

CITY OF DAHLONEGA

COUNCIL MEETING MINUTES October 1, 2012

The Dahlonega City Council held the regular monthly Council meeting on Monday, October 1, 2012 at City Hall. Members present were Johnny Ariemma, Sam Norton, Terry Peters, Gerald Lord, Ralph Prescott and Bruce Hoffman. Also present were 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 Ralph Prescott and the Pledge to the American Flag was led by Johnny Ariemma.

AGENDA APPROVAL:

Mayor McCullough asked for a motion to approve the agenda. A motion was made by Councilman Prescott to approve the agenda with the amendments to delete items 5A, 5B, 9D and 13, seconded by Councilman Lord. At this time, Councilman Norton questioned why the Wimpy Mill Road Park proposal was not on the agenda for approval. This item should have been on the agenda for approval however; was placed on the agenda for the October Work Session in order for Mr. Bill Cason and Mr. George Butler to give their presentation of the proposed park they wish to have on Wimpy Mill Road. After further discussion, minutes proved that this item should have been on the October agenda. Mayor McCullough asked for a vote of Council who agreed to delay the vote until after the October 18th Work Session presentation to raise their hand, all opposed, motion carried. Voting for the vote: Bruce Hoffman, Terry Peters, Johnny Ariemma and Gerald Lord. Voting against the vote: Sam Norton and Ralph Prescott. Mayor McCullough asked for all in favor of the motion to approve the agenda with amendments to say aye, all opposed like sign, motion carried unanimously.

PUBLIC HEARING:

City Attorney Doug Parks informed that this rezoning matter was initiated by Council to rezone a piece of property that is owned by the City. Mr. Parks requested that Planning Director Chris Head present the basics and Planning Commission recommendations for the old Water Plant property. Ms. Head informed that the property was located on Wimpy Mill Road and was no longer in use. Ms. Head further informed that the Planning Commission met and agreed to rezone the property to OI - Office Institutional with conditions regarding the buffer, no pervious additional services and no additional curb cuts off of Sky Country road. In order for the City to market the property they also requested that GMRC recommend a zoning they felt was appropriate for the property. At this time, Mr. Adam Hazell Planning Director with GMRC informed Council that once they were approached for guidance from the City to rezone the property they felt the zoning needed to be viable for the individual purchasing and still be within City character and purpose. He further informed that residential was not recommended and no heavy industrial due to the traffic therefore; Commercial or Office Institutional are the zonings the City should consider. The best recommendation at this time for existing utilities, roadways, useful for private owner with less impact, the best natural fit for the property would be OI-Office Institutional. City Attorney Doug Parks recommended the conditions of the Planning

Commission consisting of; no changes in the footprint of the building, no curb cuts and no increase in pervious area should also be placed on the rezoning. Mr. Gerald Lewy Vice President of the Sky Country Association informed that he felt with this type of permitting that traffic would be too heavy and requested Council follow the Planning and Zoning Commission recommendations. At this time, City Attorney Doug Parks asked if anyone was present that wanted to speak for or against the proposal. Hearing none, Councilman Hoffman questioned if the type of service that the property was used for could be controlled. Mr. Hazell informed that restrictions could be put on the property. Councilman Prescott questioned, what are the specific uses for Office/Institutional zoning. Ms. Head informed there were many uses such as, convalescent homes to offices which in general is more service type businesses. After further discussion, Councilman Norton made a motion to approve the zoning of the old water plant property to Office/Institutional with restrictions applied of no increase in building footprints, less curb cut stipulations and no increase in impervious area. Councilman Peters requested that a condition also be added that no curb cut will be allowed until a qualified traffic engineer makes a recommendation. Councilman Norton amended his motion to add Councilman Peter's additional condition, seconded by Councilman Prescott. Councilman Lord informed that he felt the least restrictions that are put on the property, the better it will sell. Once the use of the property is determined, then restrictions and conditions can be added. Mayor McCullough asked for all in favor of motion with amendment to raise their hand, all opposed like sign, motion failed. Voting for the motion was Johnny Ariemma and Bruce Hoffman. Voting against the motion: Ralph Prescott, Gerald Lord, Terry Peters and Sam Norton. Mayor McCullough asked for all in favor of the original motion to raise their hand, all opposed like sign, motion tied. Voting for the motion was Ralph Prescott, Gerald Lord and Sam Norton. Voting against the motion was: Bruce Hoffman, Terry Peters and Johnny Ariemma. Mayor McCullough broke the tie and voted for the motion.

MINUTE APPROVAL:

Mayor McCullough asked for a motion to approve the minutes of September 4, 2012. Councilman Norton made a motion to approve the minutes, seconded by Councilman Peters. Mayor McCullough asked for any corrections or additions, hearing none, he asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

CITIZENS:

Mayor McCullough asked for a motion to approve the consumption on premises license for Jeannie Dixon registered agent for Chestatee Garden and Tavern located on South Chestatee Street. Councilman Ariemma made a motion to approve, seconded by Councilman Peters. Mayor McCullough asked for any discussion. Councilman Peters questioned if this approval was based on the contingency. City Clerk Lou Stewart informed that all paperwork was in order with no issues however, the license could not be issued until all building requirements had been met. Ms. Chris Head, Planning Director informed that additional kitchen items must meet alcohol ordinance requirements before a CO – certificate of occupancy can be issued. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

DEPARTMENT REPORTS:

Mayor McCullough informed that all reports had been submitted and asked for any questions or comments. There were no questions or comments concerning department reports.

ORDINANCES:

Mayor McCullough asked for a motion to approve Ordinance 75-1 Amendment #35 –Water and Sewer Rate increases. Councilman Prescott made a motion to approve, seconded by Councilman Hoffman. Mayor McCullough asked for any discussion. Councilman Ariemma informed that this was a sensitive issue however; the City must meet bond obligations and in order to do that, water and sewer rates must be increased. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried by the following vote: Voting for the motion: Bruce Hoffman, Ralph Prescott, Terry Peters, Sam Norton and Johnny Ariemma. Voting against the motion: Gerald Lord.

CITY MANAGER COMMENTS:

City Manager Bill Lewis informed Council that Mr. Trey Wingate with W.K. Dickson and staff had made a recommendation for a water source/supply proposal and requested approval to submit an RFP. Councilman Prescott made a motion to approve, seconded by Councilman Peters. Mayor McCullough asked for any discussion. Councilman Lord questioned what would be the next step after the proposal was submitted. City Engineer Ricky Stewart informed that the contract was a small portion of the RFP and in order to reduce cost, these items will be part of original RFP and be completed in phases. The next step will be development of a work plan for a more reliable source. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

City Manager Bill Lewis recommended approval of the Emergency Management Ordinance. A motion to approve was made by Councilman Prescott, seconded by Councilman Lord. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

Councilman Prescott recommended that the current employee retirement plan be amended to add these four items:

1. Freeze the current employee retirement multiplier at 2.25 factor until December 31, 2012.
2. Effective on January 1, 2013 lower the multiplying factor to 2.00 thereafter.
3. Effective January 1, 2013 lower the multiplying factor for all new hires effective that date and thereafter to a multiplying factor of 1.80.
4. Effective January 1, 2013 all new hires will be subject to a ten (10) year fully vested provision.

Councilman Norton seconded the motion. Mayor McCullough asked for any discussion. Councilman Hoffman informed Council these items were discussed at the previous Work Session and also brought up at that time, was a thirty (30) year retirement on its own, not only at sixty-two (62) years of age. Councilman Ariemma informed that he was in favor of all these items as a package, to include item #5 which is a thirty (30) year retirement. After further discussion, Mayor McCullough asked for all in favor to raise their hand, all opposed like sign, motion carried by the following vote: Voting for the motion: Ralph Prescott, Gerald Lord, Terry Peters, Sam Norton. Voting against the motion: Bruce Hoffman and Johnny Ariemma.

Mayor McCullough asked for a motion to approve amendment #5 to the current employee retirement plan which included full retirement benefits at the age of 62 if the employee had thirty (30) years of service. Councilman Prescott made a motion to approve, seconded by Councilman Norton. Mayor McCullough asked for any discussion. Councilman Lord informed if this was a onetime event, he would not be favorable because we need to know the financial impact before making a decision. Councilman Peters informed that a proposal was given at the Work Session which was an ERIP – Early Retirement Incentive Program which included a selected few and the cost was very high to the City. He further informed he was concerned that it would be a significant cost if something similar was done for all employees. Councilman Prescott withdrew his original motion and made a motion to table item #5 for further discussion at the October 18, 2012 Work Session, seconded by Councilman Ariemma. City Manager Bill Lewis recommended that a cost analysis be done on each item. Councilman Ariemma requested that a cost analysis also be done on what the offset of replacing employees who retired, with lower salaries and health cost. Councilman Hoffman informed that he was not talking about any early out program. He further informed at the Work Session that GMA representatives were present, it was discussed that our plan retirement age of sixty-five (65) was higher than most. The option was then discussed to change the age option to sixty-two (62) for full retirement benefits. Also discussed was a straight thirty (30) year retirement with no age requirement. After further discussion, Mayor McCullough asked for all in favor to table the discussion until after cost analysis were received to say aye, all opposed like sign, motion carried unanimously.

Mayor McCullough asked for a motion to approve item #6 which is a voluntary employee contribution to the retirement plan. A motion was made by Councilman Prescott, seconded by Councilman Peters. Mayor McCullough asked for any discussion. Councilman Peters questioned if all existing employees and new will have the option to contribute from 2% to 2.25% or is this contribution more of a defined contribution. City Clerk Lou Stewart informed Council if the employee contribution was to make up the difference in the multiplier, all employees must contribute therefore; it could not be voluntary under that condition. City Manager Bill Lewis asked if Council wanted a cost and savings analysis for each one of these items. Mayor McCullough informed that he should get a cost estimate for all items. After further discussion, Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

City Manager Bill Lewis recommended approval for the City Attorney to write a RFP for the Zoning Master Plan Update. A motion was made by Councilman Lord, seconded by Councilman Hoffman. Mayor McCullough asked for any discussion. Councilman Lord questioned if there was an estimate of the cost. City Attorney Doug Parks informed that the cost given prior is approximately two (2) years old. He further informed that an estimate for the comp plan and new regulations for the downtown master plan could see a reduction due to breaking the RFP into different sections. The first RFP will be for the comp plan update to integrate with the Downtown Master Plan. After further discussion, Councilman Lord withdrew his motion and Councilman Peters seconded. Councilman Lord then made a motion to approve a RFP for the Comp Plan/Zoning Master Plan, seconded by Councilman Peters. Councilman Ariemma questioned why spend the money to do the update at this time, if it was not due until 2017. After further discussion, Mayor McCullough asked for all in favor of the motion to say aye, all opposed like sign, motion carried by the following vote: Voting for the motion: Bruce Hoffman, Ralph Prescott, Gerald Lord, Terry Peters and Sam Norton. Voting against the motion: Johnny Ariemma

MAYOR COMMENTS:

Mayor McCullough asked for a motion to approve the 2012 Community Helping Place Ornament. A motion was made by Councilman Peters, seconded by Councilman Norton. Mayor McCullough informed that the 2012 ornament is the Fudge Factory. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

Mayor McCullough asked for a motion to approve the re-appointments of DDA Board members Donna Logan, Tony Owens and Hal Williams. A motion was made by Councilman Prescott, seconded by Councilman Peters. Mayor McCullough asked for any discussion. Councilman Lord informed that he would like to recommend that one seat on the DDA Board come up each year for re-appointment versus every two years. Mayor McCullough informed this type of discussion needed to be a Work Session item. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously.

CITY ATTORNEY COMMENTS:

City Attorney Doug Parks informed Council of the energy excise tax intergovernmental agreement for approval. He further informed he had spoke with GMA and was assured they had worked jointly with ACCG and they were both happy with the document. Mr. Parks informed he has a couple more questions however; he would like the Mayor to be granted the authority to executive if Council wishes to enter into this agreement. A motion was made for approval by Councilman Lord, seconded by Councilman Norton. Councilman Ariemma questioned if the City knew the revenue division with the County. Mr. Parks informed that the City should receive the same allocation of tax that the County does however the benefit that we would receive cannot be calculated at this time. Mayor McCullough informed that the percentage would be negotiated later however; the agreement must be adopted now. After further discussion, Mayor McCullough asked for all in favor to raise their hand, all opposed like sign, motion carried by the following vote: Bruce Hoffman, Ralph Prescott, Gerald Lord, Terry Peters and Sam Norton. Voting against the motion: Johnny Ariemma

City Attorney Doug Parks informed Council there were two (2) issues in law enforcement and he put them together in one contract. This seemed to be the best way to approach this in order to have the standard contract as in the past with minor adjustments and with a special Exhibit B that explains inmate housing. Mr. Parks further informed that this methodology is also used in other surrounding cities such as Gainesville and Marietta. Councilman Prescott recommended that the contract be tabled until further discussion at a Work Session. Councilman Norton recommended that Exhibit B be extracted from the Law Enforcement Contract and see if Sheriff Jarrard would agree. Councilman Norton made a motion to approve Exhibit B if separate from the Law Enforcement Contract, seconded by Councilman Lord. Mayor McCullough asked for all in favor to say aye, all opposed like sign, motion carried unanimously. At this time, Councilman Hoffman made a motion to approve the law enforcement contract, seconded by Councilman Ariemma. Mayor McCullough asked for any discussion. Councilman Norton informed of his concerns of approving the contract due to the uncertainty of how this could affect the LOST negotiations and other contracts. Councilman Ariemma recommended that the law enforcement contract stand alone and move forward as is, while others felt that the City could do without the enforcement completely. After further discussion, Councilman Hoffman informed that you cannot measure crime prevention and the downtown officer was needed for building checks, tickets and public events. After further discussion, Mayor McCullough asked for all in favor to raise their hand, all opposed like sign, motion failed. Voting against the motion: Ralph Prescott,

Gerald Lord, Terry Peters and Sam Norton. Voting for the motion: Bruce Hoffman and Johnny Ariemma.

COUNCIL COMMENTS:

Councilman Prescott at this time distributed a document to inform Council he would like to propose an amendment to the City Charter in order to give Council the authority to eliminate a Council seat, seconded by Councilman Hoffman. Councilman Prescott made a motion to amend the City Charter to give City Council authority to eliminate a Council seat at its discretion in the future by vote of the majority of City Council. This vote would give Council the authority without going through legislative process again. Mayor McCullough asked for any discussion. City Attorney Doug Parks informed there was a home rule to do certain things to the Charter but, not to do this type of action. This must be approved by the Department of Justice first and informed at this time he did not know the legal answer. Councilman Prescott withdrew his motion and made a motion to table this item until the November Council meeting for Mr. Parks to research the process, seconded by Councilman Lord. Mayor McCullough asked for all in favor to raise their hand, all opposed like sign, motion carried unanimously.

Councilman Norton recommended at the October Work Session that a discussion be given to exploring the term limits for appointed and elected officials. City Attorney Doug Parks informed this was also a charter amendment.

Mayor McCullough entertained a motion to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

APPROVED BY ME THIS _____ DAY OF _____ 2012.

Gary McCullough, Mayor

Attest:

Lou Stewart, City Clerk