

**REGULAR MEETING**  
**DAHLONEGA CITY COUNCIL**  
**APRIL 6, 2009**

**CALL TO ORDER:**

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

**APPROVAL OF ELECTION:**

A motion was made by Gerald Lord to approve the attached results of the Dahlonega Special Election held March 17, 2009. This motion was seconded by Ralph Prescott and approved by all members present. The attached Oath of Office for Council Member Johnny Ariemma was administered by City Clerk Janet Jarrard.

**PUBLIC HEARINGS:**

A Public Hearing was conducted by City Attorney Doug Parks concerning a rezoning request submitted by Buckhorn Development/GA Investments, LLC for rezoning from R2 –“C” to PUD for a mixed use 50 plus age group community of 83 acres which will consist of 408 condominiums, 40 townhomes, 54 single family homes with a clubhouse and commercial area. This property is located off Highway 9 South. Bruce Matzell presented the request. Mr. Parks asked for comments either for or against the project. Hearing no comments, Mr. Parks asked for staff recommendations. City Project Manager Ricky Stewart advised that the staff has reviewed the plans and makes the following recommendations: 1) Developer understands approval would be to rezone property to PUD; establish the zoning standards and approve the conceptual site plan. Developer would file for preliminary plan approval which requires submittal of engineered set of plans; 2) Required improvements to existing water and sewer, upgrade of existing lift stations, sewer lines or water lines will be at the developer’s expense; 3) Only the main arterial road will be considered for city maintenance; 4) Based on length of time for build out of development, staff suggest that after each phase of development an assessment of the purposed city maintained roads be performed and failures will be repaired. Upon completion of the project the city maintained roads will then be re-surfaced; 5) Performance bonds/letter of credit will be due for acceptance of roads, water and sewer before final plat approval can be given and permits issued. The council was informed that the Dahlonega Planning and Zoning Commission recommended approval with the condition that setbacks in the Single Family area comply with the city’s R-1 Zoning Standards. Geo-Image Engineer Glenn Melvin

requested exceptions to the recommendations of the Planning Commission concerning setback requirements. Ralph Prescott asked if the four-story condominiums could be served by the Lumpkin County Fire Department. Mr. Melvin advised that the Lumpkin County Fire Chief has approved the project based on their sprinkler system plans. Terry Peters asked for clarification of age restrictions. He was advised that Federal Law requires a split of 80% over age 55 and 20% age 48 to 54. No child, under the age of nineteen, would be permitted to live permanently in any home. Gerald Lord asked about the distance between the back of the curb to the sidewalk and he was advised this will be 24 inches. Sam Norton asked if the emergency entrance will be used for construction entrance also and he was advised that it would. Johnny Ariemma asked if the developer has budgeted for increased costs for water and sewer installation and DOT regulations and he was advised that they have taken this into consideration. Gerald Lord asked when the streets will be accepted by the city and he was informed that they will not be accepted until the project has been completed. The council was informed that the commercial area will not be constructed until the end of the project. The single family homes will be 2100 sq. ft which includes the garage. Gerald Lord stated that he is concerned with 54 units to be constructed within 10 acres. A motion was made by Ralph Prescott to approve the rezoning request conditional to standards outlined by staff and with the condition that the single family homes be located at least 20 ft. from the street right of way. This motion was seconded by Sam Norton and approved by the following vote count: Voting for the motion were Ariemma, Norton and Prescott. Terry Peters and Gerald Lord voted against the motion.

A Public Hearing was conducted by City Attorney Doug Parks concerning a request for PUD Amendment submitted by Achasta Developers. Rick McCallister presented the request to re-locate and reconfigure the swimming pool amenity area. Mr. McCallister advised that there would be no changes in density or green space and this change would still be within the character and intent of the existing development. Mr. Parks asked for comments either for or against the request. There were no comments either for or against. The council was informed that the Dahlonega Planning and Zoning Commission recommended approval. A motion was made by Ralph Prescott to approve this recommendation. The motion was seconded by Johnny Ariemma and approved by all members present.

#### **MINUTE APPROVAL:**

A motion was made by Gerald Lord to approve the minutes of the regular council meeting held March 2, 2009. This motion was seconded by Sam Norton and approved by all members present. A motion was made by Gerald Lord to approve the minutes of the special meeting held March 18, 2009. This motion was seconded by Ralph Prescott and approved by all members present.

#### **CITIZENS:**

The council was informed that Lisa Yovita applied for a beer and wine license for Hiiro Restaurant. All paperwork has been completed and her background check indicates no record. A motion was made by Gerald Lord to approve the license. The motion was seconded by Sam Norton and approved by all members present.

Robert Warner proposed to sell a parcel of land to the city. Mr. Warner advised that this property is located adjacent to Hancock Park. He stated that this would be a great addition to enlarge the park. Mayor McCullough advised that the council would discuss this at their next work session.

**DEPARTMENT REPORTS:**

Mayor McCullough advised that reports have been received from the Dahlonega Planning and Code Enforcement Departments concerning activities during the month of March, 2009.

Interim Chamber of Commerce President Amy Booker advised that the Celtic Music Festival was a success due to the cooperation of local merchants. She also reported that Chamber Staff training is being conducted as well as training to educate Chamber Members on various methods to cope during poor economic conditions. Steven Smith presented March stats which included 12,967 visitors and 61,800 web site hits during the month. Mr. Smith advised that a multi-county survey is in progress. The GMA Heart and Soul of Georgia Bus Tour will arrive in Dahlonega April 16. International Ambassadors with the Georgia Department for Economic Development will also visit Dahlonega on April 16 looking at business opportunities. Johnny Ariemma recommended that the Chamber conduct a survey asking tourist why they come to Dahlonega. This information could be used to promote tourism. Mr. Smith advised that the Chamber plans to conduct this survey this coming summer.

**SECOND READING-ORDINANCE 2009-3-ORDINANCE REPEAL:**

A motion was made by Gerald Lord to approve the second reading of Ordinance 2009-3 to repeal ordinances no longer applicable. This motion was seconded by Sam Norton and approved by all members present.

**RESOLUTION-COMPREHENSIVE PLAN UPDATE:**

A motion was made by Gerald Lord to approve the attached Resolution to approve the Comprehensive Plan Update. This motion was seconded by Johnny Ariemma and approved by all members present.

**FIRST READING AMENDMENT 31-ORDINANCE 75-1-WATER & SEWER TAPS:**

A motion was made by Ralph Prescott to approve the first reading of Amendment 31 to Ordinance 75-1-Water and Sewer Taps. The motion was seconded by Terry Peters. City Manager Bill Lewis advised that building permits have been updated to advise applicants that all water and sewer taps will expire after 24 months of the date of issuance and there shall be no refund of the permit cost. Johnny Ariemma stated that there should be some exception for legal problems or natural disasters. Mr. Lewis stated that he was sure some exceptions could be made when necessary. The motion was approved by all members present.

**RESOLUTION TO ADOPT IDENTITY THEFT POLICY:**

City Attorney Doug Parks recommended that the attached Resolution be approved to adopt an Identity Theft Policy and that the policy become effective April 30 to meet Federal Guidelines. A motion was made by Gerald Lord to approve this recommendation. The motion was seconded by Ralph Prescott and approved by all members present. Council members were informed that there will be some costs involved for changes to forms and for equipment to fold and stuff water bills.

**FIRST READING ORDINANCE 2009-4-VEHICLES/TRUCKS DOWNTOWN:**

A motion was made by Sam Norton to approve the first reading of Ordinance 2009-4 concerning prohibitions for trucks and vehicles in the downtown area. The motion was seconded by Ralph Prescott. Johnny Ariemma recommended that weight limits be added to avoid damages to the new crosswalks that are to be installed in the downtown areas. Mayor McCullough advised that this will be discussed during the next work session. The motion was approved by all members present.

**CITY MANAGER'S COMMENTS:**

City Manager Bill Lewis recommended that an agreement be approved concerning acceptance of streets and water and sewer lines within Porter Village. Mr. Lewis advised that letters of credit have been received. Project Manager Ricky Stewart advised that he has inspected the development and everything is in order. Representatives from Porter Village advised that the project to enlarge Porter Village has been completed. A motion was made by Gerald Lord to approve this recommendation. The motion was seconded by Sam Norton and approved by all members present.

Mr. Lewis recommended to approve the attached investment report: A motion was made by Gerald Lord to approve this recommendation. The motion was seconded by Terry Peters and approved by all members present.

Mr. Lewis advised that bids have been received to purchase a trailer to move the city's excavator. The low bid was All Pro Trailers at a cost of \$13,400. A motion was made by Ralph Prescott to approve the low bid. The motion was seconded by Terry Peters and approved by all members present.

The council was also informed that the low bid to purchase two generators was Reagan Equipment at \$85,280. These generators will be used for the Timken and Barlow lift stations. The generator at the Timken station will be a permanent mount while the one at Barlow is a portable unit that will be assigned to Barlow but can be used at other lift station sites when needed. This will be paid from an EIP Grant of \$500,000 an ARC Grant of \$280,000 and city funds. A motion was made by Gerald Lord to approve the low bid. This motion was seconded by Sam Norton and approved by all members present.

**MAYOR'S COMMENTS:**

Mayor McCullough welcomed the newest member of the City Council Johnny Ariemma. Mayor McCullough announced that a plaque recognizing the Zwerner Family will be installed at the reservoir. A date will be announced later for the plaque dedication.

**CITY ATTORNEY'S COMMENTS:**

City Attorney Doug Parks recommended renewal of the existing Probation Contract. A motion was made by Sam Norton to approve this recommendation. The motion was seconded by Gerald Lord and approved by all members present.

**ANNOUNCEMENTS-PUBLIC COMMENTS:**

Mr. Lewis announced that the two newest council members will receive orientation this Wednesday at 2:30 p.m. in the office of the City Manager and a tour of the new water plant construction will be conducted April 14 at 10:00 a.m. Mr. Lewis also informed the council that Business After Hours will be held tomorrow at Way-Point Lodge. GMA Listening Session will be held in Gainesville April 21.

Steve Gooch commended City Employees Charles Bryant and Ricky Stewart for assistance with his drainage problems. He also asked that the council consider installation of a speed table on Park Street and advised that traffic may be diverted down South Park Street once the new speed tables are constructed on downtown streets.

**ADJOURNMENT:**

A motion was made by Ralph Prescott to adjourn the meeting at 7:45 p.m. This motion was seconded by Gerald Lord and approved by all members present.

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

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MAYOR

\_\_\_\_\_  
CITY CLERK