



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

The Dahlonega City Council met Monday, August 7, 2016, at 6:00 p.m. in the Council Chambers in City Hall for their regularly scheduled meeting.

Mayor Pro Tempore Bruce Hoffman and Council Members Michael Clemons, Roman Gaddis, Sam Norton and Mitchell Ridley were present. Mayor Gary McCullough and Council Member Ron Larson were absent.

City Manager Bill Schmid, City Attorney Doug Parks, Finance Director Melody Marlowe, Public Works Director/Professional Engineer Mark Buchanan, Assistant City Clerk Mary Csukas and City Clerk Kimberly Smith were present.

Call to Order and Welcome

Mayor Pro Tempore Hoffman called the meeting to order at 6:00 p.m.

Prayer and Pledge of Allegiance to the American Flag

The prayer was led by Council Member Norton and the Pledge of Allegiance to the American Flag was led by Council Member Gaddis.

Agenda Approval

Mayor Pro Tempore Hoffman called for a motion to approve the agenda with the removal of item 6. Council Member Clemons made a motion to approve agenda with the removal of item 6, seconded by Council Member Ridley and approved with a unanimous vote of 4/0.

Announcements – Public Comments

Resident Chris Worick gave the following comments:

In regard to the pending City Council action on this evening's agenda, to consider charging a fee for businesses to use Dahlonega city cemeteries for commercial use, I am opposed to any person or group of persons being in the cemetery after dark regardless of their purpose or intent. Three Reasons: Personal connection – For those tourists, recent residents, university students, etc., who don't have ancestors interred in our city cemeteries, it is impersonal to them. It doesn't hold the same intimate meaning as a sacred and final resting place as it does to families who do have ancestors buried there.; Existing damage to headstones and potential future damage/vandalism. - It is no secret that for anyone who has walked through the historic section of Mt. Hope Cemetery, that many graves and headstones have had damage incurred over the years. The evidence is obvious and disturbing. More recently, theft /vandalism in the form of removing flags from soldier's headstones has taken place. What many people don't realize is that many of the oldest 19th-century headstones in Mt. Hope, were hand carved from locally quarried soapstone. Soapstone is a soft rock which makes it easy to break or chip. It wouldn't take a great deal of applied force or pressure (either intentional or unintentional) from someone bumping into, leaning on, tripping over, sitting on, to cause irreversible damage to one of these historic grave markers.; Darkness increases the chances for damage, vandalism and also the potential for injury to any person (s) in the cemetery. Darkness limits a person or persons' ability to see and be seen. I believe that there are enough hours in the day in which anyone can visit the cemeteries without creating a special exemption for after dark use. We need to preserve our historic assets which are unique to Dahlonega, in all forms, not just the buildings.

Jeremy Sharp of Dahlonega Walking Tours expressed opinions regarding his business using Mount Hope Cemetery after dark. Mr. Sharp said he would like to extend an olive branch to the Sons of the Confederacy and invite them to participate in the tour or get together to talk. Mr. Sharp said a lot of heart and soul has gone into the business. Mr. Sharp there is no mention during the tour of anyone deceased less than 100 years. Mr. Sharp said he will be purchasing

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either lanterns or flashlights for tour participants to carry to light the way and reduce liability risk. Mr. Sharp said he would answer any question or address any concerns. Mr. Sharp closed by stating, "we want to build bridges not burn them".

Tim Ragland, Commander of Camp 1860 Blue Ridge Rifles Sons of Confederate Soldiers said he is also a historical preservationist and one of his primary goals in life is to preserve history. Mr. Ragland said the people buried in Mount Hope Cemetery were the founders, movers, and shakers of Dahlonega and Lumpkin County. Mr. Ragland said that other historical cemeteries such as Alta Vista Cemetery in Gainesville, Bonaventure Cemetery in Savannah, the National Cemetery in Marietta are all gated and closed after dark. Mr. Ragland asked everyone to think about cemeteries near their homes or where their relatives may be buried and said you would not want people walking around those cemeteries after dark or sitting on headstones. Mr. Ragland said his reason for being present this evening is the same reason he was present at the last meeting and that is to ensure that Mount Hope Cemetery is preserved now and in the future.

Penny Sharp of Dahlonega Walking Tours stated that the tours only go on the paved areas of the cemetery and have agreed not to go to the one grave that used to be visited during the tour. Ms. Sharp said amongst all the things, we have great respect for Mount Hope Cemetery. We would not be doing these tours with the love and passion that we have if we did not have respect for Mount Hope Cemetery.

Dollar General Water Line

City Manager Schmid reported that the location is in the City's service area but the water main that would serve that area is not nearby. The cost to install that line would be approximately \$200,00. To \$250,000. By approving the request from Dollar General to install a well the City would not be giving up the service area, just choosing not to serve the area currently with public water supply. City Manager Schmid said if several applications for service were to be received for this area, his recommendation would be different.

There was discussion regarding the cost of the city installing a well as opposed to an extension of the line to the service area being cost prohibitive right now.

Council Member Norton said at some point we need to grow our system in order to lower rates to our customers.

Council Member Clemons agreed that the system needs to grow, just not for only one customer.

Bobby Howard spoke on behalf of Dollar General and said that the project is fully permitted through Lumpkin County and construction is scheduled to begin in a few weeks. Mr. Howard said the typical water usage of a Dollar General store is 100 gallons per day.

There was a request from Council Member Gaddis for costs and requirements for a city owned well to be provided to the Council. Council Member Gaddis said once a service area is relinquished it is difficult to get it back.

Mr. Howard said that there is no request to relinquish the service area, just a request to install a well.

Mayor Pro Tempore instructed the item to be on the Work Session agenda August 17, 2017, for discussion and Special Called Meeting agenda for August 17, 2017, for action.

Appointment of Building Official

City Manager Schmid asked that Steve Holder be appointed as Building Official for the City of Dahlonega.

Council Member Norton asked if Mr. Holder would be a City employee or a subcontractor. City Manager Schmid replied he will be contractual.

Council Member Clemons motion to appoint Steve Holder as Building Official for the City of Dahlonega, seconded by Council Member Norton and approved with a unanimous vote of 4/0.

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Alcohol Licenses

Mayor Pro Tempore Hoffman called for a motion to approve the alcohol license for Phyllis Clay of Georgia Winery, Inc. for a Farm Winery Tasting Room. Motion made by Council Member Norton, seconded by Council Member Clemons and approved with a unanimous vote of 4/0.

Mayor Pro Tempore Hoffman called for a motion to approve the alcohol license for Dave and Bridget Kahn of Jukebox Diner for consumption on premises of beer, wine, distilled spirits and Sunday sales. Motion to approve by Council Member Gaddis, seconded by Council Member Norton and approved with a unanimous vote of 4/0.

Public Hearing Rezoning Application submitted by James A. Anderson, A&J Land Holdings, LLC for Rezoning of 84 Riley Road, Tax Map D11, Lot 179 from R-1 Single Family Residential to R-3 Multifamily Residential with Conditions

City Attorney Parks asked if anyone was present to speak in favor of the rezoning request.

Jason Davis of Davis Engineering and Surveying, LLC said he would be speaking on behalf of the applicant A & J Land Holdings. Mr. Davis said the rezoning plan and survey were completed after the Planning Commission meeting on July 24, 2017. The intent is to rezone two parcels of property to R3 to allow for one single family residence and 6 duplex units.

Council Member Clemons asked if the applicants have agreed to the conditions. Mr. Davis replied yes.

City Manager Parks asked if anyone else was present wishing to speak in favor of the rezoning. There were no respondents.

Alan Roach asked if the total number of living spaces would be 13. Mr. Davis replied, no there will be seven.

City Manager Schmid said that the Planning Commission has recommended three conditions to the rezoning and the City Engineer has recommended four. City Manager Schmid said he would like all seven conditions included in the motion if the intent is to approve the rezoning.

Mayor Pro Tempore Hoffman called for a motion to approve with conditions of:

1. Development shall be limited to a total of seven units, to be constructed in general conformance with the conceptual site plan of 6/9/2017 by DES Davis;
2. Uses shall be limited to those of the R-2 district only; A civil engineering study shall be performed before action by the City Council to approve the rezoning in order to establish the existing sanitary sewer profile and proposed pad elevations for each building;
3. Any proposed sewer mains must meet the City of Dahlonega Comprehensive Development Regulations, including minimum slope of 0.5%;
4. The developer shall be responsible for removal and reinstallation of any sanitary service laterals disturbed or made useless by this development prior to construction;
5. Any sewer line that will remain unused following development must be filled and abandoned by developer; and
6. Developer shall provide 30' easements to the City of Dahlonega for all new sewer lines.

Motion by Council Member Clemons to approve the rezoning of 84 Riley Road Tax ID Map D11, Parcel 179 from R1 to R3 with the conditions stated by Mayor Pro Tempore Hoffman. The motion was seconded by Council Member Ridley. Mayor Pro Tempore Hoffman asked if there was any discussion.

Council Member Norton asked if the corner pins on the property could be marked clearer. Mr. Davis replied that he would handle that and if the re-marking is not appropriate if someone would let him know he would remark the property again.

Mayor Pro Tempore called for a vote on the motion and second on the floor. The motion passed with a vote of three in favor and Council Member Norton recusing himself.

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Budget Hearing: City of Dahlonega Fiscal Year 2018 Budget

City Manager Schmid said the budget was brought to Council at the last Work Session and has been recommended for approval by the Finance Committee.

Council Member Clemons said that the budgets presented since 2001 have always been difficult to read and understand. Since last year they have been impeccably presented, clear concise and easy to understand.

City Attorney Parks called the public hearing for the 2018 Fiscal Year Budget to order.

Joann Taylor asked if the millage rate would be rolled back. Finance Director Marlowe replied, yes, the rollback will be to the calculated amount to be revenue neutral.

No one else spoke and the public hearing was closed.

Consideration of Business Fee, Insurance Requirements and Time limit for businesses using City of Dahlonega Cemeteries

City Manager Schmid said the matter of tours in Mount Hope Cemetery after dark was brought forth at the Work Session July 20, 2017, you have heard comments brought forth this evening and received comments from City Engineer Buchanan and himself. In order to preserve historic property, decorum and for safety reasons, while recognizing that there is an existing business that has been using the facility for some time, staff recommendations are: suspend tours after dark in Mount Hope Cemetery, this resolves any trip hazard liability; all tour participants and guides must remain on the paved pathways in the cemetery; City or DDA employees will be permitted to join the tour at any time to ensure the history being given during the tour is accurate; there will be an annual business permit costing \$250.00 which can be renewed or suspended as needed; the business is to maintain a \$1,000,000 liability policy with the City of Dahlonega names as an additional payee; all tour guides and tour participants must carry operable flashlights.

Mayor Pro Tempore Hoffman called for a motion. Motion by Council Member Ridley to charge annual \$250.00 business permit fee, that can be suspended; require a \$1,000,000. liability insurance policy with the City of Dahlonega named as additional insured on the policy; City staff can accompany tour at any time; all tour participants must be furnished flashlights; tour must remain on the paved pathways of the cemetery and the tour must suspend no later than ½ hour after sunset. Motion seconded by Council Member Gaddis for discussion

Discussion: There was discussion regarding when sunset actually occurs. Council Member Gaddis asked the owners of Dahlonega Walking Tours if they could restructure the tour to be during daylight hours. Jeremy Sharp replied that they could not because it would involve changing the schedule each time sunset changes and feels it is unreasonable. Mr. Sharp said the tour including the cemetery accounts for about 70% of the business and changing it to daytime would completely ruin the tour.

Council Member Gaddis said the reason he asked if the tour would be affected if changed to daytime is that the time of the tour seems to be the largest concern of those who spoke today and at the Work Session.

City Manager Schmid said there is a law enforcement issue, if people are not allowed in the cemetery after dark or are required to have a flashlight, it is clearer to law enforcement when they see people there if they should be in the cemetery or not.

Mayor Pro Tempore Hoffman called for a vote on the motion and second on the floor. The motion was approved by a vote of 3 in favor with Council Member Clemons recusing himself.

Staff Recommendation to changes to Ordinance 2016-12, Alcohol Ordinance, Article IX Growlers, Item (g) Samples

Council Member Ridley made a motion to amend Ordinance 2016-12 Amendment One to allow up to eight, two-ounce samples per patron in a 24-hour period; and to allow one tap take-over every quarter provided the Growler store inform the City Clerk no later than thirty days prior to the takeover, seconded by Council Member Clemons and approved with a unanimous vote of 4/0.

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Minute Approval

Mayor Pro Tempore Hoffman called for a motion to approve the minutes. Council Member Gaddis made a motion to approve amendments to Minutes of Special Called Meeting May 18, 2017, minutes of Work Session June 15, 2017, 4:00 p.m., minutes of Special Called Meeting June 15, 2017, 4:30 p.m., minutes of Council Meeting July 11, 2017, 6:00 p.m., minutes of Special Called Meeting July 20, 2017, 3:30 p.m. and minutes of Work Session July 20, 2017, 4:00 p.m. The motion was seconded by Council Member Norton and approved with a unanimous vote of 4/0.

Departmental Reports:

Accepted as presented in agenda packet.

Mayor Comments: Mayor Pro Tempore Hoffman advised Council to get with City Manager if they have Work Session items. Hoffman informed all that the September meeting will be on Tuesday, September 5, 2017, due to Labor Day.

City Manager Comments: The Mayor continues to improve and appreciates all visits, calls, and cards. Bids received and opened for Streetscape. Bids to be awarded at Special Called Meeting August 17, 2017.

City Attorney Comments: None

City Council Comments: Council Member Gaddis asked the status of codification of the city code. City Clerk Smith replied that the code is being proofed and will go to the City Attorney with questions after proofing.

Executive Session for Discussion of Pending Litigation and Personnel

Mayor Pro Tempore Hoffman called for a motion to go into executive session for discussion of personnel and pending litigation. Motion by Council Member Gaddis and seconded by Council Member Clemons. The motion was approved by a unanimous vote of 4/0. City Attorney Parks, City Manager Schmid, Mayor Pro Tempore Hoffman, Council Members Gaddis, Clemons, Norton and Ridley and City Clerk Smith were present in executive session which began at 6:47 p.m.

Council Member Gaddis made a motion to come out of executive session at 7:34 p.m. The motion was seconded by Council Member Norton and approved with a unanimous vote of 4/0. There was no action taken in executive session.

Mayor Pro Tempore Hoffman called for a motion. Council Member Gaddis made a motion to authorize City Manager and City Attorney to effectuate settlement with Blue Squirrel. The motion was seconded by Council Member Norton and approved with a vote of 4/0.

Adjournment Council Member Gaddis made a motion to adjourn the meeting. The motion was seconded by Council Member Ridley and approved with a unanimous vote of 4/0.

The meeting adjourned at 7:35 p.m.

APPROVED THIS _____ DAY OF _____, 2017.

_____ Bruce Hoffman, Mayor Pro Tempore

Attest:

_____ Kimberly A. Smith, City Clerk