

CITY OF DAHLONEGA

CITY COUNCIL MINUTES JULY 11, 2011

The Dahlonega City Council met in regular session at City Hall on July 11, 2011. Members present were Ralph Prescott, Gerald Lord, Michael Clemons, Terry Peters, Sam Norton and Johnny Ariemma. Also present was City Manager Bill Lewis and City Attorney Doug Parks. Mayor Gary McCullough called the meeting to order at 6:00 p.m. Prayer was led by County Commissioner Tim Bowden and the Pledge to the American Flag was let by Gerald Lord.

AGENDA APPROVAL:

Mayor McCullough stated before the agenda was approved he was requesting an agenda amendment to move item #10 to item #6, if there was no objection. A motion to approve was made by Gerald Lord, seconded by Ralph Prescott. Mayor McCullough asked for all in favor say aye, all opposed, motion carries. At this time, City Attorney Doug Parks asked if it would be appropriate to move item #10 to item #4, rather than #6. Mayor McCullough requested a motion to approve the agenda as amended. A motion was made by Sam Norton, seconded by Terry Peters. Mayor McCullough asked for all in favor say aye, all opposed, motion carried unanimously.

COMMUNICATION TOWER:

Mayor McCullough informed that the County has proposed to locate a communication tower beside the hospital. This will be a 100 x 100 lot, and will be a 180 foot lattice tower. Several years ago it was planned to put one at the Georgia Forestry tower, but is now being located at the hospital. The City has been asked to be one of the correspondents by letter from the consulting firm handling this process. Mayor McCullough asked for Council and public comments. At this time, Jimmy Anderson, Chairman of the Historic Preservation Commission came forward and informed although this is not within their jurisdiction, the Public Square is the heart and soul of Dahlonega, and Crown Mountain is the crown jewel of Dahlonega, and any impact on Crown Mountain affects our entire town. He stated there were other properties in the County that was higher in elevation, such as Noah's Mountain and several sites on the Montgomery property. He requested that the City formally oppose the communication tower and asked the County Commissioners to reconsider the location. County Commission Chairman Dr. John Raber informed this was not a new tower, this is simply relocation. The tower existed on top of the hospital but, when remodeling was done, the tower had to be taken down. This has been in progress for two (2) years and has already received FAA and FCC approval. On January 1, 2013 narrow banding will become a law, meaning if we do not have use of this tower by that time, the County will be fined and they will lose security by not being able to have communication for the Sheriff's Department, EMS, and the Fire Department. He stated that perhaps there are better locations, but economically this is the best location.

At this time, Sheriff Stacy Jarrard also informed they would not be able to communicate after 2013 if they were not on narrowband. This is an FCC mandate and not negotiable if you are in the 150 -174 MHD range, and the County is at 154. At this time, County Manager Stan Kelley informed initially the tower was to be located at the Forestry Commission, but was voted against for other issues. The County has a lease agreement with the Hospital for \$1.00 a year. They are now in the design process and it is critical to have a tower to reach the communication level needed. They have looked at all the factors and this was the best location and if the County has to begin this process all over again, they will not be able to meet the 2013 mandate. Councilman Ariemma asked what is the difference in the heights of the antenna that was originally on top of the Hospital and the new communication tower. Commission Chairman Dr. John Raber stated that the tower was 100 feet above the hospital and with the new one being on the side of the Hospital it will be a total of 180 feet. County Engineer stated the dimension of the tower base is approximately 25 feet square. City Manager Bill Lewis asked the County if they were going to sell space on the tower for other cell providers, and Dr. Raber answered no. Councilman Sam Norton asked how many sites were evaluated and was told by Stan Kelly the County does not have the budget or the time to do this study. Councilman Norton stated everyone supported the Sheriff's department, EMS and Fire, but just because we prefer not to have the tower at this location does not mean Council does not support these services. He further stated that Dr. John Raber had said this was economically the best location, but we are a tourist based economy and a lot of what we do is how we look and present ourselves to tourist. After further discussion, Mayor McCullough stated he understands the County does not need City approval, but feels another study should have been done to narrow down other locations and, thanked the County for their comments.

APPEAL FROM HISTORIC COMMISSION:

Mayor McCullough requested City Attorney Doug Parks to conduct the appeal process for the Back Porch, LLC. Mr. Parks asked representative George Butler to come forward and give his presentation. Mr. Butler informed he was representing the applicant Mr. Creef, not as a paid attorney but as an involved contributor and for the good of the City. He stated the Historic Preservation Commission had denied a change to the plan which involved two double doors on the front of the building stating it was not esthetically pleasing. Mr. Butler explained the change of door placement was done because of a post that could not be moved for structure stability. He also stated this building was not a historical building but, instead was built in 1994. Also challenged by HPC was the use of shaker shingles and board and batten which HPC had given the reason of lap siding must be used in the historical district. Mr. Butler informed that HPC failed to comply that these findings were to have adverse action on the Historical District, they failed to evaluate the impact of the district as a whole. At this time, Mayor McCullough informed that Mr. Creef did not do alterations as submitted to HPC. Mr. Jimmy Anderson, HPC Chairman informed Council their decision should be whether HPC abused their power of discretion. He read the section of the City Ordinance of guidelines that the HPC must base their decisions on. After further discussion, a motion was made by Councilman Lord to remand the decision back to the Historic Preservation Commission, seconded by Councilman Peters. At this time, Mayor McCullough asked for any discussion from Council. Councilman Norton asked if it would be allowed to approve the change of the door but deny the shakes and board and batten. City Attorney Doug Parks advised not to break it up and make the decision as a whole. Councilman Ariemma stated he felt there was not enough communication between the applicant and HPC.

Councilman Clemons stated the first picture submitted and the picture submitted with the changes, are not the same therefore; Mr. Creef did not build what HPC had approved. Councilman Peters stated he appreciated the HPC but did not feel confident to rule on this decision at this time. He requested HPC to take one more look at this and review proposal and requested changes with the Ordinance. Mayor McCullough asked for all in favor of the motion to raise their hand, all opposed, motion carries by the following vote: Voting for the motion: Ralph Prescott, Gerald Lord, Michael Clemons, Terry Peters and Sam Norton. Voting against the motion: Johnny Ariemma.

MINUTE APPROVAL:

Mayor McCullough asked for a motion to approve the June minutes. A motion was made by Ralph Prescott, seconded by Michael Clemons. At this time, Mayor McCullough asked if there were any corrections or additions. Councilman Ariemma stated we would like the addition of his comments under the City Manager Comment section on page three (3) concerning the East Main sidewalk project to include he stated the City's cost for this project was too high, as the original projected cost was \$31,000.00. He suggested using the money instead for guard rails to be installed in certain areas to improve safety. Also, on page four (4) Councilman Ariemma requested that his statement concerning the GIS Fly-over improvements for the 911 system alone is worth the cities cooperation as this was a safety concern. Mayor McCullough asked for all in favor of the motion to approve the minutes with these additions say aye, all opposed, motion carried unanimously.

GUSTAVO'S - AMY LASETER - WINE LICENSE APPROVAL:

Mayor McCullough informed Amy Laseter, Owner of Gustavo's has applied for a wine license. He asked City Clerk Lou Stewart if everything was in order. Ms. Stewart replied all paperwork was in order with no issues. Mayor McCullough asked for a motion to approve the license. A motion was made by Councilman Clemons, seconded by Councilman Norton. Mayor McCullough asked for any discussion, hearing none he asked for all in favor say aye, all opposed, motion carried unanimously.

COMMUNITY HELPING PLACE - JASON COX - SPECIAL EVENT ALCOHOL LICENSE APPROVAL:

Mayor McCullough informed Jason Cox representative for Community Helping Place has applied for a Special Event Alcohol License for their annual fundraiser. Councilman Clemons asked City Clerk Lou Stewart if everything was in order. Ms. Stewart replied she had spoke with City Attorney Doug Parks to make sure the event application was in order and it was determined the information given was acceptable. Mayor McCullough asked for a motion to approve the license. A motion was made by Councilman Clemons, seconded by Councilman Peters. Mayor McCullough asked for any discussion, hearing none he asked for all in favor say aye, all opposed, motion carried unanimously.

PROCLAMATION:

Mayor McCullough informed the City had a Proclamation to present to the Community Helping Place, which representative Jason Cox accepted. The Community Helping Place has begun a series of Christmas collectible ornaments that commemorate the uniqueness of Dahlonaga. The sale of these ornaments are to raise funds for the Community Helping Place White Christmas Program. Mayor McCullough informed this was the third year for the collectable ornaments and appreciated the all the work the Community Helping Place does for Dahlonaga.

DEPARTMENT REPORTS:

Mayor McCullough informed Council all department reports had been submitted and asked if Council had any questions. With no questions asked, at this time Mayor McCullough stated everyone was glad to see City Finance Director Christopher Austin back at work after his surgery.

ORDINANCES:

Mayor McCullough requested City Attorney Doug Parks to inform Council concerning the Sexually Oriented Business Ordinance. Mr. Parks informed Council this would be the first reading to adopt the Ordinance and hope to schedule the public hearing for a Work Session date. Mayor McCullough asked for a motion to approve the first reading of the SOB Ordinance. A motion was made by Councilman Prescott, seconded by Councilman Norton. At this time, Mayor McCullough asked for any discussion. Councilman Ariemma questioned if a hotel advertises for X rated movies to be purchased in the hotel rooms, would this fall under the SOB Ordinance. Mr. Parks informed there were other laws that would cover that type of offense. Councilman Lord questioned in a section of the Ordinance that it stated a license could be approved by the Code Enforcement Officer. Mr. Parks informed the Ordinance can be amended at a later date, and the Ordinance will provide very strict requirements to obtain a license, with the maximum of what the City is allowed. Mayor McCullough asked for all in favor say aye, all opposed, motion carried unanimously.

AMENDMENT TO ENVIRONMENTAL HEALTH ORDINANCE:

Mayor McCullough requested City Attorney Doug Parks to inform Council concerning the Amendment to the Health Ordinance. Mr. Parks informed the Ordinance was designed for jurisdiction to be in Municipal Court instead of Superior Court. He further informed, there are still some issues whether the City can do this and he is waiting on a response from Attorney Tom Jarrard. He will report back to Council before the second reading of the Ordinance. Mayor McCullough asked for a motion to approve first reading of the Amendment to the Environmental Health Ordinance. A motion was made by Councilman Lord, seconded by Councilman Ariemma. Mayor McCullough asked for all in favor say aye, all opposed, motion carried unanimously.

CITY MANAGER COMMENTS:

City Manager Bill Lewis informed Council that staff has received only one bid for repair and maintenance of the traffic signal located on East Main at Sunset Drive. A bid was submitted by North Cherokee Electrical with a cost of \$725.00 for a one year contract and \$800.00 for a three year contract, each to be paid on a quarterly basis. The cost for a one year contract to be paid

annually is \$1,200.00 and \$1,400.00 for a three year contract. Mayor McCullough asked for a motion to approve. Councilman Lord made a motion to approve the one year contract, seconded by Councilman Ariemma. At this time, Mayor McCullough asked for any discussion. Councilman Ariemma stated since only one bid was received, it might be better to go with the three year contract. Councilman Peters stated he appreciates Councilman Lord's opinion for choosing the one year contract and staff for researching more options however, since we only had one bid he feels it would be best to choose the three year contract even at a higher cost. City Manager Bill Lewis informed Council to keep in mind that NGCSU will be paying for one-half of this contract cost. Mayor McCullough asked for all in favor of the motion raise your hand, all opposed. Motion failed by the following vote: Voting for the motion: Gerald Lord and Michael Clemons Voting against the motion: Ralph Prescott, Terry Peters, Sam Norton and Johnny Ariemma. A motion was made by Councilman Prescott to approve the three year contract, seconded by Terry Peters. Mayor McCullough asked for all in favor of the motion raise your hand, all opposed. Motion carried by the following vote: Voting for the motion: Ralph Prescott Michael Clemons, Terry Peters, Sam Norton and Johnny Ariemma. Voting against the motion: Gerald Lord.

FESTIVAL BOUNDARIES:

City Manager Bill Lewis gave three recommendations concerning festival boundaries. The first was to close North Grove Street from Hawkins to Main Street, second was to close Meaders Street from Warwick Street to Hawkins and from East Main to Choice Street and; the third was extend the festival district from the Holly Theater to College Lane on West Main Street. NGCSU has agreed to put up barricades to direct traffic through the Parking Deck onto South Chestatee Street. In exchange NGCSU has requested for the left side of West Main Street be reserved for student festivities during Gold Rush and other festivals. Mayor McCullough asked for a motion to approve these boundary changes. A motion was made by Councilman Lord to approve the changes, seconded by Councilman Clemons. Mayor McCullough asked for any discussion. Councilman Peters questioned if vendors are not under the Jaycees and in City Right-of-Way will we issue permits for these areas. City Manager Bill Lewis informed the City will issue permits for the space. After further discussion, Mayor McCullough asked for all in favor say aye, all opposed, motion carried unanimously.

AUDIT ENGAGEMENT LETTER:

City Manager Bill Lewis informed Council the City's initial audit agreement was for three (3) years and it was extended to a five (5) year agreement. The City has received a letter of agreement that our obligation has been met and it is staff's recommendation to execute the letter. Mr. Lewis further informed that staff will be requesting Council approval to seek proposals for future audit services. Mayor McCullough asked for a motion to approve execution of the agreement letter. A motion was made by Councilman Clemons, seconded by Terry Peters. Mayor McCullough asked for any discussion, hearing none he asked for all in favor of the motion say aye, all opposed, motion carried unanimously.

City Manager Bill Lewis informed Council that Staff will make the budget available to Council by Wednesday, July 13th.

City Manager Bill Lewis reminded Council of the Work Session on Thursday, July 21st at 4:00 p.m. and also the Special Called Meeting to follow at 5:00 p.m.

PUBLIC COMMENTS:

Retired business owner Gayle Jones stated to Council that she was troubled with what she is seeing in our town. She expressed her concern with the communication tower to be built on Crown Mountain and the new building on South Chestatee Street with all the glass and brick design. She feels our town is losing its identity. She asked that Council be strong and speak against letting people build what they choose then ask forgiveness because we do not need to lose the identity that our town has.

City Manager Bill Lewis stated he remembers when McDonald's came to town and the citizens fought a major corporation to keep the size of the arched sign down. He further stated that Council can't make the County move the communication tower to another location, but citizens can.

Mayor McCullough asked for a motion to adjourn the meeting at 8:29 p.m. A motion was made by Councilman Lord, seconded by Michael Clemons. Mayor McCullough asked for all in favor say aye, all opposed, motion carries unanimously.

APROVED BY ME THIS _____ DAY OF _____, 2011.

Mayor

Attest:

City Clerk