to EPD. The EPD will then investigate and take appropriate action against the violator. The city will not be expected to enforce regulations outside the city limits. Mayor McCullough requested that the city manager consult with county officials. The testing program will begin in 2009. A motion was made by Sam Norton to adopt and approve the Water Shed Protection Plan and to approve the budget as submitted. This motion was seconded by Terry Peters and approved by all members present.

DDA Director Joel Cordle advised that the city applied for TEA Grant Funding in a joint application with NGCSU in June, 2007. A total of \$101,000 has been awarded and will be used for projects on West Main and South Chestatee Street which were part of the Master Plan for Dahlonega. The city will fund 100 percent of the preliminary engineering for the project which is approximately \$10,000. A motion was made by Michael Clemons to approve the attached agreement. The motion was seconded by Sam Norton and approved by all members present.

Mr. Lewis recommended that the council approve Contract C for surveying and design revisions to Contract A & B to design a 12-inch force main and an 18-inch gravity sewer main which will redirect sewer from downtown. This work will be performed by city staff. The cost for the engineering is \$165,000 but Mr. Lewis advised that additional engineering may be needed at an estimated fee of \$20,000. The total maximum fee for all engineering would not exceed \$185,000. A motion was made by Michael Clemons to approve this recommendation. The motion was seconded by Terry Peters. Council members asked that the motion be amended to include the condition that the city manager report to council if the additional fee of \$20,000 is required. The motion was approved by all members present.

Mr. Lewis presented an agreement with Rushton & Company to complete a compliance audit of the Dahlonega-Lumpkin County Chamber of Commerce and Welcome Center's Hotel/Motel Tax Revenue received for the 2007 calendar year through June 30, 2008. This agreement is to assist the city in insuring that the Hotel/Motel Tax provided by the City of Dahlonega and Lumpkin County is expensed in compliance with Georgia Law. A motion was made by Terry Peters to ratify the attached agreement.

MAYOR'S COMMENTS:

Mayor McCullough advised that an agreement had been signed by city and county authorities in 1996 agreeing to name either the reservoir or the lake, Lake Zwerner. Mayor McCullough proposed that the lake be named Lake Zwerner, Yahoola Creek Reservoir and that a bronze plaque be installed. Mayor McCullough asked that a committee be appointed to determine the wording on the plaque and to make plans for an official plaque presentation. A motion was made by Terry Peters to establish a committee for this. The motion was seconded by Sam Norton and approved by all members present. Mayor McCullough requested Terry Peters to serve on the committee.

Mayor McCullough announced that the city's ISO insurance rating has improved from a rating of 7 to 5. This will be effective November 1, 2008. Mayor McCullough urged everyone to call their insurance company and to notify them of this change which should reduce their home insurance rates significantly. He also requested that the Dahlenega Nugget notify citizens.

Mayor McCullough also announced that the city will receive a check in the amount of \$66,000. This will be a dividend check for participating in GIRMA's insurance pool. The city will also receive another check in the amount of \$66,000 for an insurance claim to replace the gazebo at Hancock Park.

Mayor McCullough announced that the September Council Meeting will be changed to Tuesday, September 2 at 6:00 p.m. due to the Labor Day Holiday.

COUNCIL'S COMMENTS:

Guy Laboa thanked DDA Members for their participation in the development of Dahlenega's Master Plan. The Master Plan has been completed and action has been taken to move forward with the plan's recommendations.

PUBLIC COMMENTS:

Darrell Hensley requested that the Dahlenega Zoning Board reconvene to discuss his sign variance request. After discussion a motion was made by Guy Laboa to determine the legal date to reconvene after property advertisement. The motion was seconded by Sam Norton and approved by all members present.

Susan Rhodes urged the council to start an aggressive recycling program. She advised that funds are available to assist in this effort.

A motion was made by Guy Laboa to adjourn the meeting at 7:55 p.m. The motion was seconded by Gerald Lord and approved by all members present.

APPROVED BY ME THIS _____ DAY OF _____, 2008.

MAYOR

Attest:

CITY CLERK