

**CITY OF DAHLONEGA
COUNCIL MEETING
MINUTES
MARCH 7, 2011**

The Dahlonega City Council met in regular session at City Hall on March 7, 2011. Council Members present were Ralph Prescott, Gerald Lord, Michael Clemons, Terry Peters, Sam Norton and Johnny Ariemma. Mayor Gary McCullough called the meeting to order at 6:07 p.m. The meeting was opened with prayer by Ralph Prescott and the Pledge to the American Flag was led by Michael Clemons.

AGENDA APPROVAL:

Mayor McCullough asked for a motion to approve the agenda with the amendments to add 9C and 9D under City Manager Comments to be new garbage trucks and water tank removal. Gerald Lord made a motion to add the two items to the agenda, seconded by Terry Peters and approved by all members present. At this time, City Manager Bill Lewis requested that an additional item be added to the agenda for the Leadership Lumpkin County 2011 project, the Born Learning Trail. Sam Norton made a motion to approve Agenda with amendments, seconded by Terry Peters and approved by all members present.

YOUTH MONTH ART EXHIBITS:

Two students from the Dahlonega Arts Council and Lumpkin County Schools were present at the meeting to distribute invitations to the Mayor and Council for Youth Art Month Exhibit at The Cannery Art Center. The Exhibit will be on March 19 & 26 from 12-5 p.m. with a reception on March 18 from 6:30-8:30 p.m. The Mayor and Council thanked the students for the personal invitation.

MINUTE APPROVAL:

Mayor McCullough asked for a motion to approve the minutes for the February 7th Council Meeting as submitted. A motion was made by Johnny Ariemma, seconded by Ralph Prescott and approved by all members present.

Mayor McCullough asked for a motion to approve the minutes for the February 17th Special Called Meeting as submitted. A motion was made by Sam Norton, seconded by Gerald Lord. At this time Councilman Ariemma requested that the audio tape of this meeting be kept and not recorded over. Mayor McCullough asked for a vote of Council with this addition, motion was approved by all members present.

PUBLIC HEARING:

Ms. Joy Walker, Broker with Re-Max Properties presented the rezoning request for Mr. James S. Abernethy located on Cherry Blossom Drive. She requested that the proposed property be rezoned from R2 to R3. At this time City Attorney Doug Parks asked for staff recommendations. Planning Director Chris Head informed Council the Planning Commission recommended rezoning with the condition that the road, which is an existing easement be paved when the project is completed. Also the existing trees in the buffer zone will remain, but if for some reasons the trees are removed additional trees must be replanted in the buffer zone. City Manager Bill Lewis asked if Planning and Zoning Commission indicated what size trees would need to be replanted. Ms. Head informed that on Planning Commission recommendation the trees were not intended to be removed and if they were to be replanted they would have to abide by the existing tree ordinance. Mayor McCullough asked for a motion for approval. Motion was made by Michael Clemons to approve as recommended by the Planning and Zoning Commission, seconded by Sam Norton. At this time Councilman Peters requested to amend the motion to also include each unit be a minimum of 1,000 square feet of heated floor area, seconded by Johnny Ariemma and approved by all members present. Mayor McCullough asked for a Council vote on the original motion made by Michael Clemons and seconded by Sam Norton, motion was approved by all members present.

CITIZENS:

Irfan-ul-Haque, Registered Agent for Alina Enterprises, LLC dba/Sunshine Food Mart located at 1959 Hwy 19 North requested a Beer License for package sales. Mayor McCullough asked City Clerk Lou Stewart the status of this request. Ms. Stewart stated that all paperwork was in order with no issues. Mayor McCullough asked for a motion to approve. Gerald Lord made a motion to approve the request, seconded by Sam Norton and approved by all members present.

Ms. Glenda Pender, President of the Bear on the Square Mountain Festival requested a special event alcohol license to serve wine at no charge on Friday, April 15th as part of the event. This is an annual event and the alcohol will be served in an enclosed tent, an officer will be present and I.D's will be check by a festival official. A motion was made by Michael Clemons to approve the special event alcohol license, seconded by Ralph Prescott. At this time Councilman Peters stated that with previous events the condition was set that the individual checking I.D's should be 21 years of age or older and asked this condition be continued. Councilman Clemons agreed to amend his motion of approval to include this condition, seconded by Prescott and approved by all members present.

DEPARTMENT REPORTS:

Mayor McCullough informed Council that all Department Reports and Chamber of Commerce Report had been submitted. At this time Mayor McCullough asked Finance Director Christopher Austin for comments on the Financial Report. Mr. Austin informed Council that everything was on schedule with the budget and the City had collected Franchise Taxes. He also stated that he does different analysis from prior years when preparing financial reports to compare by individual departments.

ORDINANCE ADOPTION:

Mayor McCullough entertained a motion to approve Ordinance 2011-1 to supplement by adding Section 5.16 to the City Charter. Councilman Norton made a motion to approve Ordinance 2011-1, seconded by Michael Clemons. At this time Gerald Lord requested City Attorney Doug Parks negotiate the requirements stated on Page 2, Subpart 2 in order for more people to be eligible to serve on the Hearing Board. Mr. Parks stated he would inquire concerning this issue with Attorney Mr. Read Gignilliat who drafted this document. Councilman Prescott stated that due to this being the first reading of Ordinance 2011-1, if in fact Mr. Gignilliat agrees to a subsequent recommendation, then an amendment can be made before the second reading. After further discussion, Councilman Ariemma asked if Subpart 4 was de-novo. Mr. Parks stated that he could not answer the question because he was not the draftsman of this document. Councilman Ariemma stated he would not agree with this section if it was not de-novo. At this time Mayor McCullough asked for all in favor of the motion to raise their right hand. Voting for the motion was: Ralph Prescott, Gerald Lord, Michael Clemons, Terry Peters and Sam Norton. Johnny Ariemma voted against the motion.

CITY MANAGER:

City Manager Bill Lewis requested approval of the payroll out-sourcing agreement with Capable Financial Solutions, which is a pilot program through Georgia Municipal Association. Mr. Lewis stated payroll would continue to be weekly for a period of six (6) months, then would transition into a two week payroll. A motion to approve the agreement was made by Ralph Prescott, seconded by Sam Norton. After further discussion, City Manager Bill Lewis recommended Council approval to proceed with the agreement and at the end of six (6) months staff would bring back to Council a plan of transition for a two week payroll period. At this time, Councilman Prescott withdrew his motion and second withdrawn by Sam Norton to further discuss potential changes to the agreement. Council requested City Attorney Doug Parks to negotiate with Capable Financial Solutions to soften language in paragraph #7 Liability. If an understanding could be reached, recommendations would be sent to Council for review and approval to let Mayor McCullough be able to execute the document. A motion was made by Gerald Lord to approve the document with the provision the City Attorney negotiate with the payroll company (Capable Financial Solutions) to soften language in paragraph #7 Liability and Mayor McCullough would have approval to execute the document. A second was made by Terry Peters and approved by all members present.

City Manager Bill Lewis requested Council approval to submit a proposal for specifications and bidding for two new garbage trucks. These two trucks will replace two of the existing trucks that are in use now. A motion was made by Ralph Prescott to approve the request, seconded by Johnny Ariemma and approved by the following vote: Ralph Prescott, Michael Clemons, Terry Peters and Johnny Ariemma. Gerald Lord and Sam Norton voted against the motion.

City Manager Bill Lewis informed Council that Pittsburgh Tank & Tower Maintenance Co., Inc. had submitted a bid of \$7,500.00 to remove the City water tank located adjacent to the Middle School property. He explained this tank had been taken out of service. Hydraulics in the system changed due to the construction of the new Water Plant making the tank obsolete. The Water and Sewer Master Plan, Section 5 contemplates taking the tank out of service when the new Water Plant came on line.

Mr. Lewis recommended Council approval to accept the proposal from Pittsburgh Tank & Tower to remove the tank and notify them that the tank would not be removed until after school is out. A motion was made by Gerald Lord to award the contract to Pittsburgh Tank & Tower with the condition that removal of the tank does not start until school is out, seconded by Terry Peters and approved by all members present.

City Manager Bill Lewis requested approval of the Leadership Lumpkin County 2011 project, the Born Learning Trail which are educational signs for early childhood learning to be installed at the City Park. These signs will be owned by the City and can be removed later at the City's discretion. After further discussion, a motion to approve the project was made by Michael Clemons, seconded by Sam Norton and approved by the following vote: Ralph Prescott, Michael Clemons, Terry Peters, Sam Norton and Johnny Ariemma. Gerald Lord voted against the motion.

City Manager Bill Lewis informed Council due to the extensive amount of information concerning the data on choosing an Insurance Consultant, Staff would report to Council at a later time.

MAYORS COMMENT:

Mayor McCullough informed Council he had not contacted the member of the Planning and Zoning Commission concerning re-appointment.

Mayor McCullough requested approval to re-appointment Edith Higgins to the Housing Authority Board. A motion for approval was made by Michael Clemons, seconded by Terry Peters and approved by the following vote: Gerald Lord, Michael Clemons, Terry Peters, Sam Norton and Johnny Ariemma. Ralph Prescott abstained.

Mayor McCullough reminded everyone that the Trail Fest is on Friday, March 18th and the festivities will begin at 1:00 p.m. at Hancock Park.

At this time, City Manager Bill Lewis stated if Council wanted to tour the property at the Water Plant on Wimpy Mill Road, he would have appropriate Staff to meet with them on Tuesday (8th) or Thursday (10th).

PUBLIC COMMENTS:

Attorney, Stroud Stacy stated he had concerns with the amendment to the Charter. He informed Council he would contact City Attorney Doug Parks to address his legal issues but wanted to address Council with his personal concerns as a citizen. Mayor McCullough informed Mr. Stacy that citizen comments were limited. He advised Mr. Stacy to request to be put on the Agenda to address Council with concerns due to legal issues surrounding the amendment. At this time, City Attorney Doug Parks also advised Mr. Stacy if he wanted to consider providing a written comment to display his legal as well as personal issues, he would distribute this to the Mayor and Council.

Mayor McCullough entertained a motion to adjourn the meeting at 7:20 p.m. A motion was made by Ralph Prescott, seconded by Terry Peters and approved by all members present.

APPROVED BY ME THIS _____ DAY OF _____, 2011.

Mayor

Attest:

City Clerk