



**CITY OF DAHLONEGA
SPECIAL CALLED MEETING
JUNE 16, 2016, 4:00 P.M.
MINUTES OF MEETING**

The Dahlonega City Council met Thursday, June 16, 2016 at 4:00 p.m. at City Hall for a Special Called Meeting. Present at the meeting were Council Members Michael Clemons, Roman Gaddis, Bruce Hoffman, Ron Larson, Sam Norton, Mitchell Ridley and Mayor Gary McCullough. Staff present were City Manager Bill Schmid, City Attorney Doug Parks, Public Works Director Mark Buchanan, Planning Director Chris Head, DDA Director Rebecca Shirley and City Clerk Kimberly Smith.

CALL TO ORDER

Mayor Gary McCullough called the meeting to order at 4:00 p.m.

Mayor McCullough called for a motion to approve the agenda. Motion made by Council Member Norton and seconded by Council Member Ridley. Mayor McCullough called for a vote asking all approved to indicate by saying aye, like sign opposed. The motion carried unanimously.

CONSIDERATION OF APPROVAL OF DE-ANNEXATION FOR A PORTION OF PROPERTY OF TAX MAP 060 PARCELS 055 AND 099 OWNED BY PAUL WINGO.

City Attorney Doug Parks said Attorney Joseph Homans will be speaking on behalf of property owner Paul Wingo, others in favor of the de-annexation will be given opportunity to speak as well as those in opposition.

Attorney Homans stated the reason for de-annexation request was city ordinances will not allow variance for subdivision of the properties. Homans said that Lumpkin County has agreed to the de-annexation of the property.

City Attorney Doug Parks asked if there were any others present wishing to comment in favor of the de-annexation. No other persons commented in favor of the de-annexation.

City Doug Parks asked if anyone present wished to speak in opposition of the de-annexation.

Gerald Louie, President of the Sky Country Property Owners Association spoke in opposition of the de-annexation. Louie said there was a unanimous decision in opposition of the de-annexation at the Sky Country POA Board meeting; the city allowing the de-annexation could set precedent and Mr. Wingo was aware of covenants and ordinances when he purchased the property.

Alec Carlson, a Sky Country property owner whose property borders the Wingo property spoke in opposition to the de-annexation. He gave the Mayor and Council a map delineating the Wingo property and surrounding property owners. Mr. Carlson expressed concern because the lot with the house is advertised for sale with two different amounts of accompanying acreage and two different addressees. Mr. Carlson said if de-annexed this property could be used for many different things that would cause concern such as a dump, firing range or mobile home park.

Ken Crenshaw, a Sky Country property owner whose property borders the Wingo property spoke in opposition to the de-annexation. Mr. Crenshaw expressed environmental concerns that could be caused by septic systems due to the steep angle of one of the lots.

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Larry Fitch, who owns nine acres below the Wingo property spoke in opposition to the de-annexation. Mr. Fitch expressed concern with environmental impact and intent of use of the property. Mr. Fitch said that Mr. Wingo was fully aware of the city ordinances and covenants in place when he purchased these lots.

Wondell Everett, a Sky Country property owner spoke in opposition to the de-annexation and stated if this de-annexation is approved, precedent will be set that will cause the Mayor and Council to have to allow others to de-annex which will cause loss of revenue to the city.

Attorney Joseph Homans said that all Sky Country covenants remain in effect even if de-annexation is allowed; the intent for the properties is for single-family stick built homes; there is no intended use of weapons on the property and the law is to assume property owner will comply with all development regulations. Attorney Homans said if the city ordinances would permit the variance needed to divide these two lots into three lots Mr. Wingo would request that instead of de-annexation.

Mr. Paul Wingo addressed Mayor and Council regarding his request for de-annexation. Mr. Wingo said he has no intent to cause problems; he purchased both distressed properties out of foreclosure, one of which had been on the market for three years; it was never his intention to live at either of the properties and feels he has the right and privilege to divide the property as he wishes. Mr. Wingo said his partner went to many of the property owners in the area seeking approval and received support from some and some waffled in their decision. Mr. Wingo said that many who spoke in opposition today live in the county not the city; these properties used to be in the county and de-annexation, as suggested by the City Manager, is the only solution that will allow subdivision of the properties.

City Attorney Doug Parks called on the City Manager for staff recommendation.

City Manager Bill Schmid said it would be his recommendation that the City Council deny the request for the following reasons: This is not a problem of the city's creation. The applicant has not demonstrated support from any nearby, adjacent or other property owners. The property is accessed through other publicly dedicated streets that are within the city. The property is not at the fringe of the city. It would have the effect of enlarging what is not literally, but is effectively an island. There is active opposition from surrounding property owners. The city would gain nothing from this de-annexation and the county would gain little if nothing. Based upon these reasons I recommend denying this request.

Mayor McCullough called for a motion. Council Member Clemons made a motion to deny the de-annexation, seconded by Council Member Norton.

Mayor McCullough called for questions or discussion from Council. Council Member Hoffman asked questions regarding the current division and past divisions of the property and if Mr. Wingo was going to build on lot 055. Mr. Wingo replied that he was not planning on building on any of the property, but wants to be able to sell it as three lots instead of two.

City Manager Bill Schmid clarified that both parcels have been subdivided before and the attempt to combine them and subdivide them again is prohibited by city ordinance.

Council Member Hoffman asked which parcel had been previously subdivided. City Manager Schmid replied that both parcels have been previously subdivided.

Council member Gaddis asked for clarification that if the parcels were to be put back together, the city's ordinance would not allow them to be subdivided again. City Manager Schmid replied that is correct.

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City Attorney Doug Parks said the ordinance allows for subdivision once and the properties de-annexation is being requested for have already been subdivided more than once. Attorney Parks said lots were approved when the subdivision was built, then these lots were both subdivided off lots in that subdivision.

Planning Director Chris Head explained that the intent is to use two previously subdivided lots and make three lots.

Council Member Larson clarified the explanation by stating that lot 060 099 was subdivided off of a larger lot, then lot 060-055 was subdivided off of a larger lot and Mr. Wingo wants to take lots 055 and lot 099 and make those two lots into three lots.

Mr. Wingo replied yes, the property was separate and I put it back together. All I want now is to have three building lots. I have been working on this since October and finally was told by the City Manager that I could not go forward with Planning and Zoning because of what the city ordinance says.

Council Member Hoffman questioned why the matter could not go before Planning and Zoning, be denied and then come to the council for a variance.

City Manager Bill Schmid explained that the matter is very complex and apologized for not having more exhibits in front of the council for them to review regarding the matter. City Manager Schmid said the previous actions with the property prohibit a variance, if the applicant had come and asked the city to consider a change to the ordinance that could have been an option.

There was some conversation back and forth between Mr. Wingo and City Manager Schmid regarding how the option of de-annexation came up.

Mayor McCullough said there is a motion and second on the floor and called for a vote of all in favor to indicate so by show of hands.

There was more conversation regarding additional options being available to Mr. Wingo of requesting review of the ordinance; circumstances in this situation causing the need for denial of the de-annexation; complications that could arise from changing an ordinance each time someone does not agree with it and ordinance review being necessary for all ordinances.

Council Member Clemons explained several scenarios that could occur by approving this de-annexation which would set precedent.

Mayor McCullough said there is a motion and second on the floor and called for a vote of all in favor of denying the de-annexation to raise their hands, all opposed same sign. The motion was unanimous to deny the de-annexation.

CITY CLERK COMMENTS

City Clerk Kimberly Smith told the Mayor and Council that both alcohol license applicants' paperwork was in order and recommended approval of both licenses.

Council Member Norton made a motion to approve the alcohol license for Axa Hughey, Owner Dante's on the Square for consumption on premises of beer and wine with Sunday sales, motion seconded by Council Member Larson. Mayor McCullough called for a vote asking all in favor to say aye, like sign opposed. The motion carried unanimously.

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Council Member Clemons made a motion to approve the alcohol license for Michael A. Davis, Owner of You-Nique Gifts, Inc. d/b/a Taste Dahlonega Winery for farm winery tasting room, seconded by Council Member Larsen. Mayor McCullough called for a vote asking all in favor to say aye, like sign opposed. The motion carried unanimously.

Mayor McCullough called for a motion to adjourn the meeting. Motion made by Council Member Ridley, seconded by Council Member Clemons. Mayor McCullough called for a vote asking all in favor to say aye, like sign opposed. The motion carried unanimously.

The meeting adjourned at 4:42 p.m.

APPROVED THIS _____ DAY OF _____, 2016.

_____ Gary McCullough, Mayor

Attest:

_____ Kimberly A. Smith, City Clerk