



CITY OF DAHLONEGA

Council Meeting Minutes

March 07, 2022, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

PRESENT

Mayor JoAnne Taylor
Councilmember Ron Larson
Councilmember Roman Gaddis
Councilmember Johnny Ariemma
Councilmember Ryan Reagin
Councilmember Ross Shirley

CALL TO ORDER AND WELCOME

Mayor Taylor called the meeting to order at 6:00 pm and welcomed the Public.

PRAYER / PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Councilmember Gaddis led the Prayer, and Councilmember Shirley led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Taylor offered a moment of silence for the people of Ukraine.

Mayor Taylor called to amend item #3 FY2021 Fourth Quarter Budget Amendment, indicating postponement to a Work Session due to lack of financial completion.

Motion made by Councilmember Gaddis to approve the agenda removing item #3. Seconded by Councilmember Larson.

Voting Yea: Councilmember Larson, Councilmember Gaddis, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley

PUBLIC COMMENT – PLEASE LIMIT TO THREE MINUTES

Mayor Taylor invited the Public for comments:

Tristan VanHuff, Tyler Barnes owners of Accent Cellars of 215 Auraria Rd, advocate changing to class K to sell on-premises beer. They desire to be on par with the rest of the counties, White, Gilmer, and Lumpkin. They questioned if there has been a change at the State level as previously advised.

City Attorney Parks indicated there is a significant amendment process. Mr. VanHuff said he spoke with Agent Loggins of the Department of Revenue, who stated nothing was changing with the County and City side and is in-house on their side.

City Attorney Parks indicated to look to the direction of Council on that. Mr. Barnes said that Council is aware of what we are trying to do. If/when it is conducive to confer, we would appreciate being part of that process.

Mitchell Ridley of 121 Skyline Drive indicated he was not in favor of the appointment of the vacancy of Post 5. He came tonight to voice his opinion as a resident of Dahlongega and reiterated the importance of a vote on this seat. It is more so than an appointment; adding the Charter allows you to process this differently.

Ellen Mirakovits of 338 N Chestatee Street addressed City Council by reading a statement regarding item #1, Appointment of Temporary Councilmember Post 5; we hope the City Council will vote against making a temporary appointment for this position. In the recent past, the City Council appointed someone to fill a vacated seat without holding a Special Election; we set what could become an unhealthy precedent. While I understand this person could not run in the regularly scheduled election for this post, this person could run for another vacant seat, giving this person an unfair advantage as an incumbent. We believe the City Council should find money in the budget for a Special Election or vote to leave it vacant until the next regularly scheduled cycle. We are against City Council making an appointment but request you hold a Special Election or leave this post vacant until the next regularly scheduled election cycle.

Mayor Taylor thanked the Public for taking the time to speak up.

APPROVAL OF MINUTES -

- a. Council Meeting Minutes, February 7, 2022, Danna Foster, Assistant City Clerk
- b. Council Work Session Amended Meeting Minutes - February 21, 2022
Danna Foster, Assistant City Clerk

Mayor Taylor announced the approval of minutes for both the meetings listed and asked for a motion.

Motion made by Councilmember Ariemma, Seconded by Councilmember Shirley.

Councilmember Ariemma and Mayor Taylor thanked Danna Foster, Assistant City Clerk, for her detail on the minutes.

Voting Yea: Councilmember Larson, Councilmember Gaddis, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley

APPOINTMENT/RECOGNITION

1. Temporary Councilmember Post 5

Mayor Taylor announced the next item. Councilmember Shirley interjected Madame Mayor, and Mayor Taylor reminded him he did not have the floor. Mayor Taylor stated the process and read Section 5.12 from the Charter, approved by our State Representatives and Senators. She reiterated that this change did not just originate in these Chambers and not go any farther. She read Section 5.12 Special Elections: vacancies. Mayor Taylor reminded residents that this information is available on the city website.

After reading the Charter section verbatim, Mayor Taylor stated the Council made a call to the community to submit their names to be appointed and received ten qualified applications. She continued to create a workable shortlist. Each member of the Council will identify their top candidate and add all Councilmembers who have had the

applications since February 26 and have reviewed and considered applications in advance of today's appointment process. Members of the Council received their voting document. As the Council completed their paper, the mayor indicated it was terrific to have ten applicants, yet disappointing that seats go uncontested during elections. Mayor Taylor thanked the applicants for taking the time and putting themselves out there for serving the city in this manner.

Mayor Taylor received the voting documents back from Councilmembers and read the names of two candidates.

Mayor Taylor made a motion for Jane O'Gorman.

Motion made by Councilmember Gaddis, Seconded by Councilmember Larson.

Voting Yea: Councilmember Larson, Councilmember Gaddis

Voting Nay: Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley

Mayor Taylor read the second name of Lance Bagley and asked for a motion.

Motion made by Councilmember Shirley, Seconded by Councilmember Reagin.

Voting Yea: Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley

Voting Nay: Councilmember Larson, Councilmember Gaddis

Mayor Taylor announced Council prepared extensively for this action, and each form is part of the permanent record. Mayor Taylor recognized Councilmember Gaddis's desire to explain the reason for the Charter change.

Councilmember Gaddis explained that Council, four years ago, changed the Charter because two members resigned to run for Mayor, and the current Mayor was ill, and it was uncertain if he was going to be able to be present. The quorum is Mayor and four Councilmembers. There was a question if Mr. McCullough would be present, and we conducted city business on a day-to-day basis for three months. If anything happened to him, we would not have been able to conduct business and embarked on a Charter change to allow for an appointment in those situations. Flash forward, Helen Hardman decided to move, and we appointed Joel (Cordle), and he served with distinction. This fall, we had the same opening where one Councilmember ran for a county seat and once ran for Mayor. The will of the Council at that time was not to appoint anyone; we wanted a Special Election in November; however, because we made the Charter change, it is not allowed. We discussed amending the Charter and reducing the number of seats; the will of the Council was that we did not want to do that. There is no opportunity to have a Special Election for this vacant seat. We must do it by appointment to fill this seat, or we can leave it open until the next election in 2023.

Mayor Taylor acknowledged Mr. Ridley's hand and explained the Public Comments section of the meeting, and they could speak afterward. Mr. Ridley interjected and stated he would like Council to strike the word candidate as there was no candidate but an appointment for Council. Mayor Taylor said, so moved, and asked for the minutes to reflect this change.

Councilmember Larson asked for and was granted the floor. He then thanked all attendees on behalf of the Council for their participation. There were many well-qualified people, it was challenging to decide, and he was excited to have Lance joining us. He then asked for applause for Lance's appointment to City Council.

Mayor Taylor called Lance Bagley forward to take the Oath of Office. Mayor Taylor administered the Oath of Office. Councilmember Bagley signs the Oath of Office and takes a seat at Council.

Councilmember Ariemma indicated he had received many calls in the last few hours and wanted to ensure all understood his demeanor on it. I hope that the selection goes to the hands of the voters and understands why Council made the decisions they did for this process and hopes it comes back to the Council to adjust the Charter, so it makes sense for everyone.

NOW PRESENT

Mayor JoAnne Taylor

Councilmember Ron Larson

Councilmember Roman Gaddis

Councilmember Johnny Ariemma

Councilmember Ryan Reagin

Councilmember Ross Shirley

Councilmember Lance Bagley

ORDINANCE AND RESOLUTION:

Mayor Taylor announced several Ordinances and Resolutions up for discussion tonight regarding Distilled Spirits Package Store here in Dahlonga, and these are preparatory types of documents. These related to the placement of a package store and asked City Attorney Parks to discuss them.

2. Ordinances 2022-05, 2022-06 & 2022-07; Resolution 2022-05: Distilled Spirits Scheduling

Doug Parks, City Attorney

Attorney Parks stated that if you have any ordinance with some land use restriction, there must be part of the zoning procedures act even though it may or may not be an actual zoning ordinance. The memo in the packet goes through informational material; the action portion of the memo requests we put Ordinance 2022-05 before the Planning Commission to allow B-1 to be amended to enable Distilled Spirits Package stores in that district.

Ordinance 2022-06 would do the same thing in the B-2 district

Ordinance 2022-07 is a subset of your actual distilled spirits regulations and restricts Distilled Spirits Package Stores to zones B-1 & B-2. That type of package store would then be prohibited in any zone other than B-1 & B-2.

Resolution 2022-05 presents informationally to see how the sequencing will occur for Distilled Spirits Licensing. Tonight, the action item refers to Ordinance 2022-05, Ordinance 2022-06, and Ordinance 2022-07 to the Planning Commission for review and recommendation.

Councilmember Gaddis made a motion to refer Ordinance 2022-05, 2022-06, and 2022-07 to the Planning Commission for review. Councilmember Larson seconded it.

Councilmember Larson called for clarification if a Resolution needs to be included. City Attorney Parks indicated it was not necessary as it was informational only.

Councilmember Ariemma asked about the CBD, indicating potential spaces in that district, and asked if it were not included now, could be added later? City Attorney Parks confirmed it could be added later.

Councilmember Gaddis inquired if someone wanted one in the CBD; could they ask for a Variance? City Attorney Parks clarified not a Variance; it would need an Ordinance. Councilmember Gaddis then asked for clarity to the Public; the next step would be for the Planning Commission to review. City Attorney Parks indicated the Planning Commission would meet on April 5, and the second and final reading on May 2, and it may be thinking April 18th work session to adjust the first reading. The final process will conclude on May 2.

Mayor Taylor called for any further discussion.

Voting Yea: Councilmember Larson, Councilmember Gaddis, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Lance Bagley

3. FY2021 Fourth Quarter Budget Amendment

Allison Martin, Finance Director

Agenda amendment removed this item as discussion.

ANNOUNCEMENT/CITY REPORTS:

4. January 2022 - Financial Report

Allison Martin, Finance Director

Mayor Taylor called Director Martin to the podium. Director Martin informed Council that 97.27% of taxes were collected from the projection. Sales tax collection remains strong. Alcohol Beverage Tax Revenue is increased from the prior year. Department expenses are in line with Budget expectations. Downtown Development is on track, and in Hotel Motel, we continue to see revenues that far exceed pre-pandemic levels.

Councilmember Ariemma asked about the Local Option Sales Tax question, are we trending every month above. Councilmember Gaddis added that it resulted from the change in the law to online sales tax collection. Councilmember Larson asked for an update on the status of fees from the Government because of COVID. Director Martin indicated we have received \$1.2 million and are slated to receive the second path distribution 12 months from that date for the American Rescue Plan Act. Councilmember Larson asked for a short answer about how we are spending those funds. Director Martin responded that there is a proposal for a capital project which meets the criteria for water, sewer, and stormwater.

Councilmember clarified \$1.2 million was half. Director Martin confirmed.

Mayor Taylor thanked Director Martin and asked for an update on the next item.

OLD BUSINESS:

5. Amendment of Personnel Management System Policies

Allison Martin, Finance Director

Director Martin indicated that she and City Attorney Parks reviewed the vehicle section after the Work Session and moved to the last section. It should have stood alone at the end to remind everyone of safe practices.

Mayor Taylor called for a motion.

Motion made by Councilmember Larson to adopt 2022-04 approving the City of Dahlonga Personnel Policies amendment. Seconded by Councilmember Shirley.

Voting Yea: Councilmember Larson, Councilmember Gaddis, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Bagley

6. FY2022 Reappropriations Budget Amendment

Allison Martin, Finance Director

Mayor Taylor indicated the reappropriations budget is a routine process allowing the City to access funds in the subsequent years.

Director Martin affirmed that we are tapping dollars previously allocated and projects not completed in the prior year. There is no request for additional funding, and the project description is provided.

Mayor Taylor indicated Council received the document before the meeting and asked if there were questions.

Councilmember Larson motioned for Resolution 2022-02 FY2021 Fourth Quarter Budget Amendment approval.

City Manager Schmid questioned if that would be a motion for 2022-03 Budget Amendment Reappropriations. Mayor Taylor asked if Councilmember Larson would like to restate his motion.

Councilmember Larson revised his motion to approve 2022-03 Budget Amendment FY 2022 Prior Year Reappropriations. Seconded by Councilmember Shirley.

Mayor Taylor asked for any further questions.

Voting Yea: Councilmember Larson, Councilmember Gaddis, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Bagley

NEW BUSINESS: no new business currently

COMMENTS – PLEASE LIMIT TO THREE MINUTES

The City Clerk, City Manager, and City Attorney had no comments.

Councilmember Bagley thanked Council for your trust in me; I know the other candidates and know what talents they brought. I thank them for putting their names up and look forward to them helping me succeed and helping the city continue to be a wonderful place to live.

Councilmember Reagin thanked Councilmember Bagley and candidates, stating we had many qualified candidates. He said it is not every day you get West Point Graduate (referring to Councilmember Bagley). He also offered that he would much rather have people vote moving forward.

Councilmember Larson welcomed Councilmember Bagley. He indicated it was fascinating that ten people put in an application to be appointed to this position, yet two seats ran unopposed in the last election. My hope and Prayer are the nine who were not appointed tonight run in an election in a future period. We need to work as a community to get people out to vote. We run about 25% of citizens who participate in the process. If you do not participate in the process, look at what could happen in Ukraine and Russia, take an interest in what is going on.

Councilmember Gaddis welcomed Councilmember Bagley and indicated he looked forward to collaborating with him and the Council. He thanked the mayor for her leadership. He stated this had been one of the more interesting meetings and more exciting topics we have had to tackle as a Council. He added that the previous Council did not want to appoint; they wanted to elect. That was not the spirit of what we wanted when we changed the Charter to allow an appointment. The spirit was that if we needed someone to fill a role, we wanted to fill the void. The Council was adamant that the appointment would not be incumbent yet could fill another post. There is a spirit here and a willingness here; we want the people to decide. In 2023 the seat will be up for election. We hope one of those nine people will run for it.

Councilmember Ariemma commented that what Councilmember Larson said hit home, then you think about Ukraine, it is horrific. Welcome to Councilmember Bagley.

Councilmember Shirley reiterated what everyone else had said, welcome to Councilmember Bagley. He appreciated that so many people volunteered or put in an application; the city cannot work without participation. Let people decide in the future.

Mayor Taylor added her welcome to Councilmember Bagley and indicated Council did some heavy lifting the last few weeks. She addressed the people who had objected to the appointment cycle and agreed with them. However, there was no time to change the Charter, and we are operating by the Charter. By the Charter, a minimum of four people must have a quorum. It is not the mayor's job to bring the Charter Amendment; it is the Council's job to get it to Mayor for inclusion in a future work session. We do not want to add unintended consequences, as Councilmember Gaddis stated. The Council at the time voted unanimously for the Charter change. It is what it is for right now. We will entertain a different process in the future. Make sure Mr. Ariemma's comment was not mistaken that the mayor was somehow to bring the item. Councilmember Ariemma clarified that the mayor sets the agenda, he can recommend the item, and Mayor Taylor affirmed. He added that timing is everything, and we have much to do. Mayor Taylor said it will not be able to be acted on until the next cycle of House and Senate, not until next year.

ADJOURNMENT

Councilmember Gaddis made a motion to adjourn at 7:02 pm. Seconded by Councilmember Reagin.

Voting Yea: Councilmember Larson, Councilmember Gaddis, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Bagley