

**REGULAR MEETING  
DAHLONEGA CITY COUNCIL  
January 5, 2009**

**CALL TO ORDER:**

The Dahlonega City Council met in regular session at City Hall on January 5, 2009. Council members present were Ralph Prescott, Gerald Lord, Michael Clemons, Terry Peters and Sam Norton. Mayor Gary McCullough called the meeting to order at 6:00 p.m. The meeting was opened with a prayer and the Pledge to the American Flag.

**PUBLIC HEARINGS:**

PUD amendment Achastal Linger Longer - Rick McCallister informed members of the council that the amendment is needed in order to relocate some of the units and amenities. He stated there will be no change in the number of units or green space acreage. He noted that the Planning Commission has approved the plan with the condition that the road in front of the existing clubhouse be relocated to a similar position to what was approved in the 2007 plan. After consideration Linger Longer has agreed to relocate the road. Doug Parks asked for comments from the public. There were none. Mr. Parks asked for staff recommendation. Planning Director Chris Head advised that the Dahlonega Planning and Zoning Commission recommended approval and so does staff. A motion to approve the request was made by Sam Norton and seconded by Gerald Lord. The motion was approved by all members present.

Final Plat Approval Achasta Bear Paw Phase 9A - Rick McAllister presented the request and noted there has been a minor change in the configuration of one lot since preliminary approval and they are ready for final approval. Mr. Parks asked for comments from the public. There were none. Gerald Lord noted Achasta is to deed an acre to the city for location of a future well. Rick McAllister noted this will be done once the location has been determined by the city. Mr. Parks asked for staff recommendation. Planning Director Chris Head advised that the Dahlonega Planning and Zoning Commission recommended approval and so does staff. A motion to approve the request was made by Sam Norton and seconded by Gerald Lord. The motion was approved by all members present.

Appeal HPC decision Mary Lou Conner- No one was present and item dismissed.

Rezoning Request Doug Cook - Mr. Cook presented request for rezoning of a lot located on Mechanicsville Road from I Industrial to B2. Mr. Parks asked for comments from the public. There were none. Mr. Parks asked for staff recommendation. Planning Director Chris Head advised the Dahlonega Planning and Zoning Commission recommended approval and so does staff. A motion to approve rezoning from I Industrial to B2 Highway Business was made by Ralph Prescott and seconded by Michael Clemons. The motion was approved by all members present.

Annexation Request Jewell Wade - Mrs. Wade noted her property located on Trahlyta Trail has always been considered in the city, but based on county tax records a portion of the property is located outside the city limits. This change has resulted in the loss of some tax exemptions and she is requesting annexation so that all her property will be within city limits. Mr. Parks asked

for comments from the public. There were none. Mr. Parks asked for staff recommendation. Planning Director Chris Head advised the Dahlongega Planning and Zoning Commission recommended approval and so does staff. A motion to approve the request was made by Gerald Lord and seconded by Ralph Prescott. The motion was approved by all present.

PUD Amendment Tony Anderson - Mr. Anderson noted his project was originally approved with a city street, but he has decided this project would be more suited as a gated community. He is requesting approval to allow the street to be private. Mr. Parks asked for comments from the public. There were none. Mr. Parks asked for staff recommendation. Planning Director Chris Head advised that the Dahlongega Planning and Zoning Commission and staff recommend approval conditional upon the city receiving appropriate easements for water and sewer. It was also noted city crew and emergency personnel will need access to the project. A motion to approve the Planning Commission's recommendation was made by Michael Clemons and seconded by Terry Peters. The motion was approved by all present.

Public Hearing Sign Regulations - City Attorney Doug Parks open the floor for comments from the public.

John Cavender, Prudential GA Realty, stated the ordinance will affect a lot of businesses and he is not sure business owners have given enough input. He feels ordinance should not be adopted until business people have had a meeting with the city to discuss.

Gary Powers, Chamber of Commerce, stated the amount of sign area proposed may not be enough for businesses with multiple tenants. He also noted the height of sign does not seem appropriate for our area; and uplights and downlights do not fit all businesses. He also feels that the city needs to reconsider guidelines for vehicle signs and extend the time frame for holiday lighting. He stated prohibiting internally lit signs throughout the city and holding all the areas in the city to historic district standards is impractical.

Chuck Baker, Nextel/Sprint Store, agreed with comments already made and added businesses should be allowed to have a lighted open sign inside their building and also allowed to use more of the window area. He noted that if he sells his business and the business name stays the same not only would the new owner have to comply with current sign regulations but since this is a multi-tenant building all the businesses would have to change their signage to comply. This is restricting the use and ability to sell my property. He also stated that you should not lose the ability to have an internally lit sign just because you replace a panel. Replacing the panel should be considered routine maintenance.

Jeremiah Slither, Charlie's Grocery, noted to require someone to change signage when the business name does not change is unfair and he also wanted clarification regarding out of store marketing devices i.e. gas pumps. He also stated that he feels there needs to be more input from business owners.

Dana LaChance, Crimson Moon and Appalachian Outfitters, stated sign regulations need to be updated but city seems to be taking broad brush approach. She said that she feels requiring signs

to be replaced when business changes hands is extreme. She noted you cannot have the same regulations for the entire city.

Axa Hugley, Caruso's, Thomas & Co. and Dante's, stated this sign ordinance appears to be a hindrance to businesses. She also noted the sandwich board type signs are just as appropriate on the sidewalks as tables and chairs.

Jeanette Roth, GNC, agrees with previous comments and stated a business can't operate without signs and the lighted open/close signs really help a lot.

Tom Van Ark, UPS Store, added if you can't read a sign it becomes a safety issue and he also wanted to know how the ordinance affects lighted fast food menu boards.

Robert Bridges stated this ordinance is better than the last one. He noted lighted open signs placed in the window should be allowed but other internally lit signs should be prohibited. It is in the best interest of the city to limit the number of signs a business can have.

John Gaston, business owner, has concerns regarding the definitions and feels a lot is open for interpretation. He stated that he feels ordinance needs more work and requested that adoption be delayed.

Glenn Melvin, business owner, noted he has followed the review process which has gone on for a year but agrees with the other comments. He noted he has special concerns about prohibiting internally lit signs and feels they can be appropriate. He presented examples of existing signs. He stated he fully supports B3 & CBD restrictions but feels those restrictions are not fair to rest of the city.

Peggy Ligget, who owns a sign company, stated that she feels not enough education has been given regarding the different type signs, material, lighting etc. She noted typically upright signs or downlight signs puts out more light than internally lit signs. She also noted height of sign should be based on topo/elevation.

Ron Brown, who also represents a sign company, agrees and noted nothing would prohibit business owners from having a sandwich sign on one pole. He also wanted to know what does rope lighting in a window have to do with signs?

Amy Strickland, Hummingbird Lane, stated we do not need further restrictions at this time as businesses are struggling, please support the businesses. She presented a picture of one of the businesses on the square and noted everything in the picture would be prohibited in the new ordinance.

Tom Vanark, UPS Store, noted that the city should get in touch with Hilton Head, John's Creek and other areas as he understands they are changing their regulations because of problems with restrictions.

There were no further comments. Mayor McCullough recommended and council agreed that business owners need to meet and present recommendations to council as soon as possible. He noted that Dahlonga is recognized throughout the area as a leader for historic significance. He also stated he and council are here to make Dahlonga a better place to live and work.

Ron Brown ask if council would allow businesses to get permits while the ordinance is under review. Mayor McCullough stated that the city cannot issue permits while the moratorium is in place.

Councilman Peters noted the proposed regulations allows more signage than currently allowed and some of the standards are the same that were in place per the Corridor Overlay area.

There being no further comments the public hearing was closed.

**MINUTE APPROVAL:**

A motion was made by Michael Clemons to approve the minutes of the 12-1-08 meeting. The motion was seconded by Gerald Lord and approved by all present.

A motion was made by Terry Peters to approve the minutes of the 12-4-08 meeting. The motion was seconded by Michael Clemons and approved by all present.

A motion was made by Michael Clemons to approve the minutes of the 12-15-08 meeting. The motion was seconded by Terry Peters and approved by all present.

**DEPARTMENT REPORTS:**

DDA Report - Joel Cordle gave summary of written report which included information on recertification for Tree City, Better Hometown status, façade grants, etc.

Ralph Prescott wanted to know if the Maybalm Tree could be painted, since the tree is very dark. Joel noted this is the design that was approved and once the tree is relocated to a brighter area in the park it will be more noticeable. Gerald Lord also asked that copies of the Downtown Master Plan be provided to council members. Joel noted the plan is available on disk and you can get a printed copy at the college print shop.

Michael Clemons asked if the Historic Preservation Commission stated why sandblasting and routing should not be allowed in the Historic area. Chris Head commented they indicated these methods would not be appropriate.

Chamber of Commerce Report - Gary Powers introduced Stephen Smith the new Convention Visitor Bureau Director. He also noted Chamber has new website format and informed council of BRAC bicycle race in June. He advised that their next meeting is scheduled for January 23 at 11:30 a.m.

First Reading Amendment 1 Ordinance 95-7 Building Codes.

It was noted that the state has adopted new codes. The city enforces state codes and therefore the city needs to update the local ordinance. Terry Peters made a motion to approve the amendment and Sam Norton seconded. The motion was approved by all members present.

First Reading Amendment 6 Building Permit Ordinance 94-4:

City Manager Bill Lewis informed the Council that this amendment is needed to clarify permit fees and to also update fees for signs, building permits, swimming pools and low voltage permits. Sam Norton made a motion to approve the amendment and Michael Clemons seconded. The motion was approved by all present.

First Reading Ordinance 2009-2-Annexation:

Ralph Prescott made a motion to approve the first reading of Ordinance 2009-2-Annexation. Terry Peters seconded the request made by Jewell Wade to annex property located on Trahlyta Trail into the city. The motion was approved by all members present.

Sign Moratorium:

City Attorney informed the council of the need to extend the sign moratorium until February 2, 2009. A motion to approve extension of the moratorium until February 2, 2009 was made by Michael Clemons and seconded by Terry Peters. The motion was approved by all members present. The adoption of Ordinance 2009-I-Sign Ordinance was put on hold at this time.

CALL FOR SPECIAL ELECTION:

A motion was made by Ralph Prescott to call for a Special Election on March 17, 2009 to fill the unexpired term of Guy Laboa Gerald Lord seconded the motion and the motion was approved by all members present.

Michael Clemons made a motion to approve qualifying fees for the office of mayor at \$270.00 and \$144.00 for the office of council member. Ralph Prescott seconded the motion and the motion was approved by all members present.

Michael Clemons made a motion to appoint Janet Jarrard as Election Superintendent and Lou Stewart as Assistant Superintendent. The motion was seconded by Sam Norton and approved by all members present.

City Manager's Comments:

City Manager Bill Lewis asked for approval to have the crosswalks that were discussed at the work session installed. The cost of the project is approximately \$25,000. He is proposing to take \$15,000 from the street department budget and \$10,000 will be from grant monies. Michael Clemons made a motion to approve the request and Terry Peters seconded. The motion was approved by all members present.

Mayor's Comments:

Mayor McCullough appointed Steve Ratzell as new member of the Historic Preservation Commission. A motion to approve the appointment was made by Gerald Lord and seconded by Ralph Prescott. The motion was approved by all members present.

**City Council's Comments:**

There were no city council comments.

**City Attorney's Comments:**

City Attorney Doug Parks informed the council that the Hillcrest Property paperwork and the Achasta Open Space easement have been completed.

**Public Comments:**

Gerald Lewy announced that the state legislature will be in session next week.

George Clegg informed Council that he has not received a response from anyone regarding a letter he had sent to the city. Mayor McCullough requested that the City Attorney follow up.

**Adjournment:**

There being no further business to discuss, a motion to adjourn was made by Gerald Lord and seconded by Michael Clemons. The motion was approved by all present and the meeting was adjourned at 8:40 p.m.

APPR VEDBYMETHIS 2<sup>nd</sup> DAY OF Feb, 2009.

Gary McCull  
MAYOR

Attest:

Janet Janay  
CITY CLERK