



**CITY OF DAHLONEGA
COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.**

Call to Order and Welcome

Mayor Gary McCullough called the February 6, 2017 Council Meeting to order at 6:00 p.m. Council Members Michael Clemons, Roman Gaddis, Brue Hoffman, Ron Larson, Sam Norton, Mitchell Ridley and Mayor Gary McCullough were present. City Manager Bill Schmid, City Attorney Doug Parks, Director of Planning and Zoning Chris Head, Finance Director Melody Marlowe, Public Works Director Mark Buchanan and City Clerk Kimberly Smith were in attendance. Dahlonega Downtown Development Authority Director Rebecca Shirley was present.

Prayer and Pledge of Allegiance to the American Flag

Council Member Larson led the prayer and Council Member Ridley led the Pledge of *Allegiance to the American Flag*.

Agenda Approval

Mayor McCullough called for a motion to approve the agenda. Motion to approve the agenda as submitted made by Council Member Norton, seconded by Council Member Hoffman. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote.

Announcements – Public Comments (please limit to three minutes)

None

Public Hearings

None

Consideration of Approval of Alcohol Beverage License for Andrea Lee of Capers on the Square, Inc. d/b/a Capers on the Square for Consumption on Premises of Beer, Wine and Distilled Spirits

Mayor McCullough called for a motion to approve the alcohol license for Andrea Lee of Capers, Inc. d/b/a Capers on the Square for consumption on premises of beer, wine and distilled spirits. Motion made by Council Member Clemons, seconded by Council Member Hoffman. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote.

Minute Approval

Mayor McCullough called for a motion to approve the minutes of the Regular Council Meeting January 3, 2016, 6:00 p.m. and Council Meeting January 19, 2017, 4:00 p.m. Council Member Larson made a motion to accept and approve the minutes as submitted, seconded by Council Member Norton. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote.

Consideration of Purchase of License Plate Reader for Lumpkin County Sheriff's Department

Mayor McCullough welcomed Lumpkin County Sheriff Stacy Jarrard and thanked him for attending the meeting to answer questions regarding the tag reader that the city is considering purchasing for use by the Sheriff's department.

Sheriff Jarrard introduced Brian Shockley of Vigilant Solutions, said they were both grateful for the opportunity to be present to answer questions regarding the license plate reader (LPR).

**CITY OF DAHLONEGA COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.
PAGE 2**

Sheriff Jarrard said the City of Dahlonega has purchased equipment for Georgia State Patrol in past years so he asked the city if they would also consider purchasing equipment for Lumpkin County Sheriff's Department. Sheriff Jarrard said his request was met with approval from the Council along with the question of what type of equipment the Sheriff's Department needs. Sheriff Jarrard said he completed research to find equipment that would be beneficial to the City and County and that would not require budgeting of funds for annual costs. Sheriff Jarrard stated all Lumpkin County Sheriff Department vehicles are equipped with video cameras, radar and computers so he decided to request a license plate reader.

Sheriff Jarrard said he did not expect the controversy that his decision caused and explained that the license plate reader would not allow an officer to do anything more than they are already capable of doing.

Sheriff Jarrard specified that the license plate reader can be programmed to only alert for certain types of incidents or offences such as warrants, Amber Alerts for missing children and missing persons where a tag number is known to be associated with the warrant or alert.

The reader was used for fifteen days of trial and returned the following results: 18 suspended registrations, 12 expired registrations, 5 no insurance, 1 stolen vehicle and 1 DUI arrest. Forty seven citations were issued and 3 warrants were served.

Sheriff Jarrard explained that any hit on a license plate would require the officer to verify the information with a GCIC certified operator.

There was discussion regarding retention of information gathered by the license plate reader, where the information would be stored, the length of time of storage and use of the stored information for future investigation. Sheriff Jarrard said he would reach out to other agencies to gather information on their retention policies before determining a retention policy for Lumpkin County Sheriff's Office.

Several members of the audience had concern with the types of information the license plate reader would capture, how long it would be stored and what the information would be used for.

Brian Shockley of Vigilant Solutions explained how the license plate reader operates and stated that the unit does not track people. Mr. Shockley said the Driver's Privacy Protection Act prohibits the use of motorist information collected by law enforcement agencies without consent of the motorist.

Council Member Gaddis asked if the information contained on a license plate reader is subject to open records. Mr. Shockley replied that Vigilant Solutions is not in support of information on license plate readers being subject to open records. Note: any information that is considered to be part of an ongoing or open investigation is not subject to open records.

An audience member asked where data is stored. Mr. Shockley replied that the data is stored in Vigilant Solutions Data Center in Virginia.

There was discussion regarding legislation not passing in Georgia regarding transparency of license plate readers because there is no transparency to validate if data is not retained on the unit.

Council Member Hoffman asked how many agencies in Georgia use license plate readers. Mr. Shockley replied three to four hundred.

City Manager Schmid said there are 159 counties and 538 cities in Georgia and 75% of communities in the country use license plate readers.

Audience members raised concern about sale of data from the units. Mr. Shockley said no data is ever sold and there are perimeters, firewalls and safety controls in place that are constantly monitored and updated to prohibit breaches in data.

**CITY OF DAHLONEGA COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.
PAGE 3**

Sheriff Jarrard reiterated to the concerned citizens that the license plate reader can only search for information or violations that are connected to the license plate and this information is already available to law enforcement via the Georgia Crime Information Center and National Crime Information Center.

Sheriff Jarrard said one reason he wants to use this technology is it would assist protecting citizens who are involved in accidents with uninsured motorists because it will alert on a license plate if the vehicle is not insured or if the insurance has expired.

Another audience member asked if information could be uploaded to or from a license plate reader with a cell phone. Mr. Shockley replied that the unit supports both iPhone and Android technologies. Mr. Shockley explained that all data and use of data is audited by Georgia Crime Information Center.

Council Member Clemons asked if the unit would be installed in one car. Sheriff Jarrard replied that is correct. Council Member Clemons asked if the car were at the traffic light by Walmart would it be able to read all of the license plates in the parking lot of Walmart. Sheriff Jarrard replied that the unit has to be close enough a vehicle to photograph the tag.

The issue of someone who had been a victim of criminal identity theft being detained because of a hit from the license plate reader was raised by an audience member who stated she has a family member that has been a victim of criminal identity theft. Lumpkin County Sheriff's Department Captain Scott Martin explained that a victim of criminal identity theft can have an alert put on their file by GCIC that prohibits unnecessary arrests of the victim.

There was discussion brought forth by the audience regarding cost of annual software updates being very expensive. Mr. Shockley said the software updates are not very expensive.

Mr. Shockley told the audience how cold cases were solved using information from license plate readers and explained again how the data is secured in Virginia.

Mayor McCullough thanked Sheriff Jarrard for being present to answer questions and the participants in the audience for attending and voicing their concerns.

Sheriff Jarrard stated that he would put stringent policy in place regarding the license plate reader and the only time anyone should experience an issue due to the license plate reader is if there is an offence or warrant associated with their vehicle registration.

Mayor McCullough called for a motion to approve reimbursement to Lumpkin County, not to exceed \$20,000.00 for the purchase of one license plate reader.

Council Member Larson said he would like to state before making the motion that he was elected to uphold law as well as support his constituents. The statistics from the 15 day trial period with the license plate reader are amazing. He thanked those that participated in the discussion today and those that emailed him prior to today regarding their concerns about privacy. But, safety of the community overrides privacy issues. The number of the arrests listed every week in the *Nugget* is concerning and we should all be accountable for being lawful.

Council Member Larson made a motion to proceed with the purchase of a license plate reader, in the form of reimbursement not to exceed \$20,000.00. The motion was seconded by Council Member Norton.

Mayor McCullough called for a vote of those in favor of the motion on the table to raise their hand, like sign for those opposed.

Council Members Hoffman, Larson and Norton raised their hands in favor of the motion. Council Members Clemons, Gaddis and Ridley raised their hands in opposition to the motion. Mayor McCullough voted in favor of the motion breaking the tie. The motion carried with a vote of four in favor and three in opposition.

**CITY OF DAHLONEGA COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.
PAGE 4**

Departmental Reports

Mayor McCullough said the departmental reports were included in the agenda packet and asked if there were any questions. There were none.

Service Delivery Strategy Agreement Approval

Mayor McCullough called for a motion to approve the Service Delivery Strategy Agreement between the Lumpkin County and the City of Dahlonega. Motion made by Council Member Clemons and seconded by Council Member Ridley. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with Council Members Clemons, Gaddis, Larson, Norton and Ridley voting in favor and Council Member Hoffman voting in opposition.

Update to Comprehensive Plan

City Manager Schmid said the Comprehensive Plan Update needs to be submitted to Georgia Mountains Regional Commission for review. If changes are necessary prior to submission to the Georgia Department of Community Affairs, Georgia Mountains Regional Commission will suggest the changes for the City to make prior to submission to Georgia Department of Community Affairs.

Council Member Norton made a motion for the Mayor to proceed with the Comprehensive Plan Update with Georgia Mountains Regional Commission. The motion was seconded by Council Member Hoffman. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

Approval of \$19,000.00 Expenditure for Elevator Repair at Dahlonega-Lumpkin County Chamber and Visitors' Bureau

Mayor McCullough explained that the City and County jointly own the building used to house the Dahlonega-Lumpkin County Chamber and Visitor's Bureau. The elevator is in need of repair and cost will be shared equally by the City, County and Chamber.

Mayor McCullough called for a motion to approve the \$19,000.00 expenditure for one third of the cost of repair of the elevator in the City and County owned building used by the Chamber. Motion made by Council Member Norton and seconded by Council Member Larson. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

Abatement of Local Purchasing Requirements for Streetscape and Related Utility Work

Finance Director Marlowe stated at the January 3, 2017 Regular Council Meeting Council approved a total of \$150,000 in funding for the in-house projects for replacement of water and sewer lines along Park Street and throughout the eastern end of the downtown square. The work will need to be completed prior to the groundbreaking for Streetscape Light this summer. Local purchasing policy specifies that Council approval of all purchases of \$15,000 or more and sealed bids for purchases of \$25,000 or more.

Finance Director Marlow said staff is requesting abatement of local purchasing policies for purchases necessary for the timely completion of the Park Street Water and Sewer Line Replacement project with the City Manager being authorized to approve purchases of \$15,000 or more based upon competitive pricing and other factors related to the vendors and materials being purchased and under no circumstances would the City Manager authorize purchases that would exceed the combined budget for the projects of \$150,000.

Council Member Norton said he did not understand why policy would be abated instead of changed. City Manager Schmid replied that a recommendation for change to the purchasing policy will be forthcoming. This abatement is project specific.

Council Member Clemons made a motion to move forward with abatement of local purchasing policies for this project. The motion was seconded by Council Member Larson.

**CITY OF DAHLONEGA COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.
PAGE 5**

Mayor McCullough asked if there was further discussion regarding the motion.

City Manager Schmid said the bid process causes a hurdle of two to three months due to advertising requirements.

Council Member Ridley said there are checks and balances in place for a reason and he is not in favor of abating policies.

Council Member Norton asked for clarification if the request was for open ended abatement of the local purchasing policies. Finance Director Marlowe replied no, just of this project and competitive pricing will be obtained on all purchases for the project.

Mayor McCullough said if the water and sewer line project is not completed now, it could cause paving during Christmas season.

Council Member Ridley asked if the request is to exceed the approved project amount or to set aside some purchasing procedures. Finance Director Marlowe said the request is to abate local purchasing procedures for this project only and not to exceed the project amount approved of \$150,000.

Council Member Gaddis asked if the vendors that competitive pricing is sought from would likely be the same that would submit bids if the bid process were used. Finance Director Marlowe replied yes.

Mayor McCullough called for a vote of those in favor of the motion to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

GEFA Emergency Funding for Repair of Wimpy Mill Sewer Pump

City Manager Schmid said the design time necessary for design will likely cause this funding to no longer be emergency funding, however he would like to proceed with approval of the loan application.

Mayor McCullough called for a motion to proceed with the loan application for funding the repair of the Wimpy Mill lift stations. Motion made by Council Member Ridley and seconded by Council Member Gaddis. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

Ordinances

Mayor McCullough called for a motion to approve and adopt Ordinance 77-1 Amendment 8 Parking an Ordinance to Amend Ordinance 77-1 to Establish Parking within Designated Parking Stalls on North Chestatee Street. Motion made by Council Member Norton and seconded by Council Member Ridley. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

City Attorney Parks said Ordinance 2017-01, Ordinance 2017-2 and the application for subdivision approval, all submitted by the City of Dahlonega on behalf of James C. Parks could be handled in the same motion.

Mayor McCullough called for a motion to approve Ordinance 2017-01 Rezoning Application submitted by City of Dahlonega, on behalf of Owner James C. Parks for rezoning from O-I with Conditions to O-I with Conditions replacing prior Conditions and revised site plan; Ordinance 2017-02, Rezoning Application submitted by City of Dahlonega, on behalf of Owner James C. Parks for rezoning from R-1 with Conditions to R-1 with Conditions replacing prior Conditions and revised site plan and the application for Subdivision Approval Submitted by City of Dahlonega, on behalf of Owner James C. Parks for Final Subdivision Approval for two new lots. Motion made by Council Member Gaddis and seconded by Council Member Larson. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

Resolutions

City Manager Schmid said Resolution 207-1 is a Joint Resolution between the City and County to approach Georgia

**CITY OF DAHLONEGA
COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.
PAGE 6**

Department of Transportation to investigate the redesign of the intersection of Oak Grove Road and Grove Street.

Council Member Norton said this is a very dangerous intersection and Senator Gooch has offered to support approaching Georgia Department of Transportation about redesign of the intersection.

Mayor McCullough called for a motion to approve Resolution 2017-1 of the City of Dahlonega, a Joint Resolution of the Lumpkin County Board of Commissioners Resolution and City Council of Dahlonega, Georgia Requesting Redesign of the Oak Grove Intersection. Motion made by Council Member Clemons and seconded by Council Member Norton. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

City Manager Comments

City Manager Schmid reported that meetings are taking place with special event holders and a recommendation will be coming to Mayor and Council from the Ad Hoc Committee regarding special event fee changes.

City Manager Schmid reported that the Local Maintenance Improvement Grant roads for consideration have been submitted. These are Torrington Road from Cain Creek Bridge to 100' before the Koyo Gate; Derrick Street from Martin Street to Morrison Moore Parkway; Memorial Drive from State Route 52 to Ashe Avenue and Choice Street from South Chestatee Street to South Grove Street. The bids for paving are due February 21, 2017.

Mayor Comments

There were none.

City Attorney Comments

There were none.

City Council Comments

Council Member Clemons commended City Manager Schmid and Public Works Director Buchanan for the striping of pavement around the community. Public Works Director Buchanan responded that it was all done with Local Improvement Maintenance Grant and new stop signs will be installed as part of the grant.

Council Member Norton said he would like to point out the great work that was done on Main Street and thanked City Manager Schmid and Public Works Director Buchanan. City Manager Schmid said the Public Works employees are the ones to be commended.

Council Member Clemmons congratulated Council Member Norton on attaining the Certificate of Dedication from the Harold Holtz Training Institute Certificate of Distinction.

Council Member Gaddis said he would like to recognize the festival promoters and organizers for attending this evening and thank them all for all they do.

Letty Rayneri of the Dahlonega Arts and Wine Festival said she appreciated the meeting this morning, but does not understand the rush to set the new fee schedule by 2017. Ms. Rayneri asked that the Council consider approving the changes in fees by vote.

Council Member Larson said he met with staff today and he is sure more research will occur before a final decision is made regarding special event fees.

Melissa Walton of the Jaycees asked that any proposal regarding special event fees be brought to festival promoters as well as Council before a decision is made.

**CITY OF DAHLONEGA
COUNCIL MEETING MINUTES
FEBRUARY 6, 2017, 6:00 P.M.
PAGE 7**

Adjournment

Mayor McCullough called for a motion to adjourn the meeting. Motion by Council Member Hoffman, seconded by Council Member Gaddis. Mayor McCullough called for a vote of those in favor to signify so by saying aye, like sign for those opposed. The motion carried with a unanimous vote in favor.

The meeting adjourned at 7:35 p.m.

APPROVED THIS _____ DAY OF _____, 2017.

_____ Gary McCullough, Mayor

Attest: _____ Kimberly A. Smith, City Clerk