



# CITY OF DAHLONEGA

## Council Meeting Agenda

April 05, 2021 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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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.

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### CALL TO ORDER AND WELCOME

### PRAYER / PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

### APPROVAL OF AGENDA

### PUBLIC COMMENT – PLEASE LIMIT TO THREE MINUTES

### APPROVAL OF MINUTES -

- [a.](#) Public Hearing Meeting Minutes - February 15, 2021
- [b.](#) Work Session Meeting Minutes - February 15, 2021
- [c.](#) Council Meeting Minutes - March 1, 2021

### APPOINTMENT/RECOGNITION

- [1.](#) Joint Proclamation - Child Abuse Prevention Month
- [2.](#) Joint Proclamation - Lumpkin County High School Act Play Team

### ANNOUNCEMENT/CITY REPORTS:

- [3.](#) Financial Reports - February 2021, Melody Marlowe, Finance Director

### OLD BUSINESS:

- [4.](#) Solid Waste Exemption Requests, January-March 2021  
Bill Schmid, City Manager
- [5.](#) 147 North Park Street Update  
Vince Hunsinger, Capital Projects Manager
- [6.](#) Oliver Drive Storm Drain Project  
Vince Hunsinger, Capital Projects Manager
- [7.](#) Park Street Utilities Funding  
Mark Buchanan, PE, Public Works Director and City Engineer

### NEW BUSINESS:

- [8.](#) Part-Time Assistant City Clerk  
Bill Schmid, City Manager
- [9.](#) Yahoola Creek Reservoir Management Plan  
John Jarrard, Director of Water/Wastewater Treatment

### COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments  
City Manager Comments  
City Attorney Comments  
City Council Comments  
Mayor Comments

### ADJOURNMENT



# CITY OF DAHLONEGA

## City Council Public Hearing Minutes

February 15, 2021 4:00 PM

Gary McCullough Chambers, Dahlonega City Hall

### CALL TO ORDER

Mayor Norton called the public hearing to order at 4:23 p.m. and turned the public hearing over to City Attorney Doug Parks.

### PRESENT:

Sam Norton	Mayor	Present
Roman Gaddis	Council Member	Present
Mitchell Ridley	Council Member	Present
Ron Larson	Council Member	Present
JoAnne Taylor	Council Member	Present
Johnny Ariemma	Council Member	Present
Joel Cordle	Council Member	Present

Mr. Parks informed City Council that two applications are being presented at this public hearing.

- PUD application on 258 Hawkins Street - REZN-20-09-0001
- R2 application on 258 Hawkins Street - REZN-21-01

### Public Hearing:

1. REZN-20-09-0001 258 Hawkins Street (Parcel # D07 032). Request to rezone the property from R1- Single Family Residential to PUD- Planned Unit Development.
  - ❖ Mr. Ethan Underwood, legal counsel for the Signet Group, explained the zoning request REZN-20-09-0001 258 Hawkins Street (Parcel # D07 032). This request is to rezone the property from R-1 to PUD for student housing of a 92-unit, 298-bed apartment house with 217 parking stalls.
    - Mr. Underwood asked to incorporate all information about this rezoning presented at previous Planning Commission Meetings, Public Hearings, and City Council Meetings into this Public Hearing.
    - Mr. Underwood, in his opinion, believes difficult topographic issues stop development on this 10-acre property, and only PUD zoning is economically feasible for developing this property.
    - Mr. Carl Engines, a professional engineer, presented a cost study of a 35–40-unit townhouse complex on the Hawkins Street property.
    - Mr. Donald Webster, associated broker, presented townhome sales prices for the last two years in the surrounding area of Hawkins Street. The median sales price is \$259,000.
  - ❖ Mr. Underwood inferred R1 zoning and townhomes on this property through Mr. Engines, and Mr. Webster's presentation would not be economically feasible at a deficit of over one million dollars. The Signet Group asks for PUD zoning at 258 Hawkins Street to allow a 92-unit 298 beds apartment housing.

- ❖ Mr. Kevin Herrit, Director of Community Development, presented for staff the Planning Commission's denial at the February 8, 2021 Meeting on the request for PUD zoning at the property on 258 Hawkins Street. It was proposed subject to the following conditions:

- 1) Lighting shall use downlighting and cutoff fixtures configured to be directed toward the center of the development where the structures are to be located. Any LED lighting shall be in the color spectrum of 2700K (Warm White) to 3500K (Cool White) and as approved by the Community Development Department.
- 2) Buffers shall be established along the north, and northeast property lines with a width of 25' feet vegetated material consisting of evergreen trees that will limit sound travel. The front vegetated buffer shall be 15 feet in width and have vegetative material that will shield adjacent parcel owners from vehicular headlights in the parking and internal street areas.
- 3) The development shall install street and pedestrian improvements that will meet city specifications for sidewalks along block sections of Church Street and pedestrian crosswalk indicators crossing Hawkins Street to the sidewalks on Church Street adjacent from the proposed entrance.
- 4) Offsite stormwater improvements shall be installed or upgraded for the portions of Hawkins Street that abuts the proposed development and at the intersection of Hawkins and Church Street. Church Street stormwater improvements shall be installed from the ridge crest on Church Street, moving down to the intersection of Hawkins and Church Street.
- 5) Hawkins Street shall be improved to meet the Development Regulations' road standards along the portions of the development that front Hawkins Street and the intersection of Hawkins and Church Street.

- ❖ Mr. Bill Schmid, City Manager, presented a memorandum regarding R2 and PUD zoning comments at this property, including an Executive Summary with additional conditions for the property. Mr. Schmid asked Council to use the information outlined in this memorandum when considering PUD zoning at this property.
- ❖ Members of the public spoke against rezoning this property from R to PUD as the impact of student housing would be detrimental to the area on Hawkins Street.
- ❖ Mr. George Butler, legal counsel for the Dahlonge Baptist Church, property adjacent to the proposed rezoning project, spoke against the rezoning of the property on Hawkins Street to PUD.
- ❖ Mr. Underwood rebutted that rezoning this property would negatively affect tourism, with no supporting evidence. Signet wants to be a good neighbor, but he view PUD as the only legally viable option for this property.

Council Member discussion on the proposed rezoning project:

- ❖ Council Member Ariemma disputed the developer's statement that the highest home sale in the area is \$300,000 and believes the property would support \$700,000 three-story townhomes.
2. REZN-21-01 - 258 Hawkins Street +/- 10.003 acres request to change the zoning from R-1 (Single Family Residential) to R-2 (Multiple Family Residential).
    - ❖ Mr. Kevin Herrit, Community Development Director, outlined the City's application requesting the property zoned from R-1 to R-2. The Community Development Department recommends approval with conditions:

- 1) There shall be no amenities located within 150 feet of any property boundary that abuts or is adjacent to a parcel zoned R-1.
  - 2) All development shall conform to Dahlongega Ordinance 75-1's (Water and Sewer) latest amendment and shall include current tap fee charges and consumption rates.
  - 3) The Point of Intersection (POI) of any roads, driveways, or other entrances shall be a minimum of 175 feet from the POI of the intersection of Hawkins Street and Church Street.
  - 4) All proposed solid waste loading centers shall be accessible by rear-loading solid waste vehicles, consistent with those used by the City of Dahlongega.
  - 5) Offsite roadway improvements, if any, identified as part of the analysis shall be included with the site development in a common set of development documents.
  - 6) All structures shall be no more than two hundred feet in length unless broken by a clear line of demarcation, suggestive of an (L) at an angle of 75 degrees to 105 degrees.
  - 7) Each structure shall have an outside covering of brick or stone for 50 percent or more of the entire exterior walled surface.
- ❖ Mr. Bill Schmid, City Manager, referenced the memorandum regarding R2 and PUD zoning comments at this property, including an Executive Summary with additional conditions for the property. Mr. Schmid recommends zoning approval from R1 to R2 with two additional conditions in addition to those recommended by Mr. Herrit.
- 1) The otherwise allowed uses of this R-2 district shall not include apartments and dormitories. Nor shall they include convalescent homes, nursing homes, rehabilitation centers, sanitariums, and similar institutionalized residential facilities involving professional care and treatment.
  - 2) Except for those housing types prohibited by condition (1) above, any other multi-family housing shall be limited to four units per acre and shall include a mix of one-two and three-bedroom units. No four-bedroom units shall be allowed. Further, such multi-family units shall be organized in such a manner that no less than 10 percent and no more than 40 percent of the units in the overall complex shall consist of each of the allowable design types of one-two-and three-bedroom units.
- ❖ Mr. George Butler, legal counsel for the Dahlongega Baptist Church, property adjacent to the proposed rezoning project, supports R-2 zoning on the Hawkins Street property with limitations to more traditional housing types and the City Manager conditions proposed.
- ❖ Mr. Ethan Underwood incorporated all statements made in previous hearings on the PUD and R-2 in this matter into this hearing. Mr. Underwood requests PUD zoning for this property.

Council Member discussion on the proposed rezoning project:

- ❖ Council Member Larson reiterated comments made earlier by Council Member Ariemma referring to this property's viability as either R-1 or R-2 high-end development instead of the developer's home sales' conservative nature.

## ADJOURNMENT

Mayor Norton adjourned the Public Hearing at 5:43 p.m.



## CITY OF DAHLONEGA Council Work Session Minutes

February 15, 2021 4:00 PM

Gary McCullough Council Chambers, Dahlonega City Hall

### OPEN MEETING:

Mayor Norton opened the Work Session at 5:55 p.m. in the Lumpkin County Parks and Recreation Building. The Work Session followed a Council / Main Street DDA Board meeting relocated to the Lumpkin County Parks and Recreation Building.

### PRESENT:

Sam Norton	Mayor	Present
Roman Gaddis	Council Member	Present
Mitchell Ridley	Council Member	Present
Ron Larson	Council Member	Present
JoAnne Taylor	Council Member	Present
Johnny Ariemma	Council Member	Present
Joel Cordle	Council Member	Present

### BOARDS & COMMITTEES:

1. Cemetery Report January 2021, Chris Worick, Dahlonega Cemetery Committee Chairman
2. Main Street Department – January 2021, Lucas Cheney, Main Street Project Coordinator
  - Council discussed the vacant Main Street Program- Downtown Development Authority Manager position. This topic discussion will continue at the Work Session on March 15, 2021.

### TOURISM: Sam McDuffie, Tourism Director

1. Tourism Report - January 2021, Sam McDuffie, Tourism Director
  - As a precaution, during the roof repair project at the Visitors Center, expect the center to be closed for one day.
  - We have a new team member who will fill the vacant post as a part-time communication specialist.
  - New retail merchandise is on order for the Visitors Center.
  - Paul Milliken, Fox 5 News, will conduct three live newscasts to cover the upcoming Chocolate crawl event, scheduled for March 3-8, 2021.
  - The new Holiday Inn Express on E. Main Street is impressive, as we were allowed a walkthrough this past week.
  - The upcoming summer baseball tournament hosting children twelve and under will be a boon for the City of Dahlonega and Lumpkin County.
  - The Tourism Board Meeting, scheduled for Wednesday, February 17, 2021, is open to the public via Zoom.

## DEPARTMENT REPORTS:

1. Marshal's Office Report January 2021, Jeff Branyon, Marshal
  - City Manager Schmid commended Marshal Branyon for the updated bodycam system implemented recently in his department. The bodycam, if dormant, can be activated upon the use of a taser or a gun being unholstered.
2. Community Development – January 2021, Kevin Herrit, Director
  - The Holiday Inn Express Hotel in Downtown Dahlonega received its certificate of occupancy and opened this past Monday.
  - The Land Water Conservation Grant Committee denied our grant for restroom facilities at the Wimpy Mill Park; GMRC assisted with the grant application. City Manager Schmid informed Council that some undesignated hotel-motel tourism product funds are a possible alternative source of funding for the bathroom facility.
  - No single-family permits were issued in January, but we have four lots sold in Crown Mountain in February.
  - The Council encourages Staff to create recommendations to promote more single-family home construction by updating current zoning regulations.
  - Staff is working on HPC Guideline updates to allow administrative approval options.
  - Council believes zoning appeal opportunities may exist for some recorded parcels in the City created before current zoning regulations.
3. Financial Services – January 2021, Melody Marlowe, Finance Director
  - Stormwater billing and the newly created policies & procedures were a considerable achievement this year.
4. Public Works--January 2021, Mark Buchanan, PW/ City Engineer
  - Staff in all departments are working above and beyond to maintain the beautification of Dahlonega.
  - The Grand Opening of the Wimpy Mill Kayak Launch will be open to the public.
5. Water & Wastewater Treatment Department Report January 2021, John Jarrard, Water/Wastewater Treatment Director
  - Water Loss audit is completed annually for the last five years to ensure honesty.

## ITEMS FOR DISCUSSION:

1. Tree City USA Certification, Lucas Cheney, Main Street Project Coordinator
  - The Arbor Day celebration on February 24 will be honored with a Proclamation.
  - The Tree Committee is active in Dahlonega but only meets as needed.
2. FY2020 Year-End Budget Amendment, Melody Marlowe, Finance Director
  - The final FY2020 budget will require a resolution for finalization.
3. FY2021 Reappropriations Budget Amendment, Melody Marlowe, Finance Director
  - The budget amendment pertains to reappropriations from the FY2020 capital projects moved to the FY2021 budget.
  - Council was updated on the Martin Street widening capital project.

4. Ordinance 2021-01: An Ordinance to establish Regulations for Formula Businesses, Doug Parks, City Attorney
  - This proposed ordinance to establish regulations for formula businesses in the downtown area is ready to transfer to the Planning Commission if Council agrees.
  - The purpose of this ordinance allows for franchise businesses to operate in Dahlonaga's B-3 zoning district as conditional uses.
5. Ordinance Changes Regarding House Bill 879, Doug Parks, City Attorney
  - The proposed House Bill 879 ordinance changes are subject to State regulations.
6. Barlow Lift Station Upgrade Proposal for Engineering Services, John Jarrard, Director of Water/Wastewater Treatment Departments
  - Proposal for upgrade of Barlow Lift Station for a vote at a future Council Meeting.
7. Head House Update, Bill Schmid, City Manager
  - Outlined in the packet are plans for an update of the Head House project.
  - Council discussed the viability of the retail plan as opposed to the restaurant or apartment plans.
8. 147 North Park Street Update, Bill Schmid, City Manager

No action is needed at this time, as we expect bid action for demolition at this property for Council by this April.
9. Solid Waste Appeal, Bill Schmid, City Manager
  - City Manager Schmid recommends denial of the appeal.
10. Paid Parking Review, Bill Schmid, City Manager
  - Currently, there are seven 15-minute parking spaces available in town, but restaurants need more of these limited parking spaces. Council agrees this is a good practice during the COVID pandemic. These spaces are not permanent.
11. South Meaders Metered Parking, Mark Buchanan, Public Works Director
  - Council discussed the need for parking meters on South Meaders.
12. Solid Waste Supervisor, Mark Buchanan, Public Work Director
  - Council discussed the need for a full-time solid waste supervisor to allow Vince Hunsinger as the full-time Capital Project Manager; the additional solid waste funds would fund this position.
13. Local Maintenance and Improvement Grant (LMIG) Resurfacing for 2021 Award Recommendation, Mark Buchanan, City Engineer
  - Council discussed Staff's recommendation for the LMIG resurfacing 2021 award for Wimpy Mill Road.
14. Asphalt Leveling and Resurfacing of City Streets in Dahlonaga, Ga In House Project for 2021, #2021-002, Mark Buchanan, City Engineer
  - Council discussed the Staff's recommendation for the in-house project for the Wimpy Mill Road.

COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments – No Comments

City Manager Comments – No Comments

City Attorney Comments – No Comments

City Council Comments:

- Council Member Taylor asked to have Valerie West Fambrough at the next Work Session to discuss a hummingbird trail.
- Council Member Larson asked that we inform the Downtown Business Association of the new formula business ordinance.
- Council Member Ridley informed Council and Staff of his decision to retire after this term expires.
- Council Member Ariemma requested a camera at the dumpster downtown.
- Council Member Cordle commended Council Member Ridley for his time on Council.

Mayor Comments – COVID numbers reported at an all-time low of 4.7.

ADJOURNMENT

Mayor Norton adjourned the meeting at 7:39 p.m.





## CITY OF DAHLONEGA Council Meeting Minutes

March 01, 2021 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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### PRESENT:

Mayor Sam Norton

Council Member Joel Cordle

Council Member JoAnne Taylor

Council Member Mitchell Ridley

Council Member Roman Gaddis

Council Member Ron Larson

Council Member Johnny Ariemma

### CALL TO ORDER AND WELCOME

Mayor Norton called the Council Meeting to order at 6:00 p.m. and immediately suspended the Meeting at 6:01 p.m.

Mayor Norton called for a motion to relocate the Council Meeting to the Lumpkin County Parks and Recreation Building in the adjacent parking lot.

*Motion made by Council Member Taylor, Seconded by Council Member Larson.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

Mayor Norton reconvened the Meeting at the Lumpkin County Parks and Recreation Building at 6:08 p.m. and informed everyone no action was taken before relocating the meeting.

### PRAYER / PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Council Member Gaddis led the Prayer, and Council Member Ridley led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Mayor Norton called for a motion to approve the amended agenda to appoint Ryan Reagin to the Main Street Program / Downtown Development Authority Board.

*Motion made by Council Member Larson, Seconded by Council Member Taylor.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

### PUBLIC COMMENT – PLEASE LIMIT TO THREE MINUTES

- Mrs. Ellen Mirakovits, President of Dahlonega Downtown Business Association, expressed concern with installing parking meters on S. Meaders Street.
- Mr. Joe Mirakovits, an owner of Yellow Daisy Bed & Breakfast, expressed concern with the dwindling tax digest, parking issues, and the development prospects for the kindergarten property.
- Mr. Jim Gibbon is opposed to the proposed development of the Housley property on Hawkins Street.

- Mr. Wynn Mont is concerned with the lack of safety surrounding the Housley property's proposed Signet development on Hawkins Street.
- Ms. Lisa Lipscomb is against the proposed PUD zoning at the Housley property on Hawkins Street.
- Mr. Noah Steinburg is opposed to the proposed Signet Development at the Housley property due to possible traffic issues on Hawkins Street.
- A citizen was directed to City Manager Schmid to discuss his concern with the proposed parking meters and the marshal's department's direction, and the proposed PUD zoning at the Housley property on Hawkins Street.
- Mr. George Butler, representing the Dahlonga Baptist Church, supports Ordinance 2021-08 for R-2 zoning with conditions for the Housley property on Hawkins Street.
- Ethan Underwood, representing Signet Group, opposes the City Manager's recommendations for the Housley property on Hawkins Street. He believes only the Community Development Director is allowed to make recommendations under the City of Dahlonga codes.

#### APPROVAL OF MINUTES -

##### a. Work Session Meeting Minutes - January 19, 2021

As written, Mayor Norton called for a motion to approve the Work Session Meeting Minutes on January 19, 2021.

*Motion made by Council Member Ridley, Seconded by Council Member Taylor.*

*Voting Yea: Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

*Voting Abstaining: Council Member Cordle*

##### b. Special Called Meeting Minutes - January 19, 2021

As written, Mayor Norton called for a motion to approve the Special Called Meeting Minutes on January 19, 2021.

*Motion made by Council Member Larson, Seconded by Council Member Ariemma.*

*Voting Yea: Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

*Voting Abstaining: Council Member Cordle*

##### c. Council Meeting Minutes - February 1, 2021

As written, Mayor Norton called for a motion to approve the Council Meeting Minutes on February 1, 2021.

*Motion from Council Member Gaddis to approve Seconded by Council Member Cordle.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

#### APPOINTMENT/RECOGNITION

##### 1. Swearing-in Ceremony of Micah Mihok to the Tourism Committee and Ryan Reagin to the Main Street Program/ Downtown Development Authority Board.

Mayor Sam Norton called for a motion to approve Ryan Regain for the Main Street/ Downtown Development Authority Board and Micah Mihok to the Tourism Committee.

*Motion made by Council Member Gaddis, Seconded by Council Member Ridley.*

Mayor Norton led Ryan Reagin and Micah Mihok through the swearing-in ceremony.

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma.*

## ORDINANCE AND RESOLUTION:

### 2. Ordinance 2020-28: Hawkins Street Rezoning Planned Unit Development, Kevin Herrit, Community Development Director & Doug Parks, City Attorney

- City Attorney Parks informed the Mayor and Council of a slight change in the survey's reflection for the Hawkins Street development's zoning file. As two surveys existed in the file, we adjusted the ordinance to reflect the later survey with Mr. Underwood's approval. While this ordinance is slightly different than the original ordinance, it presents no material change to the property. This reflection in the survey is valid for all three ordinances under discussion for the Hawkins Street rezoning.
- A citizen presented a concern with Council Member Cordle's knowledge on the matter of the Hawkins Street rezoning. Mayor and Council agreed Mr. Cordle is well informed and ready to participate as a voting member of the Council.

Mayor Norton called for a motion to approve Ordinance 2020-28 – Hawkins Street rezoning from an R1 to a Planned Unit Development.

*Motion made by Council Member Taylor, Seconded by Council Member Ridley to deny Ordinance 2020-28 from an R1 to a PUD.*

- Council Member Taylor read a statement from Georgia Supreme Court's ruling about an issue in Clayton County, Georgia, between the local governing body and the Holy Cross Lutheran Church. The order stated, "We take this opportunity to reiterate that the local governing body is the more appropriate one to shape and control the local environment according to the best interest of the locality and its citizens."
- Council Member Ridley agreed with Council Member Taylor's statement and felt that the proposed PUD was not in line with the master plan outlined by the City of Dahlonaga.
- Council Member Ariemma stated each attorney made significant points within the meetings, but a PUD at this property would not be appropriate.

Mayor Norton stated there is a motion and second for Ordinance 2020-28 – Hawkins Street rezoning from an R1 to a Planned Unit Development, so all those in favor, please say aye and those opposed nays.

*Voting Nay: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

### 3. Ordinance 2021-07: Hawkins Street Rezoning R2 with Conditions, Kevin Herrit, Community Development Director & Doug Parks, City Attorney

Mayor Norton called for a motion to approve Ordinance 2021-07, an R-2 rezoning with Community Development Director's conditions.

*Motion made by Council Member Ridley, Seconded by Council Member Gaddis to deny ordinance 2021-07 Hawkins Street rezoning R2 with Community Development Director's conditions.*

Council Member Larson reminded everyone that prepared agendas packets are given to Council to discuss and involve all Council Members at Work Sessions.

Mayor Norton stated there is a motion and second for Ordinance 2021-07: Hawkins Street Rezoning R2 with Conditions, so all those in favor, please say aye and those opposed nays.

*Voting Nay: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

4. Ordinance 2021-08: Hawkins Street Rezoning R2 with Further Conditions, Kevin Herrit, Community Development Director & Doug Parks, City Attorney

Mayor Norton called for a motion to approve Ordinance 2021-08, an R-2 rezoning with enhanced conditions.

*Motion made by Council Member Ridley to deny ordinance 2021-08 Hawkins Street rezoning R2 with further conditions. Due to a lack of a second, this motion died.*

*Motion made by Council Member Larson, Seconded by Council Member Cordle to approve ordinance 2021-08 Hawkins Street rezoning R2 with enhanced conditions.*

- Council Member Ridley is opposed to Ordinance 2021-08 Hawkins Street rezoning R-2 with conditions. As purchasers of this property, the Signet Group should understand that this property's rezoning is not a given.
- Council asked City Manager Schmid of any road improvements required of the developers under this ordinance. City Manager Schmid referenced items number three, and number five, in Ordinance 2021-08: which states development shall install street and pedestrian improvements that meet City specifications:
  - 1) Sidewalks along a block section of Church Street and a pedestrian crosswalk indicator crossing Hawkins Street to the sidewalk on Church Street adjacent from the proposed entrance.
  - 2) Hawkins Street shall be improved to meet the road standards required by the development regulations along the portions of the development that front Hawkins Street as well as the intersection of Hawkins and Church Street.
- Council Member Ridley voiced concern about encroaching on these streets' right of way under these developer's improvement requirements.
- City Manager Schmid informed Council Member Taylor this development's practical entrance would be Hawkins Street, but Happy Hollow frontage is an alternate entrance.
- Council Member Larson reiterated the conditions outlined in the Ordinance 2020-08, especially the incorporated housing development limits shows Council is listening to the community's concerns and following the City Master Plan.
- Council Member Ariemma agrees with Mayor Norton's review of Mr. Butler's outline of the viability of an 88-unit development at this site.
- Council Member Gaddis reminded Council that the City of Dahlonge needs single-family homes within walking distance to our downtown and not additional student housing as outlined in Mr. Underwood's proposal.

Mayor Norton stated there is a motion and second for Ordinance 2021-08: Hawkins Street Rezoning R2 with Further Conditions, so all those in favor, please say aye and those opposed nays.

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

*Voting Nay: Council Member Ridley*

5. FY2020 Year-End Budget Amendment – Resolution 2021-04, Melody Marlowe, Finance Director

Finance Director Marlowe stated Resolution 2021-04 is the final year-end budget amendment for FY2020.

Mayor Norton called for a motion to approve Resolution 2021-04 FY2020 Year-End Budget Amendment.

*Motion made by Council Member Taylor, Seconded by Council Member Cordle.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

6. FY2021 Reappropriations Budget Amendment – Resolution 2021-05, Melody Marlowe, Finance Director

Finance Director Marlowe asked for a motion to approve Resolution 2021-05 to allow the reappropriation of capital expenditures not completed in FY2020 into the FY2021 Budget.

Mayor Norton called for a motion to approve Resolution 2021-05 FY2021 Reappropriations Budget Amendment

*Motion made by Council Member Ariemma, Seconded by Council Member Larson.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

7. Resolution 2021-06 Columbarium Pricing Amendment, Mark Buchanan, PW Director, and City Engineer

PW Director Buchanan informed Council that Resolution 2021-06 allows for additional pricing of the highest premium row of the Ossuary at the Columbarium.

- Council Member Ridley believes there is a need for indigent burials in the inner sanction of the Ossuary/Columbarium. City Manager Schmid will bring recommendations to Council at the next Work Session.
- The sale of Columbarium niches is under the direction of Director Herrit of the Community Development Department. Area funeral homes are aware of the sale of these niches.
- PW Director Buchanan informed the Council of upcoming improvements to the Columbarium area with benches and plants.

Mayor Norton called for a motion to approve Resolution 2021-06 Columbarium Pricing Amendment.

*Motion made by Council Member Larson, Seconded by Council Member Cordle.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

#### ANNOUNCEMENT/CITY REPORTS:

8. January 2021 Financial Report, Melody Marlowe, Finance Director

Director Marlowe reviewed the first four months of 2021 financials holding strong, with only a 2% decrease in our water and sewer accounts.

Council also discussed the substantial increase in our sales taxes since implementing the new sales tax laws.

#### OLD BUSINESS:

9. Barlow Lift Station Upgrade Proposal for Engineering Services, John Jarrard, Director of Water/Wastewater Treatment Departments

Director Jarrard informed Council this proposal is from Turnipseed Engineers to provide the engineering and construction administration services on the Barlow Lift Station Upgrade Project, currently planned for FY2022.

- The Barlow Lift Station is on a standby generator at this time, and once the rehabilitation is complete, the generator is on hold for future use.
- This particular project is a complete rehabilitation that will require EPD-stamped engineering plans.

Mayor Norton called for a motion to approve Barlow Lift Station Upgrade Proposal for Engineering Services.

*Motion made by Council Member Taylor, Seconded by Council Member Cordle.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

10. Solid Waste Supervisor, Mark Buchanan, PW Director and City Engineer

City Manager Schmid is requesting authorization to create and fund a full-time solid waste supervisor position.

Mayor Norton called for a motion to approve the position of Solid Waste Supervisor.

*Motion made by Council Member Ridley, Seconded by Council Member Larson.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

11. South Meaders Metered Parking, Bill Schmid, City Manager

City Manager Schmid requests Council approval to table this issue until the Main Street Program/ DDA Board reviews parking meters at their meeting on March 4, 2021.

*Motion made by Council Member Ariemma, Seconded by Council Member Ridley.*

- Council Member Larson is opposed to tabling parking meters until the Main Street Program/ DDA Board discusses it again. Again, employees are using the open parking spaces on South Meaders, so now is the ideal time for the Council to address parking issues.
- Council Member Ariemma is waiting on staff recommendations for solving parking issues downtown as he believes there are other means besides parking meters.

Mayor Norton stated there is a motion and second to allow the Main Street Program/DDA Board to discuss South Meaders Street parking meters, so all those in favor, please say aye and those opposed nays.

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Ariemma*

*Voting Nay: Council Member Larson*

12. Local Maintenance and Improvement Grant (LMIG) Resurfacing for 2021 Award Recommendation, Mark Buchanan, PW Director, and City Engineer

Mayor Norton called for a motion to approve awarding the LMIG project #2021-001 to Colditz Trucking Inc. for \$101,363.52.

*Motion made by Council Member Ridley, Seconded by Council Member Larson.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

13. Asphalt Leveling and Resurfacing of City Streets in Dahlonega, Ga In House Project for 2021, #2021-002, Mark Buchanan, PW Director, and City Engineer

Mayor Norton called for a motion to approve awarding project #2021-002 to Colditz Trucking Inc. for \$104,022.15.

*Motion made by Council Member Taylor, Seconded by Council Member Cordle.*

*Voting Yea: Council Member Cordle, Council Member Taylor, Council Member Ridley, Council Member Gaddis, Council Member Larson, Council Member Ariemma*

#### NEW BUSINESS: COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments – No comments

City Manager Comments – Requesting topics from the Council for the upcoming Council Retreat. The council requests a finalized itinerary for the Retreat.

City Attorney Comments – Adopting Ordinance 2021-08 will require collaboration between my office and the City Clerk.

City Council Comments:

- Council Member Taylor and Council Member Larson had no comment.
- Council Member Ridley thanked everyone for attending tonight's meeting.
- Council Member Gaddis thanked Council Member Larson for comments concerning our parking issue and looks forward to Main Street Program / DDA Board's input on this issue.
- Council Member Cordle also appreciates Council Member Larson's concern with our parking issue and hopes to vote on parking at a Special Called Meeting on March 15<sup>th</sup> following the Work Session. City Manager Schmid will keep the Council informed on the Main Street/ DDA input.

Mayor Norton Comments: As a business owner in Dahlonega, parking is a daily issue for me, my staff, and customers. But it is essential to allow the Main Street Program / DDA Board's input to ensure the best option for parking. Our COVID numbers are at 2.6, making a positive impact.

#### ADJOURNMENT

Mayor Norton adjourned the Meeting at 7:46 p.m.



# Joint Proclamation

By  
Lumpkin County  
And  
The City of Dahlonega



**WHEREAS;** Children are critical to Lumpkin County's future success, prosperity, and quality of life. While children are our most valuable resource, they also comprise one of the state's most valuable populations; and

**WHEREAS;** All Children have a right to a safe home - a place that provides each child with an opportunity to thrive, learn, and grow in an environment that fosters healthy development; and

**WHEREAS;** Child abuse and neglect can be prevented by supporting and strengthening Lumpkin County's families, thus preventing the far - reaching effects of maltreatment and providing opportunities for children to develop healthy, trusting family bonds. With such support, the community at large may better protect the interests of children today while building an even brighter future for our communities; and

**WHEREAS;** When children are threatened by abuse, effective intervention becomes a shared responsibility, and Georgia citizens must come together so that the voices of children are heard by all. We must work together to see that our communities are extending helping hands to children and families in need; and

**WHEREAS;** Effective child abuse prevention strategies succeed because of the partnership created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, the business community, and other community stakeholders; and

**WHEREAS;** By providing a safe and nurturing environment for our children - an environment free from violence, abuse, and neglect - we are best ensuring that Lumpkin's children will grow to their full potential as the next generation of leaders and the future of this state and nation;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dahlonega and Lumpkin County hereby proclaim the month of April 2021 to be **Child Abuse Prevention Month**, and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

*Lumpkin County Georgia*

\_\_\_\_\_  
Chris Dockery, Chairman

Attest:

\_\_\_\_\_  
Melissa Witcher, County Clerk

*City of Dahlonega*

\_\_\_\_\_  
Sam Norton, Mayor

Attest:

\_\_\_\_\_  
Mary Csukas, City Clerk





# *Joint Proclamation*

*By  
Lumpkin County  
And  
The City of Dahlonega*



***WHEREAS;*** The Lumpkin County High School One Act Play Team participated in the Georgia High School Association State Championship in Perry, Georgia; and

***WHEREAS;*** As a team they presented an unprecedented performance of “John Lennon and Me”; and

***WHEREAS;*** The entire cast and crew worked seamlessly together showing how much hard work and dedication over the last several months could pay off; and

***WHEREAS;*** The laughter and tears forged a bond and friendship that will last a lifetime and each individual team member worked and contributed to the success that can only be won as a team untied together; and

***WHEREAS;*** The young men and women are great examples for what students can achieve when committed to a common goal; and

***WHEREAS;*** The all-star cast members outstanding performances will go down in Lumpkin County history for being the first ever AAA State One Act Champions.

***NOW, THEREFORE, BE IT RESOLVED*** that the City of Dahlonega and Lumpkin County hereby proclaim March 16, 2021, to be ***Lumpkin County High School One Act Team Day.***

*Lumpkin County Georgia*

*City of Dahlonega*

\_\_\_\_\_  
Chris Dockery, Chairman

\_\_\_\_\_  
Sam Norton, Mayor

Attest:

Attest:

\_\_\_\_\_  
Melissa Witcher, County Clerk

\_\_\_\_\_  
Mary Csukas, City Clerk

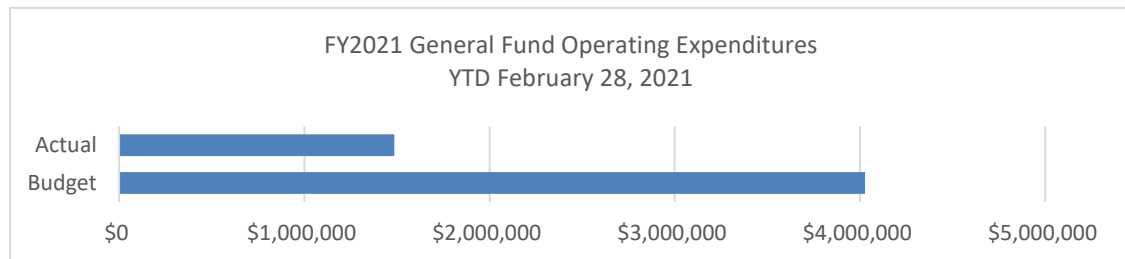
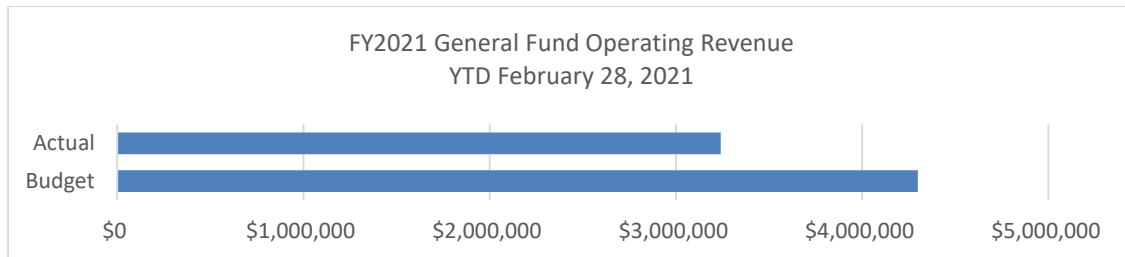


# CITY OF DAHLONEGA

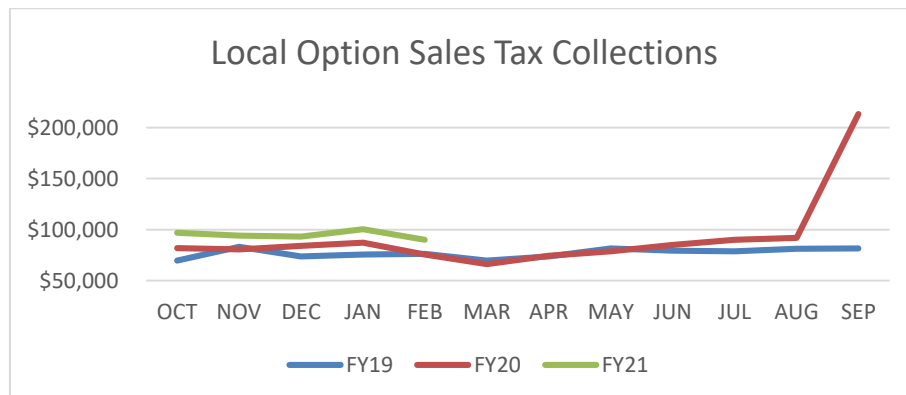
## MONTHLY FINANCIAL REPORTS

For the Five Months Ended February 28, 2021

### GENERAL FUND



- Property taxes were billed in October with a due date of December 21. Collections through January 31 are reflected on the current financial report and reflect that 98.5% of 2020 taxes budgeted have been collected to date.
- Sales tax collections have increased, and year-to-date amounts are 15.4% more than last fiscal year. The change in the State law related to taxation of internet sales has more than offset the decline in revenue anticipated from the Pandemic. A large amount was collected in September 2020 from an audit finding for a large retailer.



- The annual payment from Georgia Power for electric franchise tax was received in February: the amount received was \$385,838 compared to the prior year amount of \$424,642 (9.1% decrease). Weather temperatures can dramatically impact electric sales.

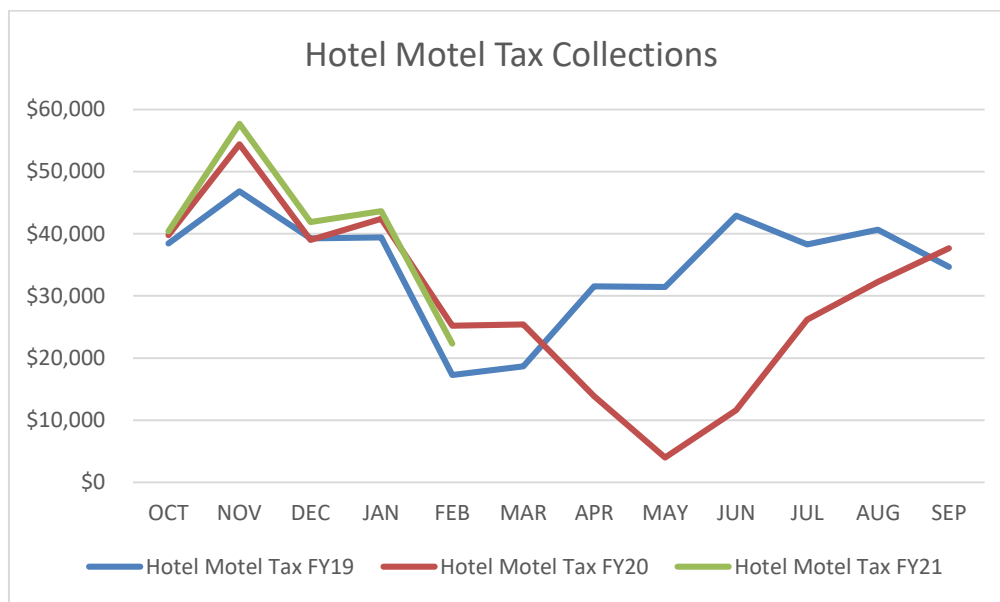
- The annual revenue for Insurance Premium Tax has been received in the amount of \$422,760, which is 6.8% greater than received last fiscal year.
- Insurance Premium Tax (received annually from the State) has been received (\$422,760) and is 6.8% more than last year.
- The Parks department spending year-to-date is high due to the outsourcing the cleaning of public facilities necessary during the pandemic.
- Other department expenditures are in line with budget expectations.

### **DOWNTOWN DEVELOPMENT AUTHORITY**

- Operational results are better than budget expectations due to staff vacancies and program re-evaluations.

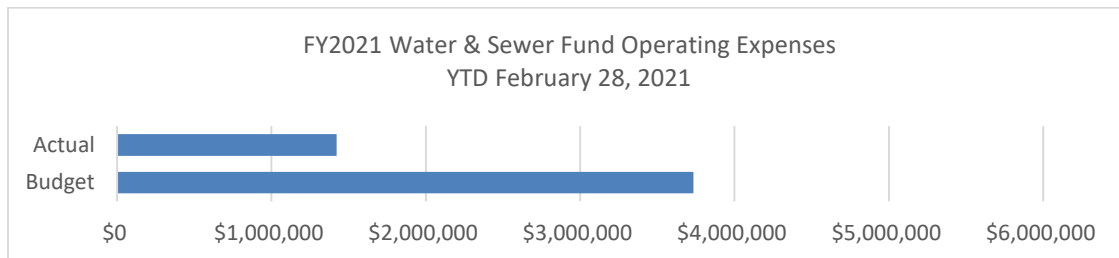
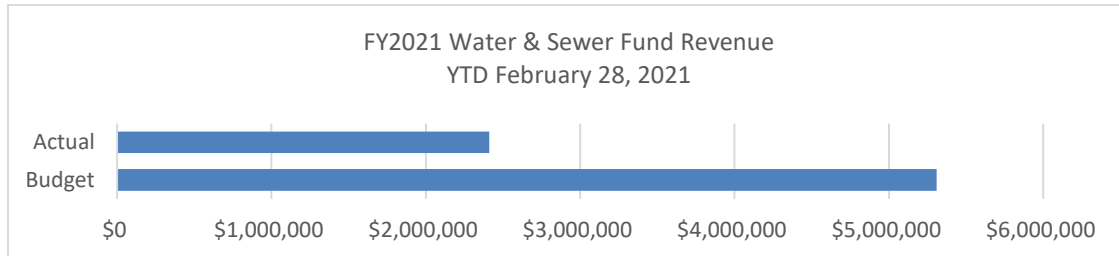
### **HOTEL/MOTEL TAX FUND**

- Tax revenue collections experienced a sharp decline in April 2020 with the onset of the Pandemic. Beginning in September 2020, collections have remained slightly higher than the previous year, 2.6% more than last fiscal year.



### WATER AND SEWER ENTERPRISE FUND

- Water and sewer sales were trending higher than budget and prior year. However, impacted by the Pandemic, year-to-date revenue from water sales and sewer charges is 3.8% less than last fiscal year, but meeting budget expectations.
- All department expenses are in line with the budget.



### SOLID WASTE ENTERPRISE FUND

- Refuse Collection Charges are 10.5% greater than the prior year due to changes in the non-residential fee schedule.
- Expenses are meeting budget expectations.

### STORMWATER ENTERPRISE FUND

- Transfers In and Indirect Charges reflect a five month allocation.
- Stormwater utility charges were first billed in January 2021.
- Expenses are related to startup of the new utility and allocated staff pay and benefits.

(Prepared for Council and Management by Melody Marlowe 03/24/2021)

GL NUMBER	DESCRIPTION	2020-21 AMENDED BUDGET	YTD BALANCE 02/28/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 100 - GENERAL FUND				
	GENERAL PROPERTY TAXES	1,734,800.00	1,600,574.36	92.26
	GENERAL SALES AND USE TAXES	885,972.00	474,829.22	53.59
	SELECTIVE SALES AND USE TAXES	211,600.00	92,167.36	43.56
	ALCOHOLIC BEVERAGES LICENSES	115,300.00	126,450.00	109.67
	BUSINESS TAXES	497,900.00	509,144.59	102.26
	PENALTIES AND INTEREST	2,700.00	797.51	29.54
	PERMITS AND FEES	46,600.00	36,600.84	78.54
	INTERGOVERNMENTAL REVENUE	28,646.00	11,269.30	39.34
	CHARGES FOR SERVICES	558,860.00	252,272.94	45.14
	FINES AND FORFEITURES	131,000.00	101,194.34	77.25
	INVESTMENT INCOME	42,000.00	4,009.11	9.55
	CONTRIBUTIONS AND DONATIONS	0.00	100.00	100.00
	MISCELLANEOUS REVENUE	6,000.00	5,494.86	91.58
	OTHER FINANCING SOURCES	10,000.00	5,500.00	55.00
	OTHER CHARGES FOR SERVICES	15,000.00	15,589.00	103.93
	TRANSFERS IN FROM OTHER FUNDS	11,269.00	4,690.40	41.62
	APPROPRIATED FUND BALANCE	596,595.00	0.00	0.00
TOTAL REVENUES		4,894,242.00	3,240,683.83	66.21
	LEGISLATIVE	194,312.00	55,968.50	28.80
	EXECUTIVE	241,941.00	103,343.11	42.71
	ELECTIONS	11,940.00	0.00	0.00
	GENERAL ADMINISTRATION	931,050.00	403,860.02	43.38
	MINICIPAL COURT	309,568.00	98,830.90	31.93
	CITY MARSHAL	519,859.00	160,299.75	30.84
	PUBLIC WORKS ADMINISTRATION	105,171.00	33,318.58	31.68
	STREETS	1,145,179.00	452,430.65	39.51
	MAINTENANCE AND SHOP	101,137.00	40,132.11	39.68
	CEMETERY	62,206.00	9,851.69	15.84
	PARKS	50,550.00	30,002.93	59.35
	COMMUNITY DEVELOPMENT	271,952.00	97,482.54	35.85
	NON-DEPARTMENTAL	82,547.00	0.00	0.00
	TRANSFERS OUT TO OTHER FUNDS	866,830.00	361,179.15	41.67
TOTAL EXPENDITURES		4,894,242.00	1,846,699.93	37.73
Fund 100 - GENERAL FUND:				
	TOTAL REVENUES	4,894,242.00	3,240,683.83	66.21
	TOTAL EXPENDITURES	4,894,242.00	1,846,699.93	37.73
	NET OF REVENUES & EXPENDITURES	0.00	1,393,983.90	100.00

GL NUMBER	DESCRIPTION	2020-21 AMENDED BUDGET	YTD BALANCE 02/28/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 230 - DOWNTOWN DEVELOPMENT AUTHORITY				
	DAHLONEGA 2000	800.00	0.00	0.00
	CHARGES FOR SERVICES	200.00	144.00	72.00
	TRANSFERS IN FROM OTHER FUNDS	284,434.00	118,514.15	41.67
	TOTAL REVENUES	285,434.00	118,658.15	41.57
	DDA ADMINISTRATION	195,298.00	44,056.64	22.56
	TOURISM	56,472.00	1,539.47	2.73
	DOWNTOWN DEVELOPMENT	33,664.00	362.43	1.08
	TOTAL EXPENDITURES	285,434.00	45,958.54	16.10
Fund 230 - DOWNTOWN DEVELOPMENT AUTHORITY:				
	TOTAL REVENUES	285,434.00	118,658.15	41.57
	TOTAL EXPENDITURES	285,434.00	45,958.54	16.10
	NET OF REVENUES & EXPENDITURES	0.00	72,699.61	100.00

GL NUMBER	DESCRIPTION	2020-21 AMENDED BUDGET	YTD BALANCE 02/28/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 275 - HOTEL/MOTEL TAX FUND				
HOTEL/MOTEL TAXES		375,646.00	205,918.55	54.82
TOTAL REVENUES		375,646.00	205,918.55	54.82
PURCHASES/CONTRACTED SERVICES		250,000.00	84,374.99	33.75
TRANSFERS OUT TO OTHER FUNDS		125,646.00	52,352.45	41.67
TOTAL EXPENDITURES		375,646.00	136,727.44	36.40
Fund 275 - HOTEL/MOTEL TAX FUND:				
TOTAL REVENUES		375,646.00	205,918.55	54.82
TOTAL EXPENDITURES		375,646.00	136,727.44	36.40
NET OF REVENUES & EXPENDITURES		0.00	69,191.11	100.00

GL NUMBER	DESCRIPTION	2020-21	YTD BALANCE	% BDGT
		AMENDED BUDGET	02/28/2021 NORMAL (ABNORMAL)	USED
Fund 505 - WATER AND SEWER ENTERPRISE FUND				
INVESTMENT INCOME		46,000.00	11.15	0.02
MISCELLANEOUS REVENUE		500.00	2,835.18	567.04
OTHER FINANCING SOURCES		0.00	8,000.00	100.00
WATER CHARGES		2,727,666.23	1,268,390.18	46.50
TAP FEES - WATER		100,000.00	43,145.00	43.15
SEWER CHARGES		1,855,900.00	852,850.18	45.95
TAP FEES - SEWER		100,000.00	47,800.00	47.80
OTHER CHARGES FOR SERVICES		107,400.00	33,254.62	30.96
TRANSFERS IN FROM OTHER FUNDS		371,845.00	154,935.40	41.67
APPROPRIATED NET ASSETS		1,682,661.00	0.00	0.00
TOTAL REVENUES		6,991,972.23	2,411,221.71	34.49
SEWER LIFT STATIONS		224,991.00	80,061.10	35.58
SEWER TREATMENT PLANT		690,141.00	252,438.62	36.58
DISTRIBUTION AND COLLECTION		886,670.00	346,209.42	39.05
WATER SUPPLY		150,561.00	30,886.54	20.51
WATER TREATMENT PLANT		1,707,682.00	714,881.23	41.86
CAPITAL OUTLAYS		1,451,954.00	143,781.15	9.90
INTERFUND CHARGES		67,500.00	28,125.00	41.67
DEPRECIATION AND AMORTIZATION		1,805,227.00	752,175.00	41.67
OTHER COSTS		7,246.23	333.77	4.61
TOTAL EXPENDITURES		6,991,972.23	2,348,891.83	33.59
Fund 505 - WATER AND SEWER ENTERPRISE FUND:				
TOTAL REVENUES		6,991,972.23	2,411,221.71	34.49
TOTAL EXPENDITURES		6,991,972.23	2,348,891.83	33.59
NET OF REVENUES & EXPENDITURES		0.00	62,329.88	100.00



GL NUMBER	DESCRIPTION	2020-21	YTD BALANCE	% BDGT USED
		AMENDED BUDGET	02/28/2021 NORMAL (ABNORMAL)	
Fund 540 - SOLID WASTE ENTERPRISE FUND				
	CHARGES FOR SERVICES	500.00	250.00	50.00
	OTHER CHARGES FOR SERVICES	6,000.00	3,463.59	57.73
	REFUSE COLLECTION CHARGES	872,731.96	428,866.81	49.14
	APPROPRIATED NET ASSETS	30,657.00	0.00	0.00
TOTAL REVENUES		909,888.96	432,580.40	47.54
	PERSONAL SERVICES AND EMPLOYEE BENEFITS	479,795.00	207,182.89	43.18
	PURCHASES/CONTRACTED SERVICES	261,994.00	100,142.44	38.22
	SUPPLIES	73,400.00	20,600.12	28.07
	CAPITAL OUTLAYS	30,000.00	0.00	0.00
	DEPRECIATION AND AMORTIZATION	58,268.00	24,280.00	41.67
	OTHER COSTS	(168.04)	168.04	(100.00)
	DEBT SERVICE	6,600.00	1,647.99	24.97
TOTAL EXPENDITURES		909,888.96	354,021.48	38.91
Fund 540 - SOLID WASTE ENTERPRISE FUND:				
	TOTAL REVENUES	909,888.96	432,580.40	47.54
	TOTAL EXPENDITURES	909,888.96	354,021.48	38.91
NET OF REVENUES & EXPENDITURES		0.00	78,558.92	100.00

GL NUMBER	DESCRIPTION	2020-21 AMENDED BUDGET	YTD BALANCE 02/28/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 560 - STORMWATER ENTERPRISE FUND				
	OTHER CHARGES FOR SERVICES	0.00	113.56	100.00
	TRANSFERS IN FROM OTHER FUNDS	796,331.00	331,804.60	41.67
	STORMWATER UTILITY CHARGES	204,818.00	58,745.79	28.68
	TOTAL REVENUES	1,001,149.00	390,663.95	39.02
PERSONAL SERVICES AND EMPLOYEE BENEFITS				
	PURCHASES/CONTRACTED SERVICES	87,631.00	28,511.95	32.54
	SUPPLIES	30,400.00	331.92	1.09
	CAPITAL OUTLAYS	29,600.00	0.00	0.00
	INTERFUND CHARGES	383,558.00	0.00	0.00
	TOTAL EXPENDITURES	469,960.00	195,816.65	41.67
	TOTAL EXPENDITURES	1,001,149.00	224,660.52	22.44
Fund 560 - STORMWATER ENTERPRISE FUND:				
	TOTAL REVENUES	1,001,149.00	390,663.95	39.02
	TOTAL EXPENDITURES	1,001,149.00	224,660.52	22.44
	NET OF REVENUES & EXPENDITURES	0.00	166,003.43	100.00
TOTAL REVENUES - ALL FUNDS				
	TOTAL REVENUES - ALL FUNDS	14,458,332.19	6,799,726.59	47.03
	TOTAL EXPENDITURES - ALL FUNDS	14,458,332.19	4,956,959.74	34.28
	NET OF REVENUES & EXPENDITURES	0.00	1,842,766.85	100.00



## City Council Agenda Memo

**DATE:** March 23, 2021  
**TITLE:** Solid Waste Exemption Requests, January-March 2021  
**PRESENTED BY:** Bill Schmid, City Manager

### AGENDA ITEM DESCRIPTION:

Below, please find two requests for exemptions for solid waste service and recommended action. Technically, neither are appropriate for exemption request based on the current wording of the ordinances. However, Council has expressed willingness to hear these type matters for final determination. Direct correspondence from customers is shown in red.

**Naturally Georgia, Bleu Gallery, Crane Creek Vineyards:** Appeal by email of February 7, 2020 and multiple emails and conversations with staff prior. (Emails received from customers are shown verbatim in red below.) The request is for 2 exemptions of the 3 businesses at a single location.

Consistent with Council actions on recent downtown business owner appeals with similar facts the recommendation for this request is denial. All three businesses are currently billed at the NR-1 rate, which is the lowest rate. These businesses each hold individual business licenses and operate in the downtown area. Each benefits from its location in the district and their customers are free to use the downtown cans that receive seven day per week service by city crews. Waste generated on premises can be disposed of at the Hancock Park facility.

-----Original Message-----

From: Michael Miller <[artcart@windstream.net](mailto:artcart@windstream.net)>  
Sent: Sunday, February 7, 2021 5:05 PM  
To: Mark Buchanan <[mbuchanan@dahlonega.gov](mailto:mbuchanan@dahlonega.gov)>  
Cc: Michael Miller <[artcart@windstream.net](mailto:artcart@windstream.net)>  
Subject: trash fees for Bleu Gallery

Hi Mark

First I'd like to thank you for your consideration and review of the Hall House Hotel and Old Storehouse Inn accounts - I feel your determination was fair and in line with the city's objectives as well as our trash production as two very small hotels in Dahlonega. Just wondering if you would take a minute to review the new trash billing for our art gallery/tasting room on the square as well. I understand that you had to start somewhere and billing businesses according to their occupational license was a good start. In our situation however, I believe it has resulted in some duplication and/or overcharge based on our space and the amount of trash we produce. Below are the three trash accounts involved:

Naturally Georgia	207402.00	\$ 40
Bleu Gallery	207400.00	\$ 40

Crane Creek Vineyards  
Total charge

207420.00

\$ 40  
\$ 120

Comparatively speaking, we produce very little trash in our gallery - I know because I'm the one generally taking it to the dumpster - lol - and have discussed the situation with many of my fellow business owners - and I have observed others using the dumpsters over the years. As we discussed, I would like to petition the council to adjust our billing to be more in line with our trash production. I'm sure we produce about the same amount of trash as the typical retail store in dahlonega - we have three separate charges because of the other licensing requirements of the city which as I mentioned before, was a logical place for the city to start. Please let me know your thoughts or if you need anything additional from me - call me anytime at the number below - thanks for your time.

Mike

Mike Miller  
Hall House Hotel  
[www.hallhousehotel.com](http://www.hallhousehotel.com)  
706-867-5009  
Old Storehouse Inn  
[www.oldstorehouseinn.com](http://www.oldstorehouseinn.com)  
706-867-5009

**William Trammell (Residential Exemption Request):** Mr. Trammell has made several verbal requests to staff for an exemption of paying residential service fees. He describes a practice of not using standard City residential solid waste service at his residence and does not want to pay for the service at his residence. Instead, he disposes (and proposes to continue disposing) of household solid waste in the commercial dumpster at his business. This is roughly the opposite argument of merchants who say they take all business waste home to dispose at their residence. The City does not have other "residential exemptions" of this type:

Sec. 26-56. - Municipal jurisdiction.

- (a) It shall be mandatory that all owners, occupants, tenants and lessees of residential units to include houses, apartments, condominiums, mobile homes, single-family homes or any other dwelling unit, offices, businesses, industrial businesses, commercial buildings and premises shall be required to accept such collection and removal services as may be provided by the city relating to the disposal of garbage, trash, rubbish and other debris within the municipal jurisdiction of the city.
- (b) Exemptions. Businesses and other entities requiring dumpster, roll-off or industrial, medical, or hazardous waste removal services may be exempted from city solid waste service and assessed fees provided other arrangements are made for disposal through a licensed provider or through contract with the city. This exemption must be requested by petition to the city manager within the areas identified by a separate rate ordinance not part of this codification. Council affirmation of the decision of the manager at a meeting of the council is required.

Mr. Trammell has been told he may address the Council and is expected to appear at the April 5, 2021, meeting to make a request of the City Council in person. At this time, staff continues to proceed with actions related to his account in accordance with existing ordinances and intends to do so unless alternate direction is provided.

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**HISTORY/PAST ACTION:**

No official Council action is known to exist for Mr. Trammell's residential account. Standard residential service fees are mandatory for all residents in the city and includes leaf/limb collection, recycling and storm cleanup. His residence does not require a dumpster or roll-off. Presumably at the time Council initially made residential service mandatory (many years ago) there were other business owners who would have made (or would now make) a similar request. The Council last visited this question in August of 2020 when mandatory residential service was most recently confirmed. Uniformity was recognized as beneficial in the efficient and equitable operation of the residential solid waste program.

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**FINANCIAL IMPACT:**

Potential ongoing solid waste revenue decrease.

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**RECOMMENDATION:**

**Naturally Georgia, Bleu Gallery, Crane Creek Vineyards:** Accept the City Manager's recommendation of denial of the request consistent with recent Council decisions.

**William Trammell:** Accept the City Manager's recommendation of denial of the request for waiver of the residential service fee. Mr. Trammell is not required to accept or use the city's rollcart or recycling bin.

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**SUGGESTED MOTIONS:**

I move to accept the City Manager's recommendation to deny the joint request from Naturally Georgia, Blue Gallery and Crane Creek Vineyards for reduced solid waste fee(s).

I move to accept the City Manager's recommendation to deny Mr. William Trammell's request for exemption from residential solid waste service charges.

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**ATTACHMENTS:**

Ordinance 94-7.

Ordinance 2020-13.

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ORDINANCE 94-7  
AMENDMENT 14-15  
SANITATION  
RATES EXHIBIT A  
SCHEDULE OF SANITATION  
RATES MONTHLY RATES

BE IT ORDAINED BY THE CITY COUNCIL OF DAHLONEGA AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF THAT THE FOLLOWING RATES HAVING BEEN AUTHORIZED FOR IMPLEMENTATION TO COMMENCE ON OCTOBER 1, 2020, BY VIRTUE OF THE BUDGET RESOLUTION APPROVED THE 8<sup>th</sup> DAY OF SEPTEMBER, 2020, THE SAME ARE HEREBY RATIFIED AND MADE A PART OF THE CITY'S RATE SCHEDULE.

RESIDENTIAL RATES

All households will be charged \$26.62 per month for each garbage can picked up weekly. Additional stickers for each garbage can will be \$26.62 per month. Stickers will be placed on all residential cans. All households will be charged a recycling collection fee of \$4.50 per month. All single family residential units will pay a mandatory minimum garbage and recycling collection fee of \$31.12 per month. All other residential units will also pay a minimum garbage and recycling collection fee of \$31.12 per month unless served by dumpster service. Rates for non-taxpaying entities not requiring dumpster service will be \$35.09 per month per can.

NON-RESIDENTIAL RATES

<u>Rate Class</u>	<u>Description</u>	<u>Monthly Fee</u>
NR-1	Base per Rollcart (dumpster collection may be used if individual Billing per unit is preferred)	\$40.00
NR-2	Two Rollcart Equivalents (ex. Two carts once a week or one cart twice per week)	\$80.00
NR-3	Four Rollcart Equivalents (ex. Four carts once a week or two carts twice per week)	\$130.00
NR-4	Two to Eight Cu Yd Dumpster Equivalents (ex. 95 gallon rollcart five or six times per week, four cu yd dumpster twice per week, six cu yd dumpster once per week, eight cu yd dumpster once per week. Etc.)	\$210.00
NR-5	12-18 Cu Yd Dumpster Equivalents (four cu yd dumpster three to four times per week, six cu yd dumpster four times per week, etc.)	\$350.00

NR-6	24 Cu Yd Dumpster Equivalents (Six cu yd dumpster four times per week, eight cu yd dumpster three times per week, etc.)	\$520.00
NR-7	36 Cu Yd Dumpster Equivalents (ex. Six cu yd dumpster five to six times per week, etc.)	\$740.00
NR-8	48 Cu Yd Dumpster Equivalents (ex. Eight cu yd dumpster five to six times per week, four times per week from two dumpsters of 6 cu yds)	\$950.00

#### SPECIAL STIPULATIONS REGARDING RATES

**Minimum Nonresidential Monthly Fee.** Unless otherwise exempted pursuant to Ordinance 2020-13 and any subsequent codified version of said ordinance, a minimum monthly fee shall be assessed against all nonresidential entities in the amount of \$40.00 regardless of whether a city rollcart or other container has been assigned to said entity.

**Phased implementation of rates.** Nonresidential rates referenced in this ordinance may be implemented in two phases. The first phase will apply the rates referenced herein to the following geographical area:

Entities fronting upon or deriving primary access from: Hawkins Street between North Grove Street and Church Street; Church Street between Hawkins Street and West Main Street; West Main Street between Church Street and South Chestatee Street; South Chestatee Street between West Main Street and Choice Street; Choice Street between South Chestatee Street and East Main Street; East Main Street between Choice Street and North Grove Street; and North Grove Street between East Main and Hawkins Street.

The second phase shall consist of application of these rates to all entities existing within the remainder of the City of Dahlonega.

**Container usage not assignable.** Nonresidential rates like residential rates are based upon exclusive use of any approved container by the entity identified on the account. Usage by parties other than the account holder of any city container is prohibited. The account holder cannot share usage of a container with another party or assign capacity or volume in a container to another party.

**Bulk Items.** Residential and Nonresidential Solid Waste accounts are encouraged to take large or heavy bulk items directly to the solid waste transfer station on Barlow Road where the disposal rate ranges from \$5 for 100 pounds to \$50 per ton. Otherwise, if bulk goods are scheduled or left for collection and disposal by the City, additional fees will be charged per piece to the address on file to cover labor and equipment costs for disruption of normal operations, collection, transport and disposal charges.

#### PENALTIES FOR NON-PAYMENT

A penalty of 10% will be added each month to any delinquent bill that has not been paid by the tenth of each month.

APPROVED AND SO ORDAINED THIS 3<sup>RD</sup> DAY OF August, 2020.

  
\_\_\_\_\_  
Sam Norton, Mayor

Attest:   
\_\_\_\_\_  
Mary Csukas, City Clerk





**Ordinance 2020-13**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: CHAPTER 26: SOLID WASTE TO INCLUDE A NEW ARTICLE IV: RATES AND CHARGES**

Short title: "An ordinance regarding solid waste rates and charges."

WHEREAS, the City Council of Dahlonega, Georgia desires to amend the current solid waste ordinance to include guidance and regulations regarding rates and charges.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Chapter 26 of the Code of the City of Dahlonega, be amended to include an Article IV as follows:

**ARTICLE IV. - RATES AND CHARGES**

**Sec. 26-54. - Refuse collection rates and charges not affected by Code.**

Nothing in this Code shall affect any ordinance by the city council setting fees for refuse collection or disposal currently existing or hereinafter enacted. All such ordinances are hereby recognized as having full force and effect to the same extent as if set out at length in this Code.

**Sec. 26-55. - Rates.**

- (a) Fees for collection of solid waste, garbage and yard debris shall be those as established by ordinance of the city council; and shall be published in the office of the city clerk and where utility bills may be paid. Fees may be included with the monthly water bill, provided said charge is separately stated. Fees shall be separately billed should there be no monthly water bill.
- (b) Rates for service will be subject to periodic review and adjusted by the city council by separate ordinance as necessary to ensure adequate cost recovery for operation of the sanitary municipal solid waste department.

**Sec. 26-56. - Municipal Jurisdiction.**

- (a) It shall be mandatory that all owners, occupants, tenants and lessees of residential units to include houses, apartments, condominiums, mobile homes, single family homes or any other dwelling unit, offices, businesses, industrial businesses, commercial buildings and premises shall be required to accept such collection and removal services as may be provided by the city relating to the disposal of garbage, trash, rubbish and other debris within the municipal jurisdiction of the city.
- (b) Exemptions. Businesses and other entities requiring dumpster, roll-off or industrial, medical, or hazardous waste removal services may be exempted from city solid waste service and assessed fees provided other arrangements are made for disposal through a licensed provider or through contract with the city. This exemption must be requested by petition to the city manager within the areas identified by a separate rate ordinance not part of this codification. Council affirmation of the decision of the manager at a meeting of the council is required.

**Sec. 26-57. - Nonpayment of fees.**

- (a) Should any owners, occupants, tenants and lessees of residential buildings and premises or business and commercial buildings and premises fail or refuse to pay the charges fixed against such owners, occupants, tenants and lessees as provided for in this article when due, the city may discontinue garbage collection services to the residential buildings and premises or business and commercial buildings and premises of such owners, occupants, tenants and lessees against such sanitary service charge or fee and charge for the collection, removal and disposal of garbage services until such fees have been paid in full.
- (b) After notification of a delinquency, if a delinquent account is not paid within five (5) days, the city or the contracted provider may cease all refuse collection for that account or individual address. Service shall be resumed thereafter only upon payment of the entire balance on the account plus all penalties, and all applicable reconnection or container resetting charges. Failure to timely remove solid waste through use of the city collection service or the city's contracted provider constitutes a nuisance. Each day constitutes a separate offense. The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance pursuant to this paragraph affecting the public health or welfare and to impose fines and penalties.
- (c) If the account or bill remains unpaid after said past delinquent/due notice is mailed, then the public water supply will be turned off and will not be turned back on until said bill is paid.
- (d) Enforcement. In the event charges remain unpaid for fifteen (15) days after the bill or account for service has been rendered to the customer the unpaid balance may be collected by any means provided by law.
- (e) In addition to all other rates, charges, penalties, fees, expenses and costs otherwise provided for in this Code, the city may also collect all costs incurred for the collection of delinquent utility accounts, including, but not limited to, postage expenses, late fees as established by resolution or ordinance of the council from time to time, court filing fees, attorney's fees incurred by the city, and fees paid to third-party collection agencies. The city is authorized to use third-party collection agencies to collect delinquent utility accounts and all cost, fees and expenses of such third-party agencies shall be the responsibility of the delinquent customer.

**Sec. 26-58. - Severability.**

If any portion of this article or the application thereof shall be held invalid or unconstitutional, the other provisions of this article shall not be affected, and to this end the provisions of this article are declared to be severable.

Sec. 26-59. - Effective date.

The effective date of this ordinance shall be the 3<sup>RD</sup> day of August, 2020.

Adopted and Ordained this 3<sup>RD</sup> day of August, 2020.

By: \_\_\_\_\_

Sam Norton, Mayor

Attest: \_\_\_\_\_

Mary Csukas, City of Dahlonega





## City Council Agenda Memo

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**DATE:** March 29, 2021  
**TITLE:** 147 North Park Street Update  
**PRESENTED BY:** Vince Hunsinger, Capital Projects Manager

---

### **AGENDA ITEM DESCRIPTION:**

Bids were received for the demolition of the property at 147 N. Park Street on Friday, April 2, 2021. As of April 5, evaluation of proposals may be complete. Recommendation of bid award may be forthcoming.

---

### **HISTORY/PAST ACTION:**

Prior approval to bid demolition of building.

---

### **FINANCIAL IMPACT:**

Previously budgeted item.

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### **RECOMMENDATION:**

None at this time.

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### **SUGGESTED MOTIONS:**

None at this time.

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### **ATTACHMENTS:**

None.

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# City Council Agenda Memo

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**DATE:** 03/01/2021  
**TITLE:** Oliver Drive storm water funding  
**PRESENTED BY:** Vince Hunsinger, Capital Projects Manager

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## AGENDA ITEM DESCRIPTION:

Move money from storm water fund to Oliver Dr. storm water project.

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## HISTORY/PAST ACTION:

## FINANCIAL IMPACT:

Reallocation of Storm Water Funds in the amount of \$137,500.00 to the Oliver Drive Storm Drain project.

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## RECOMMENDATION:

## SUGGESTED MOTIONS:

"... move to transfer \$137,500.00 from the storm water fund to Oliver Drive storm drain project."

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## ATTACHMENTS:





# City Council Agenda Memo

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**DATE:** 03-01-2021  
**TITLE:** Park Street Utilities Funding  
**PRESENTED BY:** Mark Buchanan, PE, Public Works Director and City Engineer

---

## **AGENDA ITEM DESCRIPTION:**

The FY2021 Five-Year Capital Improvement Program includes a project in years 2023 and 2024 for water main replacement along Park Street totaling \$850,000. In addition, there is a project for sewer main replacement totaling \$1.15m and storm drain replacement/installation of \$1.2m in 2023. Following review of the city's water modeling effort performed by Wiedeman & Singleton (available upon request), staff sees the need for and is working to find mechanisms to accelerate this timeline, in an effort to improve water service in the downtown area. Given the nature of construction, it would prove unwise to undertake any one of these three separate, but intertwined, projects. At this time, staff requests authority to begin engineering design simultaneous with funding research to determine the best possible method to complete all 3 projects as quickly as possible. Staff's goal is to see engineering and bid documents that would allow the city to make a choice among water upgrades only, water & sewer only or all 3 utilities.

---

## **HISTORY/PAST ACTION:**

This topic was previously discussed in 2018 with possible funding sources identified at that time. These will be revisited.

---

## **FINANCIAL IMPACT:**

Impact could vary based on level of construction and available grants. At this time, staff is only seeking funding for initial engineering, permitting and consultant fees, expected to be less than \$60,000. Funding for these types of services is already available in the Water and Sewer Line Replacement and Stormwater Fund budgets.

---

## **RECOMMENDATION:**

Establish a \$60,000 budget for Park Street Utility Replacement Projects Design: the \$40,000 cost to the Water and Sewer Fund can be provided by an allocation from amount budgeted for W/S Line Replacements – Other; the \$20,000 cost to the Stormwater Fund can be provided by an allocation from amount budgeted for unspecified stormwater projects.

---

## **SUGGESTED MOTIONS:**

"...motion to approve the transfer of funds as described above for the purpose of engineering, permitting and consultant fees."

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## **ATTACHMENTS:**

None

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## City Council Agenda Memo

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**DATE:** 03/26/2021  
**TITLE:** Part-Time Assistant City Clerk  
**PRESENTED BY:** Bill Schmid, City Manager

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### **AGENDA ITEM DESCRIPTION:**

To provide one part-time clerical and administrative assistant to City Clerk, Mary Csukas, who, in addition to her typical City Clerk's responsibilities, is functioning as acting Main Street Manager, is coordinating for an election this fall, and is taking on additional duties as the Director of Finance retires mid-year.

---

### **HISTORY/PAST ACTION:**

The City has had this position, as needed, at part- and full-time status at various points in the past. This item was discussed at the March 2021 retreat with support.

---

### **FINANCIAL IMPACT:**

\$20k-\$24k, annually depending on qualifications. \$10k-\$12k for a balance of FY21.  
Sufficient unbudgeted revenue exists to cover this position at present and moving ahead.

---

### **RECOMMENDATION:**

Amend the Clerk's budget to reflect the position.

---

### **SUGGESTED MOTIONS:**

I move the FY21 budget be amended to reflect \$12k additional authorized expense in the City Clerk's department to fund a part-time assistant city clerk for the balance of FY21.

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### **ATTACHMENTS:**

None

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# City Council Agenda Memo

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**DATE:** March 17, 2021  
**TITLE:** Yahoola Creek Reservoir Management Plan  
**PRESENTED BY:** John Jarrard, Director of Water/Wastewater Treatment

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## **AGENDA ITEM DESCRIPTION:**

This updated Reservoir Management Plan (RMP) will allow specific recreational use in and around the Yahoola Creek Reservoir. It incorporates more environmental testing and safety measures to ensure that the planned activities will not hamper the water treatment facility's ability to treat the water for human consumption in accordance to EPD Regulations and also to make certain that the water is safe for recreational use.

---

## **HISTORY/PAST ACTION:**

In accordance with the State's Drinking Water Regulations, a reservoir that is used as part of a community's water source must have an approved Reservoir Management Plan.

---

## **FINANCIAL IMPACT:**

Even though this plan requires more in-house water testing (Estimated at \$2,000), the extra expense will be minimal compared to the opportunities that are opened up for recreational and tourist activities.

---

## **RECOMMENDATION:**

Accept this RMP under the requirements that are detailed in the plan.

---

## **SUGGESTED MOTIONS:**

Approve this Reservoir Management Plan as written.

---

## **ATTACHMENTS:**

RMP-Yahoola Creek Reservoir 2021

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**YAHoola CREEK RESERVOIR  
MANAGEMENT PLAN  
2021**

## **RESERVOIR MANAGEMENT PLAN**

**April 2021**

**WHEREAS**, the City of Dahlonega (the “City”) recognizes that securing safe and reliable sources of water is essential for continued growth, for meeting water needs in periods of drought, and for meeting the increasing demand of residential, business, and industrial uses. The City also recognizes that available water resources are limited, those limited resources are further restricted by environmental concerns.

**WHEREAS**, the City, in response to critical water shortages caused by droughts of recent years and ever-increasing demand, determined that the most practical and least environmentally damaging method of assuring a safe and reliable source of water for its customers was to construct a water impoundment project.

**WHEREAS**, the City has acquired certain lands by fee ownership and certain easement rights for the development of the Reservoir and surrounding areas, and resolves to provide for the protection of Project Lands and Waters, as this term is defined in Section 1.0 of the Reservoir Management Plan, in order to assure a safe and reliable supply of raw water and to protect the quality thereof.

**WHEREAS**, in fulfillment of the City’s obligation and commitment to protect the water quality of the Yahoola Creek Reservoir, the City has devised a Reservoir Management Plan that was initially approved in 2006, revised and approved on April \_\_, 2021;

**WHEREAS**, the City wishes to update the most recent Reservoir Management Plan and as used herein “Plan” shall mean the aforesaid documents, respectively, and all amendments thereto. The purpose of the Plan is to set out the activities that are permitted or prohibited on the Yahoola Creek Reservoir owned and operated by the City.

**NOW THEREFORE**, the City hereby adopts this Reservoir Management Plan and provides as follows:

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## **SECTION 1.00**

## **DEFINITIONS.**

**“Aircraft”** – All aircraft, including, but not limited to, airplanes, seaplanes, helicopters, ultralight aircraft, motorized hang gliders, hot air balloons, any non-powered flight devices, drones and any other such equipment.

**“Boat Ramp”** – A ramp built on the shore into the water as a launching place for boaters or other vessels.

**“Buffer”** – A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas.

**“City”** – The City of Dahlonega and its designees and/or employees to perform the duties set out herein within the Project Lands for the purposes of compliance with the Plan. Unless otherwise indicated herein, the term “City” shall include the authorized representatives of the City that shall assure compliance with this Plan and the guidance contained herein, within the City of Dahlonega.

**“Commercial Activity”** – Any type of business or activity that is carried on for profit.

**“Corridor”** – All land within the buffer areas.

**“County”** – Lumpkin County

**“DNR-EPD”** -- Georgia Department of Natural Resources, Environmental Protection Division.

**“Dock”** – A platform built out from the shore into the water, whether on posts, pilings, cables, floating supports, or supported by any other means, such as those used as a landing place for vessels or for fishing.

**“Easement Lands”** – The land area between the normal pool of the reservoir and a line 150 feet measured horizontally from and parallel to the normal pool of the Reservoir. This area may be subject to restrictive covenants of public record intended to protect the water quality and environment of the Project, as defined in Section 1.00 herein. Easement Lands create a natural buffer that can be disturbed only as provided for herein.

**“Flood Buffer Area”** – The land immediately adjacent to the Reservoir subject to the 100-year flood event.

**“Flotation Device”** – Any device, structure, or item, motorized or non-motorized, that may be used as a means of buoyant transportation on the surface of the water. Examples include, but are not limited to, rafts, floats, tubes, barrels, Styrofoam blocks, and pontoons.

**“Impervious Surface”** – A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include, but are not limited to, buildings, roads, driveways, parking lots, swimming pools, and patios.

**“Mean Sea Level (MSL)”** – The level of the ocean’s surface halfway between the high and low tide, used as a standard in measuring land elevation.

**“Natural Buffer Area”** – The area extending a distance of 150 feet horizontally from and parallel to the normal pool boundary to be maintained as a natural buffer.

**“Perennial Stream”**- A stream that flows throughout the whole year as indicated on a USGS 1:24000 Scale Quad map.

**“Plan”** – See “Reservoir Management Plan.”

**“Private Lands”** – All property not owned in fee simple by the City of Dahlonega/County.

**“Private Shoreline Areas”** –Property privately held adjacent to Project Lands.

**“Project”** – A Reservoir water impoundment project and related water treatment and recreation areas.

**“Project Lands”** – All real property acquired and owned in fee simple by the City/County in and around the Reservoir (“Reservoir Lands”), as well as those portions of Private Lands over which the City/County has acquired specific easement or covenant rights for flood, access, buffer, environmental, and water quality protection purposes. Project Lands create a natural buffer that can be disturbed only as provided for herein or as permitted under Section 6.00 of this Plan.

**“Project Waters”** – That area located within the normal pool level of a Reservoir.

**“Protected Shoreline Areas”** – All areas designated as “Protected Shoreline” in order to protect aesthetic, environmental, fish, and wildlife values.

**“Reservoir”** – See “Yahoola Creek Reservoir”.

**“Reservoir Boundary”** – The edge of a water supply reservoir defined by its normal pool elevation. The reservoir boundary of the Yahoola Reservoir shall be at approximately 1238 feet msl.

**“Reservoir Property”** - The water supply reservoir plus adjacent lands owned by the City/County.

**“Reservoir Management Plan”** – This document and all amendments thereto. Also referred to as the “Plan.”

**“Utility”** - Public or private systems of water and sewer piping systems, water and sewer pumping stations and treatment systems, electric power lines, fuel pipelines, cable television and telephone lines, roads, driveways, bridges, river and lake access facilities, storm, and other utilities identified by the City.

**“Yahoola Creek Reservoir”** – The approximately 141-acres water impoundment with a normal pool elevation of 1238 feet msl. Also referred to as the “Reservoir.”

## **SECTION 2.00**

## **BACKGROUND.**

The City of Dahlonega began as a frontier gold rush town in 1833 shortly after the discovery of gold by settlers in northeast Georgia. The region produced enough gold for the US Mint to establish a branch in the City at the same time as New Orleans, LA and Charlotte, NC. Before railroads were built and despite its remoteness, the population of Dahlonega was larger than Atlanta and Chicago combined (1840).

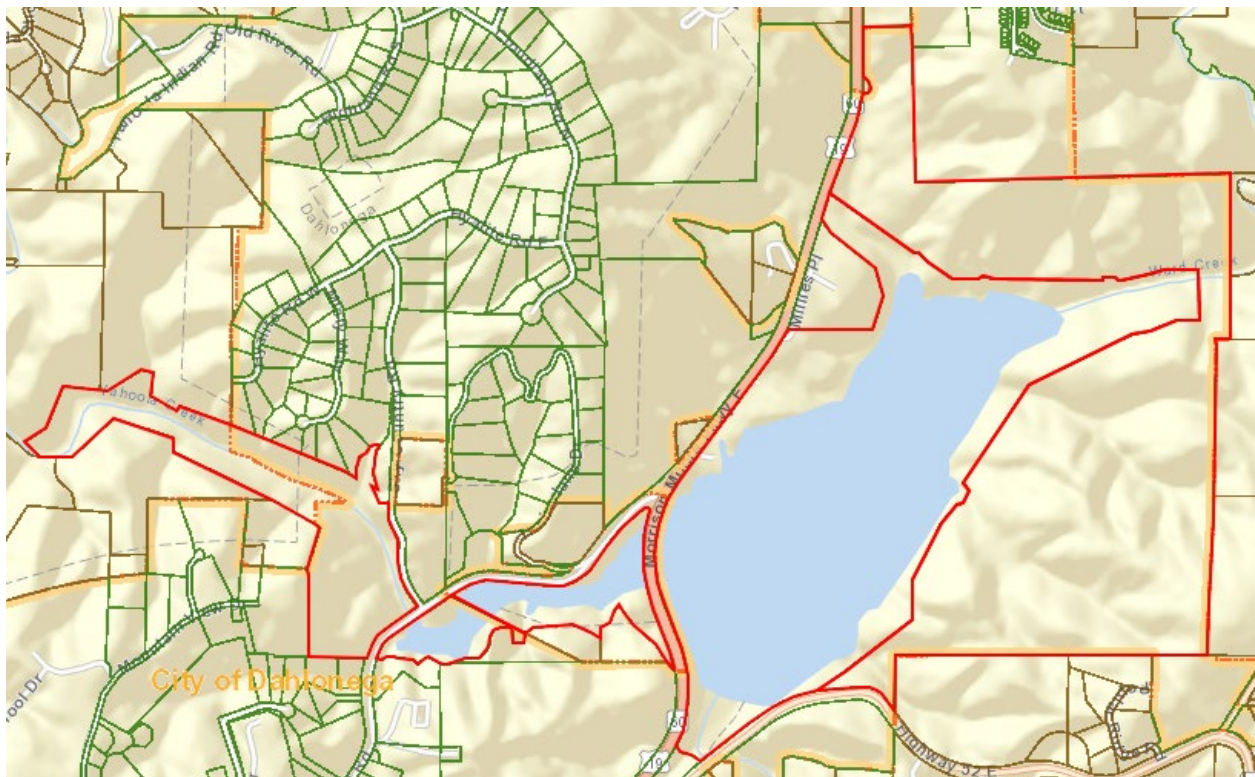
Until 1927 the City did not have a public water supply or transmission system. Residents, businesses, mines and the North Georgia Agricultural College (former site of the Mint and now the University of North Georgia) were dependent on wells or diverted water. Since then the City has constructed and operated three water treatment plants in proximity to Yahoola Creek.

Dahlonega is the county seat and sole municipality in Lumpkin County. Today the City has permitted water treatment capacity of 6 million gallons per day provided by a state-of-the-art membrane microfiltration

treatment (Pall) plant. It serves over 7,000 residents in the City. It also supplies bulk treated water to the Lumpkin County Water & Sewer Authority for resale and distribution. The City is one of the top 10 cities in Georgia in terms of percentage rate of population growth from 2010 to the present. Because of the future growth, the water facility was designed for a maximum treatment capacity of 12 MGD to serve the City and unincorporated County. This expansion can easily be accomplished by adding more filters, larger pumps and an additional clearwell without increasing the current footprint of the facility.

The Yahoola Creek Reservoir is the collective catchment point for approximately 20,500 acres in the Yahoola Creek Watershed (HUC #031300010602), all within Lumpkin County. The rural watershed is comprised of low-density development without railroads, landfills or significant potential hazard sources. The US Army Corps of Engineers authorized the construction of a dam on Yahoola Creek impounding 132-acres at a normal pool elevation of 1232 feet msl, northeast of the City of Dahlonega in central Lumpkin County in 1992. The reservoir received additional authorization on April 22, 2009 to expand the normal pool to 141-acres at elevation 1238 feet msl.

Construction of the Reservoir began in 1999 and was completed in 2003, with the final expansion to 1238 feet msl completed in 2009. Concurrently a raw water intake structure was built, and the project became a joint venture of the City of Dahlonega and Lumpkin County. The City and County borrowed money to buy the area of the proposed lake, the shoreline and the majority of the property within 500 feet of the lake surface from the State after its plans for a state park with a recreational lake were suspended. Construction of the reservoir dam resulted in making the then-existing award winning second treatment plant (charcoal/sand filters) obsolete. City and/or County land ownership in proximity to the reservoir are outlined in red below.



The revision of the Reservoir Management Plan incorporates the adoption of the modified language within Ga Comp. Rules & Regs. 391-3-16(8)(b)(1) to place more emphasis on the recreational opportunities for drinking water reservoirs and less on the prohibition and restriction options for reservoir owners on the recreational uses as a part of the reservoir management plan, while concurrently maintaining adequate safeguards for water quality. Recently the City has obtained multiple grants and other partnerships with the State of Georgia, including financing specifically from the Georgia Department of Natural Resources for the improvement of recreational facilities on and surrounding the Reservoir. The Plan provides recreational opportunities for residents and the one million annual visitors while assuring that the Project Waters and Lands are maintained in an environmentally responsible manner. The City is committed to increasing the recreational opportunities while assuring adequate protections to water quality. The Reservoir Management Plan balances watershed specific concerns, resource characteristics as well as the primary purpose of water supply and secondary recreational uses.

The Yahoola Creek Reservoir is designed to assure an adequate and reliable supply of clean, safe water to meet the present and future needs of the customers of the City. The Reservoir has a normal pool elevation; easements for flood, access, and buffer; environmental and water quality protection purposes; and additional land acquired by easement or in fee simple. The Reservoir is under the supervision of the Georgia Safe Dams Program and shall be maintained in accordance with the requirements and specifications set forth by Safe Dams, including but not limited to the removal of woody vegetation from the dams.

#### **Section 2.01. Watershed Description.**

The Yahoola Creek sub-watershed drains an area of approximately 34 square miles north of Dahlonega and is designated by the United States Geological Survey as sub-watershed HUC 031300010602. Yahoola Creek forms at the confluence of Walden Creek and Walnut Cove Creek in north-central Lumpkin County, approximately two miles southeast of Suches, south of State Route 60, in the southern portion of the Chattahoochee-Oconee National Forest. It flows south for a mile before its confluence with Lee Creek from the west and Robinson Creek from the northeast. Approximately one mile south, Woody Creek joins from the north, and 1/3 mile further, Jarrard Creek joins from the east, continuing south before a sharp westerly curve to the confluence with Bryant Creek, before turning back to the south. Yahoola Creek continues south for approximately 4.5 miles, exits the national forest, flows 3.2 miles before its confluence with Ward Creek after crossing U.S. Route 19/State Route 60, forming Lake Zwerner just north of Dahlonega.

The Reservoir's relative shallowness has required that the City be vigilant and proactive to ensure the quality of the water is kept in its highest natural form. The City installed four Solar Bee Reservoir Circulators at strategic locations to help alleviate nutrient build-up in the lake and enacted appropriate prohibitions and restrictions consistent with state criteria to maintain water quality. Water quality testing has shown that the steps the City of Dahlonega has taken in the past has kept the natural environment of the lake at the highest quality.

The Reservoir's estimated storage capacity of 850 million gallons was and is intended by the City and County to ensure that the City, unincorporated County and surrounding communities have a reliable source of water for the foreseeable future. Day to day operations of the Reservoir are overseen by the City with the County maintaining the existing hiking trail that runs the entire perimeter of the lake. The City and County have operated the Reservoir under a Reservoir Management Plan since 2006.

#### **SECTION 3.00 OBJECTIVES.**



The primary and overriding objective of this Plan is to preserve and protect the quality of water in the Reservoir and Project Lands. Subordinate objectives are to regulate the management, protection, and preservation of the Reservoir's shorelines and environment; to establish and maintain acceptable fish and wildlife habitat, aesthetic quality, and natural environmental conditions; to protect Project Waters and Lands; and to accommodate the safe and healthful use of Project Lands and Waters for recreational purposes. As required under Ga. Comp. Rules & Regs. Chapter 391-3-16.01(8), any recreational uses contemplated herein shall take into consideration and be subordinate to the protection of the water quality of the reservoir for drinking water purposes.

While some highly regulated uses of Project Lands and Waters are compatible with the primary objective of water quality protection, any individual use, public or private, otherwise permissible under the terms of this Plan may be limited, regulated, denied, prohibited, or ordered removed in the sole discretion of the City, subject to appeal to the City, if such use is believed to create an unacceptable risk to the quality of the water in the Reservoir.

No provision hereof shall be construed to permit anything prohibited by the Water Supply Watershed Rules (Ga. E.P.D. Rules, Chapter 391-3-16-01 Criteria for Water Supply Watersheds), zoning ordinances or other land use ordinances established by the applicable local governing entity. **ALL OTHER FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS REMAIN IN FULL FORCE AND EFFECT WHERE APPLICABLE.**

#### **SECTION 4.00**                      **AUTHORITY AND JURISDICTION.**

The Reservoir is wholly owned in fee simple by the City and County. The City/County may also possess certain easement and covenant rights surrounding the Reservoir for flood, access, buffer, environmental, and water quality protection purposes. Each provision of this Plan shall be applicable to all Project Lands and Project Waters as herein defined.

This Plan, all rights of the City herein contained, and all restrictions herein imposed may be administered, exercised, and enforced by the City and its agents and employees. The agents and employees of the City are authorized to assist in the enforcement of this Plan.

The City is responsible for the system's compliance with the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-6; Water Quality Control and the adopted Ordinance by the Dahlonega City Council concerning the permitted uses of the Reservoir.

#### **SECTION 5.00**                      **GENERAL REGULATIONS.**

The restrictions contained within this Section shall apply to all Project Lands unless specifically indicated otherwise.

##### **Section 5.01.    Vehicles.**

(a)        This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, dune buggies, all-terrain vehicles and trailers, campers, bicycles or any other equipment.

(b) Vehicles shall not be parked in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles; create a safety hazard, or endanger any person, Project Lands, or environmental feature. Vehicles so parked are subject to removal and impoundment at the owner's expense.

(c) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the City. Taking any vehicle through, around, or beyond a restrictive sign, recognizable barricade, fence, berm, tree, or traffic control barrier is prohibited. This paragraph shall not apply to City or emergency personnel and first responders.

(d) Vehicles shall be operated in accordance with posted regulations and applicable federal, state and local laws, which shall be enforced by authorized enforcement officials.

(e) No person shall operate any vehicle in a careless, negligent, or reckless manner so as to endanger any person, Project Lands, or environmental feature.

#### **Section 5.02. Vessels.**

(a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, wind surfers, sailboats, rowboats, canoes, kayaks, and any other such equipment capable of navigation on water, whether in motion or at rest. Vessels or watercraft such as cruisers, houseboats and jet skis are prohibited.

(b) Except as otherwise provided herein, no vessel or watercraft shall be operated on Project Waters with a gasoline, diesel, or other internal combustion engine or power plant. Electric motors are permissible. Notwithstanding this or any other provision of this Plan, the City, law enforcement and emergency rescue officials shall be permitted to maintain and operate gasoline-powered vessels for police, emergency, safety and other designated uses.

(c) In circumstances where an event has been permitted by the City, it may be determined that gasoline powered vessels are necessary for the duration of the event to ensure the safety of participants in the permitted event.

(d) The placement and/or operation of any vessel or watercraft for a fee or profit upon Project Lands or Waters is prohibited except as authorized by permit, lease, license or concession contract with the City.

(e) Except as otherwise prohibited herein, vessels or other watercraft may be operated on the Project Waters, except in prohibited or restricted areas, in accordance with posted regulations, including buoys, and applicable federal, state and local laws, as regulated by authorized enforcement officials. Non-motorized or battery powered boats may be launched from designated areas but may not be left in the water or Reservoir buffer unattended.

(f) All vessels or watercraft so required by applicable federal, state and local laws shall display an appropriate registration on board whenever the vessel is operated on Project Waters, except for City vessels which shall maintain applicable registrations at City Hall.

(g) The operation of vessels or other watercraft in a careless, negligent, or reckless manner so as to endanger any property or person (including the operator and/or user(s) of the vessel or watercraft) is prohibited.

(h) All vessels and watercraft, when in use, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements (Coast Guard Pamphlet CG-290; 46 CFR Parts 25, 30, 33 CRF Part 175) and in compliance with boating safety laws issued and enforced by the State of Georgia.

(i) Unless otherwise permitted by federal, state or local law, vessels or other watercraft, may not be used for either overnight occupancy or otherwise as a place of habitation or residence.

(j) Water skis, parasails, ski-kites, or similar devices are prohibited, unless the City issues a special use permit for an organized exhibition-type event.

(k) All vessels or watercraft, when not in actual use, shall be removed from Project Lands and Waters unless moored or stored at designated areas approved by the City. The placing of floating or stationary mooring facilities on, adjacent to, or interfering with the intake, dam, outlet control structure, Solar Bees, buoy, channel marker, or other navigational aid is prohibited.

(l) The use within the confines of the Project of any vessel not constructed or maintained in compliance with the standards and requirements established by the federal Safe Boating Act of 1971 (Public Law 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.

(m) The cleaning of vessels with soaps and solvents is prohibited.

(n) Boat launching from the boat launch accessed from Morrison Moore Parkway and the dock/ramp/launch platform at Wimpy Mill Road is prohibited when (i) the reservoir is at or below an elevation of 1232 feet msl; (ii) when under repair/construction ; and (iii) as otherwise determined by City.

### **Section 5.03. Aircraft.**

(a) This section pertains to all aircraft, including, but not limited to, airplanes, seaplanes, helicopters, ultralight aircraft, motorized hang gliders, hot air balloons, any non-powered flight devices, or any other such equipment, except drones authorized by City ordinance.

(b) The operation of aircraft on Project Lands is prohibited. This provision shall not be applicable to aircraft engaged on official business of federal, state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the City, or aircraft forced to land due to circumstances beyond the control of the operator.

(c) Except in extreme emergencies threatening human life or serious property loss, the air delivery of any person, material, or equipment by parachute, helicopter or other means onto Project Lands or Waters without written permission of the City is prohibited.

#### **Section 5.04. Swimming.**

(a) Swimming is prohibited at Project Waters during the period of November through April unless a special event use permit has been obtained from the City.

(b) Diving, snorkeling or scuba diving in Project Waters is prohibited except for maintenance work that may be directed or performed by the City. Diving or jumping from bridges or other structures that cross Project Waters is prohibited.

(c) Swimming shall be prohibited except for within the designated public access area from May to October and as authorized by special event use permit by City. During the designated times, swimming shall only be permitted upon water quality considerations meeting the guidelines within EPA's 2012 Recreational Water Quality Criteria and the supplemental EPA guidance titled "Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin" as published in the Federal Register June 6, 2019 (FR 2019-11814), and subsequently available as document EPA 822-R-19-001, May 2019. A warning to individuals using the Yahoola Reservoir will occur whenever any cyanotoxins are detected and prohibit swimming at the values of 8 µg/L microcystins or 15 µg/L cylindrospermopsin.

(d) Bodily contact other than incidental contact during human-powered boating events such as canoeing, kayaking, stand-up paddle boarding, and sculling are restricted to seasonal prohibitions identified in Sections 5.04(a) and (c).

(e) The City reserves the right to modify Section 5.04 by posted notice pending continued water quality monitoring to assure no adverse impacts to water quality for the purpose of water supply in accordance with the standards provided in Ga. Rules and Regs. R 391-3-5 et seq. and as further defined within Section 10.11.

#### **Section 5.05. Hunting and Trapping.**

Hunting and trapping are prohibited unless an emergency permit is issued for the control of overpopulation. All federal, state and local laws governing these activities apply on Project Lands and Waters, as regulated by authorized enforcement officials.

#### **Section 5.06. Sanitation.**

(a) Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated on the Project and incidental to authorized recreational activities shall be either removed from the Project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, including human and animal waste, on Project Lands or into Project Waters is prohibited.

(b) No household or commercial garbage, trash, rubbish, debris, dead animals, or litter of any kind shall be brought onto Project Lands or into Project Waters for disposal or dumping.

(c) Spilling, pumping, or other discharge of contaminants, pollutants, or other wastes, including, but not limited to, human or animal waste, petroleum, and industrial or commercial products and by-products, on Project Lands or into Project Waters is prohibited.

(d) Campers, picnickers, and all other persons using the Project Lands or Waters shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean sites upon departure.

(e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants onto Project Lands or into Project Waters from any vessel or watercraft is prohibited.

**Section 5.07. Fires.**

(a) Gasoline and other fuels shall not be carried onto or stored on Project Lands without written permission of the City. This does not apply to the fuel tanks of automobiles and trucks located on roadways or parking areas within the Project.

(b) Fires shall be confined to those areas designated by the City, contained in fireplaces, grills, or other facilities designated for this purpose and shall not be left unattended and be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic, or treated wood products is prohibited.

(c) Improper disposal of lighted smoking materials, matches, or other burning materials is prohibited.

**Section 5.08. Control of Animals.**

(a) No person shall bring or allow dogs, cats, or other pets onto the Project Lands unless penned, caged, on a leash under 6 feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use by others of Project Lands and Waters. Dogs, cats and other pets are prohibited on swimming beaches and within the Project Waters. Animals and pets, except properly trained animals assisting the handicapped (such as seeing-eye dogs) or service animals, are prohibited in facilities or other areas so designated by the City. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal, in sanitary facilities, of any waste produced by these animals.

(c) No person shall bring or allow horses, cattle, or other livestock in recreation areas except in areas designated by the City.

(d) Feeding wild animals on Project Waters or Lands is prohibited.

(e) Any animal impounded under the provisions of this section may be confined at a location designated by the City, who may assess an impoundment fee as established by the Dahlonge Animal Control Ordinance. This fee shall be paid before the impounded animal is returned to its owner(s).

**Section 5.09. Restrictions.**

(a) The bulk of the shoreline of the Reservoir is available to public use. The City may close or restrict the use of Project Lands or Waters, or portions thereof, when necessitated by reason of public health, public safety, maintenance, or other reasons in the public interest. Entering or using the Project Lands or Waters in a manner contrary to the closures or restrictions is prohibited. Public access is prohibited to the dam weir/labyrinth, spillway and any other water containment or release facilities with the exception of the approach trail and pedestrian footbridge over the spillway of the

earthen dam and the trail improvements on the downstream side of the dam below the discharge to Yahoola Creek.

(b) Individuals shall be prohibited in any Project Lands and Waters that are fenced, gated or otherwise posted indicating prohibited access.

(c) Quiet shall be maintained on all Project Lands and Waters between the hours of 10 p.m. and 6 a.m. or those hours designated by the City. Excessive noise that unreasonably disturbs persons during such times is prohibited.

(d) Any act or conduct by any person which interferes with, impedes or disrupts the use of Project Lands or Waters or impairs the tranquility or privacy of adjoining landowners or impairs the safety of another person is prohibited. Individuals who are boisterous, rowdy, disorderly or otherwise disturb the peace on Project Lands or Waters may be required to leave the Project.

(e) The operation or use of any audio or other noise producing device, including, but not limited to, radios, television, or musical instruments and motorized equipment, including vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local governing noise levels from motorized equipment is prohibited.

#### **Section 5.10. Public Property.**

(a) Destruction, injury, defacement, removal, or other alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archeological features, and vegetative growth, is prohibited except when in accordance with written permission of the City.

(b) Cutting or gathering of trees or parts of trees and/or the removal of wood from Project Lands is prohibited without written permission of the City. The removal of forest humus or mulch is prohibited.

(c) Pumping, or any other removal of water from the Reservoir by persons or entities other than the City is prohibited.

(d) Private construction of houses, sundecks, docks, porches, swimming pools or outbuildings partially on Project Lands, and the placement thereon of related debris, fill, septic tanks, and drain fields are expressly prohibited.

#### **Section 5.11. Abandonment and Impoundment.**

(a) Personal property of any kind shall not be abandoned, stored or left unattended upon Project Lands or Waters. After a period of 24 hours, or at any time after a posted closure hour in public use area, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the City. The City may assess a reasonable impoundment fee and such fee shall be paid before the impounded property is returned to its owner.

(b) The City shall, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that is within its custody or control. However, property exceeding

\$25 in value may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). The net proceeds from the sale of property shall be deposited into the Treasury of the City as miscellaneous receipts.

- i. If the owner, heirs, next of kin or legal representative(s) are determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at the last known address.
- ii. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of \$25 or more, the property may not be disposed of until 90 days after the date it is received at the storage point designated by the City.

(c) Personal property placed on Project Lands or Waters for more than 24 hours without permission of the City shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to issue a citation.

#### **Section 5.12. Lost and Found Articles.**

All articles found shall be deposited by the finder at the City's office or delivered to other law enforcement personnel.

#### **Section 5.13. Advertisement.**

Advertising by the use of billboards, signs, markers, audio devices, handbills, circulars, poster, or any other means whatsoever, is prohibited without written permission of the City. Vessels and vehicles with semi-permanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

#### **Section 5.14. Commercial Activities.**

The engaging in or solicitation of business is prohibited except as authorized, pursuant to appropriate licensure by the City. Nothing contained herein shall be construed to preclude the operation of a water treatment facility by the City or its agent.

#### **Section 5.15. Unauthorized Structures.**

The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs or landscape features) of any kind under, upon, in or over the Project Lands or Waters by a third party is prohibited unless a permit, lease, license, or other appropriate written agreement has been issued by the City. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license or other written agreement is prohibited. The City shall not be liable for the loss of or damage to, any private structures, whether authorized or not, placed on Project Lands or Waters. Unauthorized structures are subject to summary removal or impoundment by the City.

**Section 5.16. Special Events.**

(a) Special events including, but not limited to, water carnivals, boat regattas, music festivals, dramatic presentations or other special recreation programs are prohibited unless a permit has been granted by the City. An appropriate fee may be charged under the Authority of Section 5.20 and 6.00.

(b) The public shall not be charged any fee by the sponsor of such event unless the City has approved in writing (and the sponsor has properly posted) the proposed schedule of fees. The City shall have Authority to revoke permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permit/permission or the regulations of this Plan.

**Section 5.17. Unauthorized Occupation.**

(a) Occupying any land, buildings, vessels or other facilities within the Project for the purpose of maintaining same as a full or part-time residence is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of Section 5.06 and as authorized by the City or County in designated areas.

(b) Use of Project Lands or Waters for agricultural purposes is prohibited except when in compliance with terms and conditions authorized by lease, license or other written agreement issued by the City.

**Section 5.18. Recreation Use Fees.**

(a) The City may collect special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at the City's expense. The use of sites, facilities, equipment or services related to outdoor recreation provided by landowners or third parties are exempt from this section.

(b) All use fees shall be fair and equitable and may be based on any or all the following criteria:

- (1) The direct and indirect amount of City expenditure;
- (2) The benefit to the recipient;
- (3) The public policy or interest served;
- (4) The comparable recreation fees charged by federal or non-federal public agencies and the private sector within the service area of the management unit at which the fee is charged;
- (5) The economic and administrative feasibility of fee collection;
- (6) The extent of regular maintenance required; and/or
- (7) Other pertinent factors.



Use fees shall be established and modified from time to time by the City and a list of such use fees shall be maintained in City Hall.

**Section 5.19. Interference with City Employees.**

(a) It shall be unlawful to forcibly assault, resist, oppose, impede, intimidate, or interfere with any civilian official, agent, or employee of the City or other law enforcement agency engaged in the performance of their official duties. Such actions or interference directed against an employee while carrying out their duties under the Plan are a violation of this Plan and may be a crime punishable under the laws of the State of Georgia.

(b) Failure to comply with a lawful order issued by an employee or designated agent acting pursuant to the Plan shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with an employee includes failure to provide a correct name, address or other identification upon request of the employee, when that employee or agent is authorized by the City to issue citations in the performance of the employee's official duties.

**Section 5.20. State and Local Laws.**

Except as otherwise provided herein, federal law or regulations, and state and local laws and ordinances shall apply on Project Lands and Waters and shall be enforced by those federal, state and local enforcement agencies established and authorized for that purpose. This includes, but is not limited to, federal, state and local laws and ordinances governing:

- (a) Operation and use of motor vehicles, vessels, and aircraft;
- (b) Hunting, fishing and trapping;
- (c) Use of firearms or other weapons;
- (d) Civil disobedience and criminal acts; and,
- (e) Littering, sanitation and pollution.

**SECTION 6.00                      PERMITS.**

Project Lands and Waters must be regulated to fulfill the primary Project purpose of water supply, to encourage proper use of Project Lands and Waters, and to promote public safety. The City may issue a Special Events Permit to citizens for activities including, without limitation, competitive swimming, kayak/paddling competition, fishing tournaments, family reunions, and company or corporate outings. In determining whether or not to grant a Special Event Permit, the City shall consider all relevant factors including, without limitation, environmental laws and regulations; regulatory guidance; public safety; availability of space; effect on the rights of others; and the nature, duration, and extent of the proposed activity. Permits issued by the City for special events do not relieve the permittee from the necessity of obtaining similar local or state authorizations, if required. Events or actions prohibited elsewhere in this plan

are not permitted as a special event. Special Events Permits are required for use of Project Lands and Waters whenever more than 30 persons are involved in a specific proposed activity. Special Event Permits are required for use of the Project Waters whenever more than 10 vessels are involved in a specific proposed activity. The City shall have the authority to revoke permission and require removal of any equipment from Project Lands or Waters upon failure of the sponsor to comply with the terms and conditions of the permit/permission.

All permit requests must be submitted to the City, who shall review and issue or deny the permit within 30 days of receipt of the request. The City may seek the advice of the DNR-EPD Water Quality Program whenever a requested permit may potentially affect water quality. Each permit application shall be reviewed and considered solely on its individual merits. All applicants shall be notified in writing of the reason for any denial of a permit request.

Violations of permit conditions or uses shall result in corrective action that may include termination of the permit, removal of private property, restoration of Project Lands, and/or other legal action as deemed necessary. When a permit violation or unauthorized use is corrected, the violator may reapply for a Permit subject to current regulations; however, the City may consider such violation or unauthorized use as a factor in its decision whether or not to grant or renew such permit. Public utility exceptions for any construction within the Flood Buffer Area or the Natural Buffer Area must have the approval of the City.

## **SECTION 7.00**                      **SETBACK.**

Setback building codes are necessary to prevent building errors or boundary discrepancies from becoming major encroachment problems. The City Rear setbacks, established by the Zoning Ordinance, shall be construed as referring to the outer boundary of Project Lands as if such Project Lands were owned by the City, and enforced accordingly. The City has established minimum requirements for the area lying between the normal pool of the Reservoir and a parallel line running 150 feet from that point so as to prevent the construction of any impervious surfaces or the installation of any septic tanks or septic tank drain fields within 150 feet of any point, thereby creating a 150-foot natural, undisturbed buffer, except for where specified herein.

## **SECTION 8.00**                      **BOUNDARY CONTROL.**

Project Lands shall consist of all land extending for a distance of 150 feet from the normal pool elevation of the Reservoir.

For safety and water quality purposes, a chain link fence or other type fence may be erected, but is not required, on the Project Lands owned by the City on the City's behalf.

A private survey should be obtained prior to any construction on Private Land or adjacent to Project Land. Information related to the Project's boundaries may be obtained at the City's office.

## **SECTION 9.00**                      **ENCROACHMENT RESOLUTION.**

Unless permitted in writing by the City, items placed on Project Lands longer than 24 hours constitute an encroachment and shall be subject to summary removal and impoundment at the owner's expense.

Impounded items ultimately will be disposed of if not claimed. Minor encroachments are treated as abandoned property in accordance with Section 5.11. Major encroachments are items of more substantial value or more permanent in nature, such as improvements or fixtures on the land. An unpermitted major encroachment may result in the filing of a civil action to enforce removal. Major encroachments generally include, without limitation, private docks and storage sheds.

## **SECTION 10.00**      **PROJECT MANAGEMENT.**

### **Section 10.01 Forest Management.**

Project Lands shall be developed and maintained to assure adequate forest resources to provide water quality protection. Forest products are not a focus of the City; rather all forest management goals shall have the primary focus of protecting water quality within the Reservoir. Secondary goals of forest management shall be aesthetics, wildlife benefits, air and water quality, soil erosion, and outdoor recreation experiences.

Implementation of forest management objectives shall be accomplished on lands owned in fee simple by the City/County utilizing a variety of methods including selective thinning to reduce basal area and increase stand vigor and regeneration to establish cover on unforested areas and replace mature stands. The objectives shall be to sustain a healthy, vigorously growing, unevenly aged, aesthetically pleasing forest. Management practices shall include those necessary to provide protection from fire, insects, disease, and other threats to allow for appropriate harvest of trees and to regenerate forest stands. The cutting or removal of dead or diseased trees from within the Project Lands or removal of fallen trees shall be expedited when such tree(s) poses a threat to persons, personal property or other authorized activity.

### **Section 10.02 Wildlife Management**

- (a) Successful wildlife management at the Project Lands and Waters can best be achieved by integrating wildlife programs with effective forest management. The goal of wildlife management is developing, improving, and maintaining vegetative communities that will serve diverse wildlife. Fulfillment of this goal will provide enhanced opportunities to observe wildlife and to engage in other non-consumptive uses such as photography and nature study.
- (b) Hunting and trapping are prohibited unless an emergency permit is issued for the control of overpopulation. All federal, state and local laws governing these activities apply on Project Lands and Waters, as regulated by authorized enforcement officials.
- (c) In keeping with the promotion of a diverse wildlife community, the City may manipulate habitats. Active management includes providing deficient habitat components, such as installing nesting structures or food plots. Since Protected Shoreline Areas and Private Shoreline Areas tend to receive stress from human activity, the City encourages and authorizes the planting of native vegetation consistent with Forest Management Practices, (see Section 10.01 Forest Management). Snag or dead trees not endangering life or property may be purposely left to benefit both birds and mammals. Trees that fall into the lake may be left in place to serve as habitat unless designated as a safety or public health hazard by the City.

- (d) Wildlife population regulation, especially game species, is the responsibility of the Georgia Department of Natural Resources. The City shall cooperate to support state efforts with population regulation by providing habitat for the production of game species for off-site utilization and assisting with the control of pest species.

### **Section 10.03 Fisheries Management.**

- (a) Fisheries management is implemented to enhance and maintain existing fisheries habitat. Habitat enhancement is accomplished by conducting various practices such as water level management for stabilizing spawning habitats, installation of fish attractors, and planting native vegetation for erosion control and habitat.
- (b) Introduction of non-native species is prohibited. The City retains the right to limit the maximum number of fish taken in a day based on species and size in furtherance of the fisheries management goals.
- (c) Public Fishing is permitted at the Reservoir subject to the rules and regulations of the Georgia Fish and Game Commission.
- (d) Fishing from public road right-of-way and bridges is prohibited.
- (e) Removal of Grass Carp “Amur” is strictly prohibited. Amur can be identified by its silver-gray color, elongated body and can grow up to 35 pounds.

### **Section 10.04 Water Quality.**

(a) Water quality management is a complex and challenging task due largely to the potentially varied human activity both in and around the Reservoir. The City’s goal for this management responsibility is to promote water quality adequate for safe and healthy public use as well as conservation of wildlife, fish, and other beneficial aquatic life. To achieve this goal, the City strives to maintain compliance with federal and state water quality laws as they relate to specific operations. Protection of Project Waters is promoted by the following activities: enforcement of Project water pollution regulations, periodic water quality assessment, implementation of solid waste abatement programs for the shoreline, and promotion of environmental awareness. Additionally, the City shall maintain cooperative relations with other water quality management agencies.

(b) City personnel are authorized to enforce laws and regulations that prohibit the discharge of pollutants in and onto Project Lands and Waters. As situations dictate, City personnel shall conduct preliminary investigations of violations on or near the Project Lands and Waters and forward their findings to agencies with appropriate jurisdiction for continued investigation and enforcement.

(c) City regulations prohibit the discharge of sewage, garbage, and other pollutants from vessels into the Reservoir, which shall be a zero-discharge water body for all vessels. **No gasoline or diesel-powered vessels of any kind or size may be operated in the Reservoir** unless expressly permitted herein. Any other provision of the Plan notwithstanding, the City, law enforcement and emergency rescue personnel or its designated agents shall be permitted to maintain and operate gasoline-powered vessels.

(d) Septic tanks or drain fields shall not be permitted on Project Lands. These measures will reduce infiltration of septic tank contents into lake water.

(e) Cleaning vessels with soaps and solvents on the shoreline pollutes the Reservoir. This activity and the unauthorized use of insecticides, herbicides, pre-emergents and fertilizers are prohibited by regulation.

(f) Due to their detrimental impact on water quality, chemical products such as pre-emergent weed killers, fertilizers, growth retardants, etc., shall not be used on Reservoir Project Lands, except some topical applications to control noxious species.

(g) Any incident of littering, water pollution, or any other act or omission, after a warning, that threatens water quality, in addition to any other punishment provided by other local, state or federal law, may be punishable by the maximum fine of \$1,000.00 per offense allowed pursuant to Dahlonge Code Section 127-4.

(h) Point-Source Sedimentation. Activities such as dredging; riprapping; construction of outfall lines, intake structures, other fixed structures, and retaining walls; fill; and the discharge of dredged or fill material; etc., into the Reservoir may occur only if they are not prohibited by federal, state, or local law. Point-source sedimentation violations that directly impact a Reservoir shall be reported to the City and the DNR-EPD. The City will perform periodic maintenance of dredging to maintain adequate storage in the reservoir and may, but shall not be required, to use reclaimed material within the reservoir boundary to establish or augment "living shoreline".

#### **Section 10.05 Wetlands.**

The term "wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands in, on, or around the Reservoir provide significant natural biological functions including food chain production; general habitat for aquatic and land species such as nesting, spawning, rearing, and resting sites; and purifying water.

No permit shall be granted for any general or specific use or alteration of wetlands unless prior written approval is obtained from the United States Army Corps of Engineers.

#### **Section 10.06 Aquatic Weeds.**

Nuisance aquatic weeds may invade the Reservoir. The transport of such weeds is possible, and low areas may eventually have seasonal problems unless the public inspects and cleans boats and trailers after visiting other waterways known to have aquatic weed pests. Of most concern is hydrilla and Eurasian watermilfoil.

Asian Carp may be added to the Reservoir as a preventative measure for the prevention of aquatic weeds. Aquatic weeds will be addressed as necessary to maintain water quality in accordance with state and federal laws.

#### **Section 10.07 Endangered Species.**

It is the intention of the City to conserve threatened and endangered species and the ecosystems upon which those species depend. No permit shall be granted that poses any danger to

the habitat(s) of any endangered species. Any permits issued in violation of this Section shall be rescinded.

#### **Section 10.08 Cultural, Historic, and Archaeological.**

It is the intent of the City to protect historical sites and recover historical and archeological data. No permit shall be granted, and any previously granted permit shall be rescinded, if it is determined that the permit infringes upon a historic or archeological site.

#### **Section 10.09 Recreational Areas**

The City maintains public recreational areas at the Reservoir. Within and adjacent to Project Lands and Waters, the City may provide parking, pavilions, restrooms, paths, playgrounds, picnic tables, boat launch ramps, racks, public docks, piers and other recreational amenities associated with fishing, boating activities and other outdoor recreation. Development of these public areas will be as necessary to meet the needs of the citizens as determined in the sole discretion of the City in accordance with Best Management Practices.

- (a) Handicapped-accessible facilities will be developed in accordance with the requirements of law. Every effort will be made to accommodate access for all citizens as circumstances and finances allow. During maintenance of existing recreational facilities and amenities on Project Lands and Waters, the City may make modifications in accordance with the provisions of the American with Disabilities Act (“ADA”). This Reservoir Management Plan shall be automatically updated to include any and all recreational modifications that occur in accordance with providing ADA access or as otherwise funded through EPD grants including but not limited to the High Trestle Trail proposal incorporated by reference (comprised of a trail head, a gravel parking area, paved sidewalk from the parking area down to the eastern bank of the Yahoola Creek to an ADA accessible main deck, floating dock with a kayak launch, stanchioned bridge crossing Yahoola Creek and a paved sidewalk) or as otherwise funded through EPD grants . The High Trestle Trail project received GA DNR funding allowing construction of these ADA and associated facilities.
- (b) Trails. Maintain the existing trail pathway surrounding the Reservoir. This shall include relocating portions of the path that are deemed unsafe or causing erosion and sedimentation into Project Waters. In the interest of public safety, the City reserves the right to modify the trail path to allow emergency personnel access or provide alternative pedestrian bridges. All such construction shall conform to the restrictions set forth herein and completed in accordance with Best Management Practices to preserve water quality.
- (c) The City may implement erosion control methods such as planting vegetation, placing water breaks along footpaths, and/or placement of stone to reduce rainwater runoff velocity or for shoreline protection.
- (d) In the interest of public safety, the City may install and maintain natural dirt berms, boulders, trees and railings around the shoreline to discourage vehicular or high-volume pedestrian areas. The City may place and maintain bollards, boulders and other devices at the public parking areas to prevent the accidental entrance of vehicles into Project Waters.

#### **Section 10.10 Education.**

The City will conduct public education outreach to educate the public on preserving natural resources. The City will implement a website as well as social media to encourage citizens and visitors to Project Lands

and Waters to practice good stewardship of the resources. At least annually the City will encourage/assist the local newspaper in writing informative articles to involve the public, including University of North Georgia students in volunteer opportunities at the Reservoir. This will include clean up efforts as well as reporting any environmental concerns/problems. The City will assist the Lumpkin County School System students to explore the natural habitats surrounding the lake. Signage will be placed to educate the public in pollution awareness, prohibitions, restrictions and other matters that may affect the quality of the Project Lands and Waters. The City may provide an outdoor educational classroom within the recreational areas contemplated within Section 10.9.

#### **Section 10.11 Monitoring and Maintenance**

The City shall conduct regular water quality monitoring in Project Waters to ensure water quality for the specified purposes contained herein.

- (a) Monthly Monitoring. Fecal coliform testing will be performed at the following four sites: Wimpy Mill Bridge, Boat Ramp, Swimming Area, and Raw Water Intake.
- (b) Weekly Monitoring. Weekly testing shall occur of the following parameters: conductivity, dissolved oxygen, turbidity, temperature, pH and flow rate of the water exiting the Reservoir.
  - a. During the recreational season of May through October the City will complete weekly E. coli sampling implementing EPA method \_\_\_\_\_. The City adopts the GA EPD Bacteria Criteria for Drinking Water and Fishing Designated Uses: Technical Support Document for the Proposed Criteria to Protect Secondary Recreators. As such the proposed bacteria criteria for the recreation season of May-October for E. Coli is 126 counts per 100 mL. Culturable E. coli is not to exceed a geometric mean of 126 counts per 100 mL and the geometric mean duration shall not be greater than 30 days. There shall be no greater than a 10% excursion frequency of an E. coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval. Should water quality and sanitary studies show E. coli levels from non-human sources exceed 126 counts per 100 mL (geometric mean) occasionally, then the allowable geometric mean E. coli shall not exceed 189 counts per 100 mL.
  - b. During the months of November through April, culturable E. coli shall not exceed a geometric mean of 630 counts per 100 mL and the geometric mean duration shall not be greater than 30 days. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value of 2050 counts per 100 mL in the same 30-day interval.
- (c) Daily Monitoring. The Reservoir water level will be recorded daily. When the City determines the Reservoir is at unsafe levels, Reservoir access will be restricted as necessary for the safety of the public and/or Project Waters. Raw water monitoring of turbidity, iron, manganese, pH, alkalinity and temperature will be collected upon entrance to the treatment plant.
- (d) Algae Monitoring.
  - a. Upon visual inspection of the algae bloom, testing for cyanobacteria and associated toxins would be completed. The City adopts the EPA recommendation of a daily maximum concentration of 8 µg/L microcystins or 15 µg/L cylindrospermopsin as a basis for issuing a swimming advisory to provide prompt information to people who wish to use the water body for recreation. The City would implement the EPA published materials for recreational water body managers communicating risk to the public about cyanotoxins in recreational water bodies, monitoring, and responding to

HABs (U.S. EPA 2017). Should the State adopt guidance or regulations pertaining to monitoring for these blooms, the City will adopt the criteria if more stringent than what is currently being conducted.

- b. Additional algae sampling will be completed at the water intake on an as needed basis. If it is determined that the quality and/or quantity of the algae needs treatment, algaecide will be applied, and copper testing will be performed on the water for a minimum of five days to ensure over treatment is not occurring. If any water quality measurements exceed normal or recreational levels, action will be taken to lessen the environmental impact on the Reservoir, including restricting public access to Project Waters and Lands.

Maintenance. Construction of timbered shoreline bulkhead and “living shorelines” to reduce bank erosion and sediment deposits, providing for nutrient uptake and facilitating growth of native aquatic trees along the shoreline shall be allowed. Shoreline vegetation maintenance may be performed as needed to protect and maintain recreation and other facilities. The City may perform facility maintenance of the dam, intake, parks or other improvements within the buffer utilizing any equipment by what means necessary.

#### **Section 10.12 Public Safety**

The City shall be permitted to construct pedestrian bridges in consultation with the Georgia Department of Transportation to address safety concerns along or adjacent to State Highways and facilitate alternative transportation corridors.

### **SECTION 11.00 COMMERCIAL ACTIVITY.**

Commercial activity shall be prohibited on all Project Lands and Waters except as authorized, pursuant to appropriate licensure by the City.

### **SECTION 12.00 REGULATORY BUOYS.**

The placement of regulatory buoys such as “no wake” buoys shall be accomplished by the City, with the concurrence of the DNR Wildlife Resources Division, to provide for general public boating safety.

### **SECTION 13.00 ADMINISTRATIVE REVIEW.**

Recommendations made by the City field personnel are subject to review by supervisory and managerial staff. Review may be requested of any decision made at the field level. If reviews made by supervisory and/or managerial personnel are not deemed adequate, then the complaint may be forwarded to the City for further review and response. The administrative review process shall be deemed exhausted at the City level.

### **SECTION 14.00 ENFORCEMENT OF PLAN.**

- (a) Violations of this Plan shall be tried in the Municipal Court of the City of Dahlonega pursuant to



O.C.G.A. § 36-32-1 or other court of competent jurisdiction.

- (b) Any person who violates any provision of this Plan may be punished as provided by law by a fine of not more than \$1,000.00, or imprisonment for not more than sixty (60) days, or both, and may be tried and sentenced in accordance with the provisions of the laws of the State of Georgia. Persons designated by the City shall have the Authority to issue citations for violation of this Plan requiring the appearance of any person charged with the violation before the appropriate Court.
- (c) Any person who commits an act against any official or employee of the City that is a crime under the provisions of United States Code or under provisions of pertinent state law may be tried and sentenced as further provided in federal or state law, as the case may be.

## **SECTION 15.00**

## **SUMMARY AND AMENDMENT PROCEDURE.**

It is the intent of this Plan to provide the maximum benefit to the public and to balance needs against the physical limitations and natural qualities of the project. In formulating the Plan, present and future needs were considered. The City shall continually monitor the needs of the users and recommend revisions that will minimize conflicts between various interests. Minor changes in area limits or allocations of areas will continue to be monitored by the City and submitted to the City Council annually. Any recommended changes or additions to the Plan will be submitted to the City Council for approval.

[EXECUTION ON FOLLOWING PAGE]

ENACTED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

### **DAHLONEGA CITY COUNCIL**

By: \_\_\_\_\_  
Sam Norton, Mayor

Attest: \_\_\_\_\_  
Mary Csukas, City Clerk

(CITY SEAL)

## **Appendix A – Montoring**