



# CITY OF DAHLONEGA

## Council Meeting- Amended Agenda

February 07, 2022 6:00 PM

Gary McCullough Chambers, Dahlongega 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. Board of Zoning Appeals Minutes November 1, 2021  
Danna Foster, Assistant City Clerk
- b. Council Meeting Minutes January 4, 2022  
Danna Foster, Assistant City Clerk
- c. City Council Public Hearing Minutes, January 18, 2022  
Danna Foster, Assistant City Clerk
- d. Council Work Session Meeting Minutes, January 18, 2022  
Danna Foster, Assistant City Clerk
- e. City Council Special Called Meeting Minutes January 18, 2022  
Danna Foster, Assistant City Clerk

APPOINTMENT/RECOGNITION

- 1. Certified City of Ethics Program - Board Member Appointment  
JoAnne Taylor, Mayor
- 2. Councilmember Candidate Post 5  
JoAnne Taylor, Mayor

ORDINANCE AND RESOLUTION:

- 3. Ordinance 2022-03: Rezoning for Don and Chris Head REZN 21-6  
Doug Parks, City Attorney
- 4. Ordinance 2022-04: An ordinance to provide a curfew for Wimpy Mill Park  
Doug Parks, City Attorney
- 5. Proclamation Arbor Day 2022  
Skyler Alexander, Downtown Coordinator

ANNOUNCEMENT/CITY REPORTS:

- 6. December 2021 - Financial Report  
Allison Martin, Finance Director

OLD BUSINESS:

7. Cyber Security Plan Update

Allison Martin, Finance Director

8. Local Maintenance and Improvement Grant (LMIG) Resurfacing 2022-001

Vince Hunsinger, Capital Projects Manager

9. Asphalt Leveling and Resurfacing of City Streets in Dahlonega, GA In House Project # 2022-002

Vince Hunsinger, Capital Projects Manager

10. Georgia Mountains Regional Commissions Council Position

Mary Csukas, City Clerk

NEW BUSINESS:

COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments

City Manager Comments

City Attorney Comments

City Council Comments

Mayor Comments

ADJOURNMENT



**CITY OF DAHLONEGA**  
**BOARD OF ZONING APPEALS MINUTES**  
**MONDAY, NOVEMBER 01, 2021, AT 6:00 PM**  
**CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Board of Zoning Appeals meetings, please contact Bill Schmid, City Manager.

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**PRESENT**

Mayor Sam Norton  
Council Member Roman Gaddis  
Council Member Ron Larson  
Council Member Johnny Ariemma  
Council Member Joel Cordle

**Call to Order**

Mayor Norton called the Board of Zoning Appeals to order at 6 pm and turned the Hearing over to City Attorney Doug Parks.

**Old Business**

City Attorney Parks indicated there were two items for business tonight.

City Attorney Parks invited Rhett Stringer to approach the podium to speak.

1. BZA 21-9 Rhett Stringer, Jameson Kinley, Planning and Zoning Administrator

The applicant is requesting to vary from front setbacks requirements due to a hardship in development between the right of way and the stream buffer on this site.

Planning Commission recommends approval to reduce the building setback from 60' to 15'. Since GDOT has a 150' setback, space is not available to build when combined with the City's setback requirement of 60". Mr. Stringer indicated he could lease 35' of the right of way from GDOT.

Mr. Kinley stated the Planning Commission recommended approval of a reduction of the building setback from 60' to 15'.

Motion made by Council Member Cordle for approval of a reduction of the building setback from 60' to 15'. Seconded by Council Member Larson.

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

City Attorney Parks invited Neva Garrett to approach the podium to speak.

2. BZA-21-7 - Neva Garrett, Jameson Kinley, Planning & Zoning Administrator

The applicant is looking for a variance at 406 W Main Street for a 174-seat, 5000 sq ft performance center with a variance from 35' to 25' for the right of way. The parking is a shared space with Greenbriar Shopping Center.

Administrator Kinley recommended approval of the variance from 35' to 25' for the right of way.

Council and Administrator Kinley discussed the front door and fire truck accessibility and concluded all items would be reviewed in the planning stage.

Motion made by Council Member Gaddis to approve a variance from 35' to 25' for the right of way, Seconded by Council Member Cordle.

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

**Adjournment**



## CITY OF DAHLONEGA

### Council Meeting - Amended Minutes

January 04, 2022, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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#### PRESENT

Mayor Sam Norton

Mayor-Elect JoAnne Taylor

Councilmember Roman Gaddis

Councilmember Ron Larson

Councilmember Johnny Ariemma

Councilmember Joel Cordle

Councilmember Elect Ryan Reagin

Councilmember Elect Ross Shirley

#### CALL TO ORDER AND WELCOME

Mayor Norton called the Council Meeting to order at 6:00 pm.

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

Councilmember Larson led the prayer and Councilmember Gaddis the pledge of allegiance.

#### APPROVAL OF AGENDA

Mayor Norton called for a motion to approve the agenda as written.

Motion made by Councilmember Cordle, Seconded by Councilmember Gaddis

Voting Yea: Councilmember Cordle, Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma.

#### ORGANIZATIONAL CEREMONY

For a moment of personal privilege, Mayor Norton shared the following:

"It has been a testament to our ability to focus on essential and sometimes contentious matters and be productive. Our ability to dialogue and to discuss and compromise has allowed us to achieve many, many, goals including the building of Main Street Hotel, creating a Short-Term Rental Ordinance, reorganization of the Chamber-Tourism body, we survived a patriotic White Supremacy Rally on the square which required hundreds of Police Officers to maintain order, we navigated and still are navigating a global pandemic which occupied nearly two of the last four years. We reorganized the Solid Waste Department, secured the Historic Head House, built and rebuilt the Police Department, installed much-needed parking meters downtown. We created Wimpy Mill Park for generations to enjoy, created the Cemetery Committee, and recognized that Chairman for being here, Chris Worick does a beautiful job. We initiated the Storm Water Fees to include students in UNG in the infrastructure funding. We pushed through the Columbarium project, Councilmen Ariemma's project, updated a 30-year-old accounting software- thank you, Ms. Taylor, built an award-winning all-abilities playground at Hancock Park- thank you, Councilmen Gaddis, fended off multiple tax receipting- internal and external among other things. And let me remind everyone here that all this was done in 4 years without increasing taxes or

reducing services to the Dahlonge residents. I have genuinely enjoyed and appreciated our terms together and wish the Staff and the Council the best in the future. If I can be of further service to the city, come by Picnic Café and have a cup of coffee and try to persuade me.”

Mayor Norton requested the City Clerk to introduce the Judge

Mary Csukas, City Clerk, introduced Judge Raymond George, officiating the newly elected Mayor and Councilmembers this evening.

Judge George called each Councilmember to approach and swore them in the following order.

Swearing-in of Ross Shirley - Councilmember

Swearing-in of Roman Gaddis – Councilmember

Swearing-in of JoAnne Taylor- Mayor

Swearing in of Ryan Reagin – Councilmember

Mayor Norton transferred the Gavel to Mayor JoAnne Taylor.

#### PRESENT

Mayor JoAnne Taylor

Councilmember Roman Gaddis

Councilmember Ron Larson

Councilmember Johnny Ariemma

Councilmember Ryan Reagin

Councilmember Ross Shirley

Mayor Taylor thanked those present at the meeting and stated she was committed to serving the citizens of Dahlonge and to helping the Council as they make their crucial decisions.

#### SPECIAL APPOINTMENT/RECOGNITION

1. Resolution 2022-01 Honoring Sam Norton for distinguished service.

Mayor Taylor read Resolution 2022-01, honoring Sam Norton for HIS distinguished service to Dahlonge.

Motion made by Councilmember Larson, Seconded by Councilmember Gaddis.

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

#### PUBLIC COMMENT – PLEASE LIMIT TO THREE MINUTES

Mayor Taylor invited public comments.

Chris Worick congratulated Mayor Taylor and asked Mayor Norton to receive an award on behalf of the Cemetery Committee. A plaque in appreciation of the support of the Cemetery Committee was presented to Mayor Norton.

Tyler Barnes, Accent Cellars, offered congratulations and requested consideration for Class E Consumption on Premise for Beer License at his Farm Winery. This opportunity is allowed in the County and requests an amendment to the alcoholic ordinance to allow a Class K Manufacturing license holder to hold a Class E Retail Beer by Drink.

## APPROVAL OF MINUTES -

- b. Council Meeting Minutes December 6, 2021, Danna Foster, Assistant City Clerk  
Mayor Taylor asked for a Motion to approve the Council Meeting Minutes on December 6, 2021.  
Motion made by Councilmember Larson, Seconded by Councilmember Ariemma.  
Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley

## APPOINTMENT/RECOGNITION

1. Re-Confirm Main Street Downtown Development Authority Board, Members  
Mayor Taylor indicated the DDA Board at their last meeting cast a vote to remove a DDA member due to three absences from recent meetings. This member has met with family tragedy and business issues that led to these absences. Mayor Taylor reminded everyone the Council is tasked with appointing Board and Committee Members and requested reconfirmation of all current Main Street Downtown Development Authority members and the appointment of Joel Cordle as a member of the Main Street Downtown Development Authority.  
Motion made by Councilmember Gaddis to reconfirm all members and appoint Joel Cordle to a new 4-year term, Seconded by Councilmember Larson.  
Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Cordle, Councilmember Reagin, Councilmember Shirley  
Mayor Taylor completed a swearing-in of Joel Cordle to the Main Street Downtown Development Authority.
2. Appointment of Michael Feagin - Planning Commission  
City Clerk Mary Csukas clarified this item as a reappointment to the Planning Commission seat. Mayor Taylor asked for a motion to approve the appointment of Michael Feagin.  
Motion made by Councilmember Reagin, Seconded by Councilmember Shirley.  
Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley  
As Mr. Feagin was in the audience, Mayor Taylor thanked Mr. Feagin for his voluntary service. We appreciate those citizens who volunteer their time to support the city.
3. Appointment of Matt Harper - Tourism Committee  
Mayor Taylor stated she would entertain a motion to appoint Mr. Harper to the Tourism Committee.  
Motion made by Councilmember Ariemma, Seconded by Councilmember Larson.  
Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley  
Mayor Taylor completed a swearing-in of Matt Harper to the Tourism Committee.  
  
Councilmember Larson asked for clarification if the Tourism Committee was the new Tourism Board, and Robb Nichols affirmed it.  
Mayor Taylor indicated the service of our citizens who assist with running the city is essential and thanked Mr. Harper for the many things he does around the square.

ORDINANCE AND RESOLUTION: none

ANNOUNCEMENT/CITY REPORTS:

4. Financial Report - November 2021, Allison Martin, Finance Director

Ms. Martin presented the report to Council and indicated a budget amendment to transfer Capital Funds for the water filter replacement. Mayor Taylor entertained a motion to accept the Financials.

Motion made by Councilmember Larson, Seconded by Councilmember Gaddis.

Councilmember Ariemma asked for separate GL numbers for the Columbarium and Plots.

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

OLD BUSINESS:

5. Wimpy Mill Park Restrooms, Vince Hunsinger, Capital Projects Manager

Manager Hunsinger stated there was a bid from CTX for an all-concrete stainless-steel bathroom. The bid came in under budget. The extra will be used for site fees and tap work.

Mayor Taylor asked for a motion to approve as this item was covered in the December 6<sup>th</sup> meeting.

Motion made by Councilmember Shirley, Seconded by Councilmember Larson.

Councilmember Ariemma asked if there were posted park hours and expressed concern that the lot is being used as overflow parking for business. Manager Hunsinger indicated he would collaborate with Police Chief Albert for a solution. City Manager Schmid said there was an ordinance for park hours for other parks, and the ordinance would be amended, but it currently was not listed.

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

Manager Hunsinger took a moment to recognize all the employees in the shop for the extra hours due to sickness and the holidays.

6. Guardrail Replacement Wimpy Mill 2022-003, Vince Hunsinger, Capital Projects Manager

Manager Hunsinger indicated the bid came in under budget but would like to use the excess in contingency. Mayor Taylor called for a motion to approve.

Motion made by Councilmember Gaddis, Seconded by Councilmember Shirley.

Councilmember Larson asked if Director Martin had been in conversation about the excess funds. Councilmember Ariemma agreed with Councilmember Larson's concern. Director Martin indicated that she had been in discussion with Manager Hunsinger.

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

7. Renewal of Alcoholic Beverage License Class B & C Ancillary Growler and Wine Tasting and Farm Winery Tasting Rooms, Mary Csukas, City Clerk

City Clerk Csukas indicated these were the remaining licenses that need Council approval.

Motion made by Councilmember Larson, Seconded by Councilmember Gaddis.

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

Voting: Councilmember Ariemma recuses himself.

#### NEW BUSINESS:

##### 8. Certified City of Ethics Program

Mayor Taylor stated the City has the designation as a City of Ethics through 2023, and with recent changes in the Council and movement of the Ethics Pool, Council is tasked with the appointment of a new Ethics Pool. Mayor Taylor requests the Councilmembers come to the next Work Session with two names.

Councilmember Larson asked for a list of the current names from the City Clerk.

#### COMMENTS – PLEASE LIMIT TO THREE MINUTES

The City Clerk had no additional comments.

City Manager Schmid commented on the employees' superior performance during these trying times.

City Attorney Parks had no other comments.

Councilmember comments:

Councilmember Shirley thanked the community for the honor of serving and thanked City Employees.

Councilmember Ariemma asked Councilmembers to review the Standards of Ethics and thanked Mayor Norton and wished him well.

Councilmember Gaddis thanked the community for the opportunity to serve again and welcomed the new Councilmembers and Mayor. He wished Mayor Norton well.

Councilmember Larson offered congratulations and welcome to the Mayor and new Councilmembers and thanked Mayor Norton.

Councilmember Reagin thanked the community for their votes and the opportunity.

Mayor Taylor expressed her deep appreciation for her support and thanked the City Employees for their community support. She invited community members to bring items to her attention and stated she has an open-door policy.

#### ADJOURNMENT

Mayor Taylor called for Adjournment at 6:55 pm.

Motion made by Councilmember Larson, Seconded by Councilmember Reagin.

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





# CITY OF DAHLONEGA

## City Council Public Hearing Minutes

January 18, 2022, 4:00 PM  
Gary McCullough Chambers, Dahlonega City Hall

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### CALL TO ORDER

Mayor Taylor called the Public Hearing to order at 4 pm

Mayor Taylor immediately turned the Hearing over to Attorney Doug Parks.

### PRESENT

Mayor JoAnne Taylor

Councilmember Ron Larson

Councilmember Johnny Ariemma

Councilmember Ross Shirley

Councilmember Roman Gaddis

### ABSENT

Councilmember Ryan Reagin

### PUBLIC HEARING:

1. REZN 21-6 Don and Chris Head, Jameson Kinley - Planning and Zoning Administrator  
City Attorney Parks invited Don or Chris Head to the podium to present their application.

Mr. Don Head and Ms. Chris Head, owners of the property, request to rezone the property at 60 Skyline Drive to B-1 Commercial Use.

City Attorney Parks invited the audience to speak regarding the application.

- Patrick Jones, 16 Kenimer Drive - requests exit and entry only on Highway 19 at address; review potential water and drainage issues; long-term use of business in the future; ensure landscaping as a barrier.
- Samantha Furstenberg- 151 Skyline Drive - consider increased traffic and safety of pedestrians; no access from Skyline Drive; sidewalk development for this area; place stipulations on operating hours and future use of property; signage; buffers Skyline Drive frontage.
- Mike Neubauer - Calhoun Rd, acting as Real Estate Agent for the buyer Attorney Alfred Chang. As a family law practice, there will be no flashing signage at this low-impact business, regular hours 8:30 am – 5:30 pm weekdays and Saturdays occasionally.

City Attorney Doug Parks provided an opportunity for rebuttal.

Ms. Chris Head commented that permitting for changes to the property and signage would be decision of the City. A buffer on Skyline is currently hedged. If approved, a

business at that location should not affect the neighborhood with the existing split at North Hall and Skyline Drive.

City Attorney Parks called Planning and Zoning Administrator Jameson Kinley forward.

- Administrator Kinley read comments from Mr. Wendell Satterfield, 52 Kenimer Circle non-commercialized, disagrees with rezoning.
- Administrator Kinley also read a letter from Sarah Moore of Skyline Drive, who indicated her opposition to the rezoning. She stated the area is an active community at the entrance of two busy neighborhood streets; it is ideal to live close to the elementary and high schools. Her concern is that if the property is rezoned, it opens opportunity to other types of businesses at this location. She would like to see neighborhoods stay as places to live in our homes and not turn them into commercial properties.
- Administrator Kinley presented that the Planning Commission voted to approve using the existing structure for office or business use.

City Attorney Parks opened the meeting up for questions from Council.

- Councilmember Ariemma's concern is with this proposed property's entrance and exit, a GDOT issue. Ms. Chris Head stated that no request to GDOT for an entrance change is in place. Councilmember Ariemma also reminded those concerned that future changes if a B-1 is approved are through Council approval. Councilmember Ariemma congratulated the Heads on the improvements at the property.
- Councilmember Larson thanked citizens for expressing their concerns. He did not expect a traffic increase, but limited access from Skyline may be appropriate with GDOT approval.
- Mayor Taylor asked Administrator Kinley if there were ADA compliance restrictions on a B-1, and Administrator Kinley stated that every business would need ADA compliance.
- Councilmember Larson asked Mr. Neubauer if Mr. Chang planned to change the structure. He indicated he was not going to tear down a \$500,000 house. He also commented that Mr. Chang confirmed by text that he did not want to block the driveway on Skyline.
- Mr. Don Head stated he did not feel an entrance on Skyline drive would hinder nor appropriate to limit the entrance and exit access and to require GDOT approval. Approval, as is for the driveway, will be fine.

City Attorney Parks reminded those present that the vote regarding this zoning ordinance comes at the next Council meeting.

Attorney Parks called for any other comments and, hearing nothing else, closed the Public Hearing.

## ADJOURNMENT

Mayor Taylor called for a motion to adjourn the Hearing at 4:28 pm

Motion made by Councilmember Gaddis, Seconded by Councilmember Larson.

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



## CITY OF DAHLONEGA

### Council Work Session - Amended Minutes

January 18, 2022, 4:00 PM

Gary McCullough Council Chambers, Dahlonega City Hall

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#### PRESENT

Mayor JoAnne Taylor

Councilmember Ron Larson

Councilmember Roman Gaddis

Councilmember Johnny Ariemma

Councilmember Ross Shirley

#### ABSENT

Councilmember Ryan Reagin

#### OPEN MEETING

Mayor Taylor opened the meeting at 4:28 pm and introduced the Work Session with an amended agenda to remove item 13, the Mural Grant.

Motion made by Councilmember Gaddis, Seconded by Councilmember Larson.

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

Mayor Taylor commended employees who spent 24 hours without a break working on the winter storm this weekend.

Mayor Taylor thanked George Albert, Kyle Kupari, Jeremy Tanner, Caleb Frady, Justin Priest, Kenny Well, Garrett Harris, Jr, Eric LeCroy, Mark Buchanan, Bill Schmid, Ronny Phillips, Buck McAlister, and John Jarrad, the leading players. They kept our streets safe while working long shifts and hours. In advance of the winter storm, we worked with the County to plan to support State Road clearing if needed. Job well done, everybody!

Mayor Taylor added that we had had an uptick in Covid cases, 42% over the last two weeks. There have been 446 hospitalizations and 94 deaths since the beginning of the pandemic; we are in the higher percentage rates for the area. We are reminding everyone to take precautions and consider vaccination.

#### BOARDS & COMMITTEES:

1. Cemetery Committee—December 2021, Chris Worick, Committee Chairman

Chairman Worick commented there were no changes to the report as there was no meeting in December. He commended the November 20<sup>th</sup> Cemetery Cleanup, where they replaced over 100 Veteran flags, cleaned up ground debris and vegetation, reset ten headstones due to neglect. The iron bench was installed this past week. They have 8 Appalachian studies students working with them this semester.

Council discussed the process for selling lots and Columbarium.

2. Main Street – December 2021, Ariel Alexander, Main Street/DDA Interim Main Street Manager

Manager Alexander implements the items from the Planning retreat attended by Council and the Main Street DDA Board into our annual work plan and will publish the work plan shared to DCA on their website. Mayor Taylor thanked Manager Alexander for a good retreat and thanked everyone for their participation.

TOURISM: Sam McDuffie, Tourism Director

No report

#### DEPARTMENT REPORTS:

Mayor Taylor reminded Council that they received Department Reports electronically and asked any questions. Council commented on placing security cameras at trash bins located in the corner of Hancock Park to review people putting furniture in the refuse bins at Hancock Park.

3. Dahlonega Police Department – December 2021, George Albert, Chief of Police
4. Community Development – December 2021, Jameson Kinley, Planning and Zoning Administrator
5. Finance and Administration Department – December 2021, Allison Martin, Finance Director
6. Public Works - December 2021, Mark Buchanan, PW Director/City Engineer
7. Water & Wastewater Treatment Department Report - December 2021, John Jarrard, Water/Wastewater Treatment Director

#### ITEMS FOR DISCUSSION:

8. Certified City of Ethics Program - Board Member Appointment, JoAnne Taylor, Mayor  
Mayor Taylor reminded Council that we are a Certified City of Ethics and announced to the public that the purpose of this board was to be a pool of people who would be called if there was an Ethics concern. Mayor Norton requested Council state their pool's names:
  - Councilmember Ross Shirley named Fiona Bagley and Cindy Williams.
  - Councilmember Johnny Ariemma named Sam Johnson and John Gaston.
  - Councilmember Roman Gaddis named Alice Sampson and Paul Dunlap.
  - Councilmember Ron Larson called Ralph Prescott and Sam Norton.
  - Mayor Taylor named Sally Bell and Elisabeth Teal.

The Ethics Board names and contact information were submitted to the City Clerks' office.

9. Georgia Mountains Regional Commissions Council Position, Mary Csukas, City Clerk  
Mayor Taylor requested a Councilmember to join the Georgia Mountains Regional Commission as a representative from Dahlonega. Mayor Sam Norton had previously filled this role. Mayor Taylor asked that anyone interested, please let her know before the next meeting.
10. Cyber Security Plan Update, Allison Martin, Finance Director  
As part of the insurance renewal, we must show we have a plan. We will answer and provide the required documentation to show we are eligible. Council discussed how the

City is safe from attack. City informed Council that testing goes on continually. Director Martin indicated that utilizing partnerships and state resources offered at little to no cost, so taxpayers do not have a burden to protect the system.

11. Asphalt Leveling and Resurfacing of City Streets in Dahlonega, GA In House Project 2022-002, Vince Hunsinger, Capital Projects Manager

Manager Hunsinger presented this project for resurfacing Housley Drive and the North Hall area, with the project budgeted at \$150,000. Bid opening on February 7<sup>th</sup>.

12. Local Maintenance and Improvement Grant (LMIG) Resurfacing 2022-001, Vince Hunsinger, Capital Projects Manager

Manager Hunsinger introduced this project shared with the City at 30% and the State at 70%. The total budget is \$110,000. The resurfacing project is for North Hall Road and Woodland/Dalton secondary streets. Bid opening February 7<sup>th</sup>.

13. Mural Grant Information, Ariel Alexander - Interim Main Street Manager

Removed from Agenda

#### COMMENTS – PLEASE LIMIT TO THREE MINUTES

City Clerk Csukas reminded Council and attendees that she and Council would be in Atlanta from Friday to Monday for the Cities United Conference.

City Manager Bill Schmid expressed his thanks to the staff for their work with the recent weather. Council will be attending the retreat in March in the City of Carrollton.

City Attorney Doug Parks commended Chief Albert for the excellent job of re-establishing the permitting with the State.

#### City Council Comments:

Councilmember Shirley praised the efforts of City Workers this past weekend.

Councilmember Ariemma added a question for the Water Department Report concerning possible drinking water safety with the water filters used past the 10-year mark at the water plant. Director John Jarrard stated that drinking water was always safe while the water filters were at the 12-year mark.

Councilmember Gaddis had no additional comments.

Councilmember Larson asked for clarification for the dates secured for the retreat in Carrollton. The retreat is March 10-12<sup>th</sup>, and City Clerk Csukas will send an email confirming the dates.

Mayor Taylor thanked the staff again for their efforts.

#### ADJOURNMENT

Mayor Taylor called for a motion to adjourn at 4:53 pm

Motion made by Councilmember Gaddis, Seconded by Councilmember Larson.

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



# CITY OF DAHLONEGA

## City Council Special Called Meeting Minutes

January 18, 2022, 5:00 PM  
Gary McCullough Chambers, Dahlonega City Hall

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### PRESENT

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

### ABSENT

Councilmember Ryan Reagin

### CALL TO ORDER AND WELCOME

Mayor Taylor called the Special Called Meeting to order at 4:53 pm.

### APPROVAL OF AGENDA

Mayor Taylor called for approval of the agenda with a revision to remove the item for Mural Grant Information.

Motion made by Councilmember Larson, Seconded by Councilmember Ariemma.

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

### NEW BUSINESS

#### 1. Mayor Pro Tem Appointment, JoAnne Taylor, Mayor

Mayor Taylor informed the process of appointment of the Mayor Pro Tem. Mayor Taylor suggested the Council approved Councilmember Ron Larson and asked for a motion.

Motion made by Councilmember Ariemma, Seconded by Councilmember Gaddis.

Voting Yea: Councilmember Gaddis, Councilmember Ariemma, Councilmember Shirley

#### 2. Mural Grant Information, Ariel Alexander - Interim Main Street Manager

Removed from Agenda

#### 3. Executive Session - Personnel Matter

Mayor Taylor asked to move into executive session for a personnel issue and asked all participants to leave the chambers at 455 pm

Motion made by Councilmember Gaddis, Seconded by Councilmember Larson.

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

Mayor Taylor reconvened the Special Called meeting at 5:25 pm with no action taken during the Executive Session.

#### ADJOURNMENT

Mayor Taylor called for a motion to adjourn the Special Called Meeting.

Motion made by Councilmember Gaddis, Seconded by Councilmember Larson.

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



# City Council Agenda Memo

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**DATE:** February 1, 2022  
**TITLE:** Certified City of Ethics Program - Board Member Appointment  
**PRESENTED BY:** JoAnne Taylor, Mayor

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## **AGENDA ITEM DESCRIPTION:**

The mayor and councilmembers shall each designate two qualified citizens to provide a pool of 12 individuals who have consented to serve as a member of such board of ethics and who will be available for two years to be called upon to serve in the event a board of ethics is appointed.

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## **HISTORY/PAST ACTION:**

The past Ethics Board Members were appointed in 2018 for a two-year term which ended in 2020.

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## **FINANCIAL IMPACT:**

None

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## **RECOMMENDATION:**

We recommend the Mayor and Councilmembers' names to the Ethics Pool for the CY 2022-2023 Ethics Board.

- Mayor Taylor named Sally Bell and Elisabeth Teal
  - Councilmember Ross Shirley named Fiona Bagley and Cindy Williams.
  - Councilmember Johnny Ariemma named Sam Johnson and John Gaston.
  - Councilmember Roman Gaddis named Alice Sampson and Paul Dunlap.
  - Councilmember Ron Larson called Ralph Prescott and Sam Norton.
  - Councilmember Ryan Reagin named Wil Maxwell and Ryan Jones
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## **SUGGESTED MOTIONS:**

I make a motion to approve the Ethics Pool for the CY 2022-2023 Ethics Board.

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## **ATTACHMENTS:**

Ordinance 2004-3 – Ethics Resolution for the City of Dahlonaga  
Sec. 2-108 Board of Ethics – Municode Code of Ordinances  
GMA Certified City of Ethics Program Qualification Recertification

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**City of Dahlonega  
Ethics Resolution for the City of Dahlonega  
Council Members and Employees**

**A Resolution Establishing A Standard of Ethics For The City Of Dahlonega;  
Defining Terms; Establishing Legislative Intent; Setting Ethical Guidelines For  
Both Council Members and Employees**

Be it resolved by the City Council of Dahlonega and it is so resolved by the authority thereof that this resolution shall set ethical guidelines for the City Council and City Employees in the conduct of their duties:

**General Provisions**

**Section 1. Definitions.**

- (a) Employee shall be any person who is a fulltime or part-time employee of the City of Dahlonega.
- (b) City Council Member or Member of the Governing Authority shall be any person who is an elected City official, including the Mayor, of the City of Dahlonega.
- (c) Government, Governing Authority or City shall be construed to mean the City of Dahlonega, Georgia government.
- (d) Negligible value when used in this resolution shall mean something having a monetary value of not more than one hundred dollars (\$100.00).

**Section 2. Intent.**

It is the intent of this resolution that City Council Members and Employees avoid any action whether or not specifically prohibited which might result in, or create the appearance of the following:

- (1) using public office for private gain;
- (2) impeding government efficiency or economy; or
- (3) affecting adversely the confidence of the public in the integrity of the government.

## **Article A**

### **Standards for Council Members**

#### **Section 3. Acceptance of gifts.**

City Council Members shall not solicit or accept directly or indirectly anything of greater than negligible value from any person, corporation, or group which:

- (1) has, or is seeking to obtain contractual or other business or financial relationships with the City of Dahlonge;
- (2) in exchange for the thing of value seeks to have a Council Member exercise a matter of discretion in his or her favor;
- (3) in exchange for the thing of value seeks to have interests which may be affected by the performance or nonperformance of the official duty of the Council Member;

This section shall not apply to campaign contributions which shall be reported in accordance with Georgia Laws, and for the purposes of this section incidental acceptance of gifts without evidence of unethical intent in amounts not exceeding \$100.00 in value shall be deemed excluded from the activity proscribed above.

#### **Section 4. Financial interests of members.**

City Council Members may not:

- (1) have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants; or
- (2) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, City Council Members are free to engage in lawful financial transactions to the same extent as private citizens.

"Interest" means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the Governing Authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the City. A member of the Governing Authority shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

## **Section 5. Use of public property.**

A City Council Member shall not use government property of any kind for other than officially approved activities, nor shall he or she direct employees to use such property for these purposes.

## **Section 6. Use of confidential information.**

A City Council Member shall not directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

## **Section 7. Coercion by Council Members.**

A City Council Member shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a Council Member has business or financial ties.

## **Section 8. Voting in matters of personal interest.**

A City Council Member shall not vote on an ordinance or amendment in a City Council meeting that would directly affect his or her private business.

## **Section 9. Disqualification.**

A Member of the Governing Authority shall disqualify himself/herself from participating in any official act or action of the City which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

## **Section 10. Disclosure of Conflicts of Interest.**

City Council members shall disclose the nature of any interest he/she has at the time such matter is presented to Mayor and Council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

## **Section 11. Prohibited Contracts.**

The City shall not enter into any contract involving services or property with a member of the Governing Authority or with a business in which a member of the Governing Authority has an interest. This section shall not apply in the case of:

- (a) The designation of a bank or trust company as a depository for City funds;
- (b) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;

(c) Contracts entered into in accordance with the Official Code of Georgia Annotated, §16-10-6;

(d) Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency;

(e) Contracts entered into with a Member of the Governing Authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the City Manager following disclosure.

### **Section 12. Unauthorized purchases.**

A City Council Member shall not order any goods and services for the City of Dahlonega without prior official authorization for such an expenditure.

### **Section 13. Meetings of the Council.**

Meetings of the Council shall be conducted in accordance with the Official Code of Georgia Annotated, Title 50, Chapter 14, as amended, and Title 36, Chapter 80, Section 1 as amended, as it applies to municipalities.

### **Section 14. City attorney used for private business.**

A City Council Member shall not use the City Attorney of the City of Dahlonega without paying just compensation.

### **Section 15. Unauthorized use of public employees.**

A City Council Member shall not use his superior position to request or require an employee to:

- (1) do clerical work on behalf of his family, business, social, church or fraternal interests;
- (2) purchase goods and services to be used for personal, business, or political purposes; and
- (3) work for him personally without offering just compensation.

### **Section 16. Travel expenses.**

A City Council Member shall not draw per diem or expense monies from the City of Dahlonega to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the City except for illness or other circumstances in which the demanding of a refund would be unjust.

## **Section 17. Penalties.**

The standards of ethics to be observed by City Council Members are set forth above and any violation thereof shall subject the offender to disciplinary action which may include a penalty in the nature of a warning imposed by the grievance committee of the City Council, and if determined by the City Council to require a penalty greater than a warning, then penalties available shall be censure, public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

## **ARTICLE B**

### **Administration Of Ethics Complaints Regarding City Council Members**

## **Section 18. Complaints.**

Any person having a complaint against any City Council member for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the Governing Authority. The complaint shall be filed with the Mayor, or in the event the complaint regards the Mayor, shall be filed with the Mayor Pro-Tem. Upon receipt of a complaint, the Mayor, or in the event the complaint regards the Mayor, the Mayor Pro-Tem shall appoint three members of Council, who, along with the City Attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein.

## **Section 19. Board of Ethics.**

### **(a) Composition of the Board of Ethics:**

(1) The Board of Ethics of the City shall be composed of five (5) residents of the City to be appointed as provided in paragraphs 2 and 3 of this subsection. Each member of the Board of Ethics shall have been a resident of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the City while serving as a Member of the Board of Ethics. No person shall serve as a Member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the City.

(2) The Mayor and Council Members shall each designate two (2) qualified citizens to provide a pool of fourteen (14) individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed.

(3) The City Manager shall maintain a listing of these fourteen (14) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Mayor and Council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until

the specified five (5) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as Chairman.

(4) The Members of the Board of Ethics shall serve without compensation. The Governing Authority of the City shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the City, the City shall provide the Board of Ethics with such supplies, equipment and legal support services as may be reasonably necessary for it to perform its duties and responsibilities. The City Attorney shall initially respond to legal support issues, but may then designate such other legal counsel as in the opinion of the City Attorney may be appropriate in consideration of potential conflicts and in keeping with the Code of Professional Responsibility.

(b) The constituted Board of Ethics shall have the following duties and powers:

(1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;

(2) To hold a hearing within sixty (60) days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;

(3) To prescribe forms, approved by the City Attorney, for the disclosure required in this Ordinance and to make available to the public information disclosed as provided in this section;

(4) To receive and hear complaints of violations of the standards required by this ordinance;

(5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance.

(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;

(7) To report its findings to the Governing Authority for such action as the Governing Authority deems appropriate.

## **Section 20. Additional regulations.**

This chapter shall be cumulative to any other ordinance, resolution or act now existing.

## **Section 21. Right to Appeal.**

Any final decision by the City Council pursuant to this resolution shall be reviewable by the Superior Court of Lumpkin County. The review by the superior court shall be limited to an inquiry of whether there was any evidence before the City Council which supported the decision of the Council.

## **ARTICLE C**

### **Conflict of Interest, Political Activities and Code of Ethics As To Employees Penalties and Methods of Enforcement**

#### **Section 22. Acceptance of gifts, gratuities, special privileges.**

(a) Employees shall not, other than items of negligible value, accept any gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally nor to prohibit employees from accepting loans from regular lending institutions, it is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(b) Employees shall not use or attempt to use their position to secure an economic benefit or advantages, special privileges or exemptions for themselves or others including the use of knowledge obtained by through their employment or by virtue of their position.

(c) Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

(d) Employees shall not accept payment from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.

#### **Section 23. Proprietorship of creations.**

All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours or through the use of city facilities or equipment or at the request of the City shall be and become the sole property of the City of Dhlonega.

#### **Section 24. Confidential information.**

Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

#### **Section 25. Conflict of Interest.**

(a) If an employee of the City is an officer, director, agent or member of, or owns interest any entity which is subject to the regulation of, or which has financial commitments with the City, they shall file a sworn statement to this effect with the City clerk.

(b) Employees shall not transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns

a controlling interest, excluding civic, charitable or religious organizations.

(c) Employees shall not have personal investment in any enterprise which will create a conflict or a perceived conflict between their private interest and the public interest.

## **Section 26. Political activity.**

(a) No person employed by the City shall either publicly or otherwise hold himself out as a candidate in any City of Dahlonge election while holding employment with the City.

(b) City employees shall not take part in any political management or political campaigns in election of Mayor or any member of the City Council for the City of Dahlonge during any period of time for which he is expected to perform work or receive compensation from the City.

(c) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during his hours of duty, service, or work with the City.

(d) Employees shall not represent the City by wearing any uniform or portion thereof that is issued by the City while he is participating in any campaign at any time.

(e) The City in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.

(f) Employees shall not utilize any City equipment or vehicles in support of any political campaign.

## **Section 27. Limitations and approval requirement regarding outside employment.**

(a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service. Standards by which some employment is not acceptable include, but is not limited to:

- (1) illegal activity;
- (2) employment that by virtue of association will reflect upon the reputation of the City;
- (3) high hazard or fatiguing work which might detract from or reduce City performance.

(b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from their City Manager or his designee on request forms which indicate the name of the outside employer, the nature of the work, schedule of days and hours of work, address and telephone number where the employee can be reached. Such information will become a part of the employee's official personnel record. Employees are required to obtain approval from their or his designee for any change in a previously



approved outside employment request.


(c) Any employee accepting or engaging in outside employment under the terms of this rule shall make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the City Manager or his designee shall determine that the employee's services are necessary.

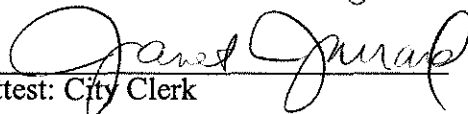
(d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the City's Worker's Compensation program. If an employee sustains an injury while engaged in outside employment, but is performing duties, within the scope of his city responsibilities, he may be eligible for partial City Worker's Compensation benefits.

### **Section 28. Administration and Penalties.**

Failure to comply with the provisions of this Section will result in disciplinary action consistent with the City of Dahlonga personnel policy.

It is so resolved this 12<sup>th</sup> day of July, 2004.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Attest: City Clerk

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## **Sec. 2-108. Board of ethics.**

### **(a) *Composition.***

- (1) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in subsections (a)(2) and (3) of this section. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the city.
- (2) The mayor and councilmembers shall each designate two qualified citizens to provide a pool of 14 individuals who have consented to serve as a member of such board of ethics and who will be available for a period of two years to be called upon to serve in the event a board of ethics is appointed.
- (3) The city manager or his designee shall maintain a listing of these 14 qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the mayor and council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five members of the board of ethics have been appointed. Such board will elect one of its members to serve as chairperson.
- (4) The members of the board of ethics shall serve without compensation. The city council shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies, equipment and legal support services as may be reasonably necessary for it to perform its duties and responsibilities. The city attorney shall initially respond to legal support issues, but may then designate such other legal counsel as, in the opinion of the city attorney, may be appropriate in consideration of potential conflicts and in keeping with the code of professional responsibility.

### **(b) *Duties and powers.*** The constituted board of ethics shall have the following duties and powers:

- (1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
- (2) To hold a hearing within 60 days after the receipt of a complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six months;
- (3) To prescribe forms, approved by the city attorney, for the disclosure required in this article and to make available to the public information disclosed as provided in this section;
- (4) To receive and hear complaints of violations of the standards required by this article;
- (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
- (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (7) To report its findings to the city council for such action as the city council deems appropriate.

( Ord. No. 2004-3, § 19, 7-12-2004 )



President  
Linda Blechinger  
Mayor, Auburn

First Vice President  
Phil Best  
Mayor, Dublin

Second Vice President  
Vince Williams  
Mayor, Union City

Third Vice President  
Jim Thornton  
Mayor, LaGrange

Immediate Past President  
Dorothy Hubbard  
Mayor, Albany

Executive Director  
Larry H. Hanson

January 4, 2019

Mayor Sam Norton  
City of Dahlonega  
465 Riley Road  
Dahlonega, GA 30533-0810

**RE: GMA Certified City of Ethics Program**

Dear Mayor:

Congratulations. The GMA Ethics Certification Committee has determined that the City of Dahlonega meets the qualifications to be recertified as a Georgia Certified City of Ethics.

We will officially recognize the city's continuing participation in this program at the Awards Luncheon to be held at the 2019 Mayor's Day Conference on Sunday, January 27, 2019 at 12:15 pm in the Grand Ballroom of the Atlanta Hilton Hotel. Your city is one of many in the state that has met the requirements for recertification. Representatives from the cities will be asked to stand as a group during the Certified Cities of Ethics presentation. In addition, the names of each of the cities will appear on a special Awards Luncheon presentation.

The Awards Luncheon will require a separate ticket for individuals who are not registered for the Mayor's Day Conference. Tickets may be purchased at the registration desk during the conference.

We appreciate the City of Dahlonega's participation in this important program. If you have any questions about the recognition at the 2019 Mayor's Day Conference, please contact Gina Shirley at (678) 686-6258 or by emailing [rs Shirley@gmanet.com](mailto:rs Shirley@gmanet.com).

Sincerely,

A handwritten signature in blue ink that reads "Susan J. Moore".

Susan J. Moore  
GMA General Counsel

C: Mary Csukas, City Clerk



## Ordinances and Resolutions

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**DATE:** 01/28/2022  
**TITLE:** Ordinance 2022-03: Rezoning for Don and Chris Head REZN 21-6  
**PRESENTED BY:** Doug Parks, City Attorney

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### AGENDA ITEM DESCRIPTION:

This is an ordinance to rezone a +/- 1.19 acre parcel of land (D05-028) from R-1 (Single Family Residential) to B-1 (Neighborhood Business District). The intended use of the existing structure if rezoned to the new classification will be for office space. All aspects of the development shall as a condition conform to a site plan to be submitted before and approved by the planning and zoning administrator before the issuance of a certificate of occupancy under the B-1 zoning category shall conform to certain conditions. Several conditions were raised at the public hearing by council members which are included in the ordinance currently although you may elect to delete one or all of the conditions at the time of the adoption of the ordinance. The conditions which we heard mentioned by council members together with other recommended conditions are listed below:

- (1) Any site plan approved shall reflect that no driveway or other vehicular access shall be provided from Skyline Drive and shall also comply with all relevant zoning and development regulations of the City including but not limited to the elements set forth in Section 2102 and other requirements of the Zoning Ordinance of the City of Dahlonega, Ordinance 91-9.
  - (2) The only approved vehicular access to the property shall be from North Grove Street under permitting by the Georgia Department of Transportation and the City of Dahlonega.
  - (3) No certificate of occupancy under the new zoning classification shall be provided until the completion of the construction of the North Grove Street access in compliance with requirements of the Georgia Department of Transportation and the City of Dahlonega.
  - (4) All building code requirements including but not limited to ADA specifications shall be completed before any certificate of occupancy shall be issued under the new B-1 zoning classification.
  - (5) A new survey reflecting the restriction and elimination of current and future access via Skyline Drive, the location of the new properly permitted access point on North Grove Street and other matters consistent with this ordinance shall be provided to the City of Dahlonega and placed of record precedent to the granting of a certificate of occupancy. The new survey shall cross reference and indicate on its face that it supersedes the existing survey referenced in the legal description set forth herein as a depiction of the new lot of record under the B-1 zoning classification.
  - (6) Uses other than office space otherwise permitted within the B-1 classification are prohibited.
-

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**HISTORY/PAST ACTION:**

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**FINANCIAL IMPACT:**

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**RECOMMENDATION:**

Recommendation to approve.

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**SUGGESTED MOTIONS:**

Motion to approve.

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**ATTACHMENTS:**

Ordinance 2022-03

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**CITY OF DAHLONEGA  
ORDINANCE 2022-03**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF DAHLONEGA, GEORGIA, BY CHANGING THE ZONING ON A PARCEL OF LAND CONSISTING OF +/- 1.19 ACRES, MORE OR LESS, LYING WITHIN THE TAX PARCEL D05 028. SAID PARCEL OF LAND IS LOCATED IN LAND LOT 925 OF THE 12<sup>th</sup> DISTRICT, 1<sup>ST</sup> SECTION, CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA RECORDS AS MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR WILLIAM B. FRY, JANE FRY WORLEY AND FRANCES FRY PATTERSON BY JOHN T. GASTON, GEORGIA REGISTERED SURVEYOR, DATED JANUARY 3, 2001.**

**BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF DAHLONEGA, GEORGIA, AS FOLLOWS:**

**SECTION I.**

That from and after the passage of this Ordinance the lands described in the Legal Description incorporated into this Ordinance shall be zoned and so designated on the Zoning Map of the City of Dahlonega in classification B-1 (Neighborhood Business District). The intended use of the existing structure shall be for office space. All aspects of the rezoned property shall as a condition conform to a site plan to be submitted and approved by the planning and zoning administrator before the issuance of a certificate of occupancy under the B-1 zoning category and shall conform to the additional conditions set forth herein which are as follows:

- (1) Any site plan approved shall reflect that no driveway or other vehicular access shall be provided from Skyline Drive and shall also comply with all relevant zoning and development regulations of the City including but not limited to the elements set forth in Section 2102 and other requirements of the Zoning Ordinance of the City of Dahlonega, Ordinance 91-9.
- (2) The only approved vehicular access to the property shall be from North Grove Street under permitting by the Georgia Department of Transportation and the City of Dahlonega.
- (3) No certificate of occupancy under the new zoning classification shall be provided until the completion of the construction of the North Grove Street access in compliance with requirements of the Georgia Department of Transportation and the City of Dahlonega.
- (4) All building code requirements including but not limited to ADA specifications shall be completed before any certificate of occupancy shall be issued under the new B-1 zoning classification.
- (5) A new survey reflecting the restriction and elimination of current and future access via Skyline Drive, the location of the new properly permitted access point on North Grove Street and other matters consistent with this ordinance shall be provided to the City of Dahlonega and placed of record precedent to the granting of a certificate of occupancy. The new survey shall cross reference and indicate on its face that it supersedes the existing survey referenced in the legal description set forth herein as a depiction of the new lot of record under the B-1 zoning classification.
- (6) Uses other than office space otherwise permitted within the B-1 classification are prohibited.

**LEGAL DESCRIPTION**

THIS PROPERTY IS BOUNDED ON THE NORTH BY PROPERTY NOW OR FORMERLY OWNED BY DONALD L. AND PATRICIA L. HEAD ON THE EAST BY NORTH GROVE STREET, ON THE SOUTH BY SKYLINE DRIVE AND

ON THE WEST BY PROPERTY NOW OR FORMERLY OWNED BY PATRICK JONES; AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE CORNER OF TRACT 1 AND TRACT 2 ACCORDING TO A SURVEY FOR WILLIAM B. FRY, JANE WORLEY AND FRANCES FRY PATTERSON BY GEOIMAGE LLC DATED JANUARY 3, 2001 AND RECORDED IN CABINET 1 SLIDE 57 PLAT 124A LUMPKIN COUNTY RECORDS; THENCE S88°13'00"W 194.98 FEET ALONG R/W OF SKYLINE DRIVE; THENCE CONTINUING ALONG THE R/W OF SKYLINE DRIVE N82°02'46"W TO AN IRON PIN FOUND; THENCE N3°03'20"E 179.29 FT TO 2" PIPE FOUND; THENCE S86°43'19"E 141.09 FT TO A 1" PIPE FOUND; THENCE N63°36'59"E 41.10 FT TO AN IRON PIN SET ON NORTH GROVE STREET; THENCE ALONG R/W S36°31'16"E 154.35 FT CONTINUING ALONG R/W S51°01'41"E 93.29 FT TO AN IRON PIN SET; THENCE S33°42'18"W 28.84 FT TO THE POINT OF BEGINNING.

**SECTION II.**

All Ordinances and part of Ordinances in conflict herewith are hereby repealed.

**SECTION III.**

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**SECTION IV.**

The effective date of this Ordinance shall be upon approval by the City Council of Dahlonega, Georgia.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 BY THE MAYOR AND COUNCIL OF THE CITY OF DAHLONEGA, GEORGIA.

\_\_\_\_\_  
JoAnne Taylor, Mayor

Attest:

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



## Ordinances and Resolutions

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**DATE:** 01/31/2022  
**TITLE:** Ordinance 2022-04: An ordinance to provide a curfew for Wimpy Mill Park  
**PRESENTED BY:** Doug Parks, City Attorney

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### AGENDA ITEM DESCRIPTION:

This ordinance upon passage will amend Sections 24-19 and 24-20 to include Wimpy Mill Park. This will make it unlawful for any person to loiter, wander, stroll or otherwise be on or within the grounds of Wimpy Mill Park between the hours of 9:00 pm and 7:00 am from April 1st, through October 31st, and between the hours of 6:00 pm and 8:00 am from November 1st, through March 31st, except as permitted by formal written permission of the City.

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### HISTORY/PAST ACTION:

Previously these sections were only setting a curfew for Hancock Park, City Park and Anthony Park.

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### FINANCIAL IMPACT:

None.

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### RECOMMENDATION:

Recommendation to approve.

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### SUGGESTED MOTIONS:

Motion to approve.

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### ATTACHMENTS:

Ordinance 2022-04

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**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA, CHAPTER 24: PARKS; ARTICLE II: PUBLIC CONDUCT IN PARKS; SECTION 24-19: HANCOCK PARK, CITY PARK AND ANTHONY PARK CURFEW; AND SECTION 24-20: CONDUCT PROHIBITED.**

Short Title: "An ordinance to provide a curfew for Wimpy Mill Park."

**WHEREAS**, the Mayor and City Council deems it necessary to establish a curfew for Wimpy Mill Park.

**NOW, THEREFORE**, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, hereby amends the following Sections:

Sec. 24-19. Hancock Park, City Park, Anthony Park and Wimpy Mill Park curfew.

The city council has determined that there will be a curfew set for Hancock Park, City Park, Anthony Park and Wimpy Mill Park to prevent violence and crime by persons utilizing the park within the evening hours.

Sec. 24-20. Conduct prohibited.

It shall be unlawful for any person to loiter, wander, stroll, or otherwise be on or within the grounds of Hancock Park, City Park, Anthony Park and Wimpy Mill Park between the hours of 9:00 p.m. and 7:00 a.m. from April 1st, through October 31st, and between the hours of 6:00 p.m. and 8:00 a.m. from November 1st, through March 31st, except as permitted by formal written permission of the City.

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

[EXECUTION ON FOLLOWING PAGE]

SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved: \_\_\_\_\_  
JoAnne Taylor, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Mary Csukas, City Clerk



\*\*\*

## OFFICIAL PROCLAMATION

\*\*\*

**WHEREAS** in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

**WHEREAS** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

**WHEREAS** Arbor Day is now observed throughout the nation and the world, *and*

**WHEREAS** trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

**WHEREAS** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

**WHEREAS** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

**WHEREAS** trees — wherever they are planted — are a source of joy and spiritual renewal.

**NOW, THEREFORE,** I, JoAnne Taylor, Mayor of the City of Dahlonega, do hereby proclaim February 24, 2022 as **ARBOR DAY** In the City of Dahlonega, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

**FURTHER,** I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

**DATED THIS** \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Mayor \_\_\_\_\_

REVENUE AND EXPENDITURE REPORT FOR CITY OF DAHLONEGA  
 PERIOD ENDING 12/31/2021  
 % Fiscal Year Completed: 25.21

GL NUMBER	DESCRIPTION	2021-22 ORIGINAL BUDGET	YTD BALANCE 12/31/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 100 - GENERAL FUND				
	GENERAL PROPERTY TAXES	1,783,192.00	1,125,373.49	63.11
	GENERAL SALES AND USE TAXES	1,116,060.00	337,878.24	30.27
	SELECTIVE SALES AND USE TAXES	225,600.00	58,291.83	25.84
	ALCOHOLIC BEVERAGES LICENSES	131,900.00	126,075.00	95.58
	BUSINESS TAXES	555,200.00	474,401.32	85.45
	PENALTIES AND INTEREST	5,200.00	497.24	9.56
	PERMITS AND FEES	73,100.00	26,769.48	36.62
	INTERGOVERNMENTAL REVENUE	28,646.00	4,661.58	16.27
	CHARGES FOR SERVICES	703,800.00	181,128.07	25.74
	FINES AND FORFEITURES	181,400.00	52,250.86	28.80
	INVESTMENT INCOME	2,800.00	407.98	14.57
	MISCELLANEOUS REVENUE	10,000.00	940.90	9.41
	OTHER FINANCING SOURCES	20,000.00	0.00	0.00
	OTHER CHARGES FOR SERVICES	15,500.00	14,865.69	95.91
	TRANSFERS IN FROM OTHER FUNDS	61,458.00	15,364.50	25.00
	APPROPRIATED FUND BALANCE	850,626.00	0.00	0.00
TOTAL REVENUES		5,764,482.00	2,418,906.18	41.96
	LEGISLATIVE	208,477.00	48,973.00	23.47
	EXECUTIVE	267,970.00	66,032.72	24.64
	ELECTIONS	10,940.00	1,339.93	12.25
	GENERAL ADMINISTRATION	1,000,569.00	303,977.18	30.35
	MUNICIPAL COURT	326,866.00	67,835.32	20.75
	CITY MARSHAL	586,445.00	43,431.49	7.41
	PUBLIC WORKS ADMINISTRATION	284,482.00	49,204.32	17.30
	STREETS	1,050,960.00	274,949.27	26.16
	MAINTENANCE AND SHOP	102,671.00	27,087.05	26.38
	CEMETERY	74,613.00	3,586.76	4.56
	PARKS	31,034.00	6,638.20	21.39
	COMMUNITY DEVELOPMENT	272,814.00	57,710.26	21.15
	NON-DEPARTMENTAL	50,000.00	0.00	0.00
	TRANSFERS OUT TO OTHER FUNDS	1,496,641.00	374,160.27	25.00
TOTAL EXPENDITURES		5,764,482.00	1,324,925.77	22.96
Fund 100 - GENERAL FUND:				
	TOTAL REVENUES	5,764,482.00	2,418,906.18	41.96
	TOTAL EXPENDITURES	5,764,482.00	1,324,925.77	22.96
NET OF REVENUES & EXPENDITURES		0.00	1,093,980.41	20,150.68

REVENUE AND EXPENDITURE REPORT FOR CITY OF DAHLONEGA  
 PERIOD ENDING 12/31/2021  
 % Fiscal Year Completed: 25.21

GL NUMBER	DESCRIPTION	2021-22 ORIGINAL BUDGET	YTD BALANCE 12/31/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 230 - DOWNTOWN DEVELOPMENT AUTHORITY				
	CHARGES FOR SERVICES	0.00	351.97	100.00
	INVESTMENT INCOME	0.00	68.32	100.00
	CONTRIBUTIONS AND DONATIONS	0.00	80.00	100.00
	MISCELLANEOUS REVENUE	0.00	205.00	100.00
	TRANSFERS IN FROM OTHER FUNDS	322,998.00	80,749.50	25.00
	TOTAL REVENUES	322,998.00	81,454.79	25.22
	DDA ADMINISTRATION	150,988.00	20,060.46	12.73
	TOURISM	105,485.00	14,240.86	13.50
	DOWNTOWN DEVELOPMENT	66,525.00	12,331.76	18.54
	TOTAL EXPENDITURES	322,998.00	46,633.08	14.15
Fund 230 - DOWNTOWN DEVELOPMENT AUTHORITY:				
	TOTAL REVENUES	322,998.00	81,454.79	25.22
	TOTAL EXPENDITURES	322,998.00	46,633.08	14.15
	NET OF REVENUES & EXPENDITURES	0.00	34,821.71	528.60

REVENUE AND EXPENDITURE REPORT FOR CITY OF DAHLONEGA  
 PERIOD ENDING 12/31/2021  
 % Fiscal Year Completed: 25.21

GL NUMBER	DESCRIPTION	2021-22 ORIGINAL BUDGET	YTD BALANCE 12/31/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 275 - HOTEL/MOTEL TAX FUND				
	HOTEL/MOTEL TAXES	461,394.00	147,731.54	32.02
	INVESTMENT INCOME	0.00	22.32	100.00
	TOTAL REVENUES	461,394.00	147,753.86	32.02
	PURCHASES/CONTRACTED SERVICES	268,404.00	43,750.00	16.30
	TRANSFERS OUT TO OTHER FUNDS	192,990.00	48,247.50	25.00
	TOTAL EXPENDITURES	461,394.00	91,997.50	19.94
Fund 275 - HOTEL/MOTEL TAX FUND:				
	TOTAL REVENUES	461,394.00	147,753.86	32.02
	TOTAL EXPENDITURES	461,394.00	91,997.50	19.94
	NET OF REVENUES & EXPENDITURES	0.00	55,756.36	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF DAHLONEGA  
 PERIOD ENDING 12/31/2021  
 % Fiscal Year Completed: 25.21

GL NUMBER	DESCRIPTION	2021-22 ORIGINAL BUDGET	YTD BALANCE 12/31/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 505 - WATER AND SEWER ENTERPRISE FUND				
	INVESTMENT INCOME	5,500.00	868.62	15.79
	MISCELLANEOUS REVENUE	5,000.00	716.40	14.33
	WATER CHARGES	3,041,894.00	804,856.09	26.46
	TAP FEES - WATER	100,000.00	89,914.00	89.91
	SEWER CHARGES	2,110,616.00	558,356.00	26.45
	TAP FEES - SEWER	100,000.00	77,675.00	77.68
	OTHER CHARGES FOR SERVICES	70,800.00	14,889.67	21.03
	TRANSFERS IN FROM OTHER FUNDS	1,280,982.00	320,245.50	25.00
	APPROPRIATED NET ASSETS	240,772.00	0.00	0.00
TOTAL REVENUES		6,955,564.00	1,867,521.28	26.85
	SEWER LIFT STATIONS	257,877.00	47,588.31	18.45
	SEWER TREATMENT PLANT	722,992.00	162,085.47	22.19
	DISTRIBUTION AND COLLECTION	1,090,820.00	229,458.95	20.56
	WATER SUPPLY	343,496.00	29,088.43	8.47
	WATER TREATMENT PLANT	2,261,599.00	443,543.52	19.43
	CAPITAL OUTLAYS	2,090,780.00	562,163.35	25.10
	INTERFUND CHARGES	128,000.00	32,000.01	25.00
	OTHER COSTS	60,000.00	0.00	0.00
TOTAL EXPENDITURES		6,955,564.00	1,505,928.04	21.04
Fund 505 - WATER AND SEWER ENTERPRISE FUND:				
	TOTAL REVENUES	6,955,564.00	1,867,521.28	26.85
	TOTAL EXPENDITURES	6,955,564.00	1,505,928.04	21.04
	NET OF REVENUES & EXPENDITURES	0.00	361,593.24	177.79

REVENUE AND EXPENDITURE REPORT FOR CITY OF DAHLONEGA  
 PERIOD ENDING 12/31/2021  
 % Fiscal Year Completed: 25.21

GL NUMBER	DESCRIPTION	2021-22 ORIGINAL BUDGET	YTD BALANCE 12/31/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 540 - SOLID WASTE ENTERPRISE FUND				
	CHARGES FOR SERVICES	500.00	125.00	25.00
	INVESTMENT INCOME	500.00	72.29	14.46
	OTHER CHARGES FOR SERVICES	8,000.00	1,551.80	19.40
	REFUSE COLLECTION CHARGES	1,003,716.00	270,241.72	26.92
	TOTAL REVENUES	1,012,716.00	271,990.81	26.86
PERSONAL SERVICES AND EMPLOYEE BENEFITS				
	PURCHASES/CONTRACTED SERVICES	510,863.00	136,696.49	26.76
	SUPPLIES	279,358.00	57,035.33	20.42
	INTERFUND CHARGES	80,600.00	25,867.31	24.74
	OTHER COSTS	64,000.00	15,999.99	25.00
	DEBT SERVICE	43,909.00	0.00	0.00
	TOTAL EXPENDITURES	33,986.00	611.28	1.80
	TOTAL EXPENDITURES	1,012,716.00	236,210.40	22.79
Fund 540 - SOLID WASTE ENTERPRISE FUND:				
	TOTAL REVENUES	1,012,716.00	271,990.81	26.86
	TOTAL EXPENDITURES	1,012,716.00	236,210.40	22.79
	NET OF REVENUES & EXPENDITURES	0.00	35,780.41	149.24



REVENUE AND EXPENDITURE REPORT FOR CITY OF DAHLONEGA  
 PERIOD ENDING 12/31/2021  
 % Fiscal Year Completed: 25.21

GL NUMBER	DESCRIPTION	2021-22 ORIGINAL BUDGET	YTD BALANCE 12/31/2021 NORMAL (ABNORMAL)	% BDGT USED
Fund 560 - STORMWATER ENTERPRISE FUND				
	INVESTMENT INCOME	100.00	73.68	73.68
	OTHER CHARGES FOR SERVICES	1,000.00	422.54	42.25
	TRANSFERS IN FROM OTHER FUNDS	1,146,869.00	286,717.26	25.00
	STORMWATER UTILITY CHARGES	338,580.00	88,973.23	26.28
	TOTAL REVENUES	1,486,549.00	376,186.71	25.31
Fund 560 - STORMWATER ENTERPRISE FUND:				
	PERSONAL SERVICES AND EMPLOYEE BENEFITS	76,154.00	24,234.34	31.82
	PURCHASES/CONTRACTED SERVICES	77,910.00	0.00	0.00
	SUPPLIES	32,000.00	0.00	0.00
	CAPITAL OUTLAYS	815,885.00	92,586.00	11.35
	INTERFUND CHARGES	484,600.00	121,149.99	25.00
	OTHER COSTS	0.00	3,000.00	100.00
	TOTAL EXPENDITURES	1,486,549.00	240,970.33	16.18
Fund 560 - STORMWATER ENTERPRISE FUND:				
	TOTAL REVENUES	1,486,549.00	376,186.71	25.31
	TOTAL EXPENDITURES	1,486,549.00	240,970.33	16.18
	NET OF REVENUES & EXPENDITURES	0.00	135,216.38	4,829.16
TOTAL REVENUES - ALL FUNDS				
	TOTAL REVENUES - ALL FUNDS	16,003,703.00	5,163,813.63	32.27
	TOTAL EXPENDITURES - ALL FUNDS	16,003,703.00	3,446,665.12	21.22
	NET OF REVENUES & EXPENDITURES	0.00	1,717,148.51	709.05

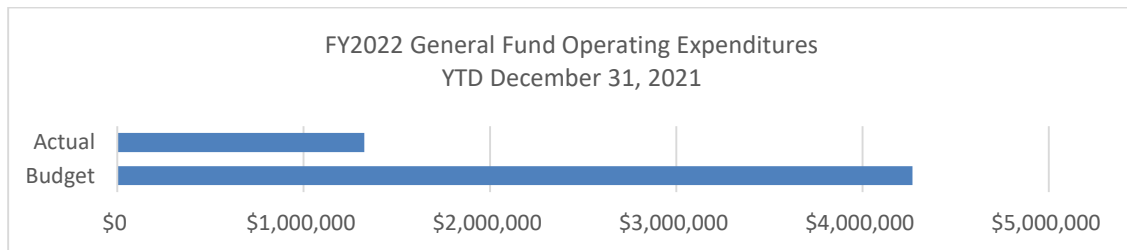
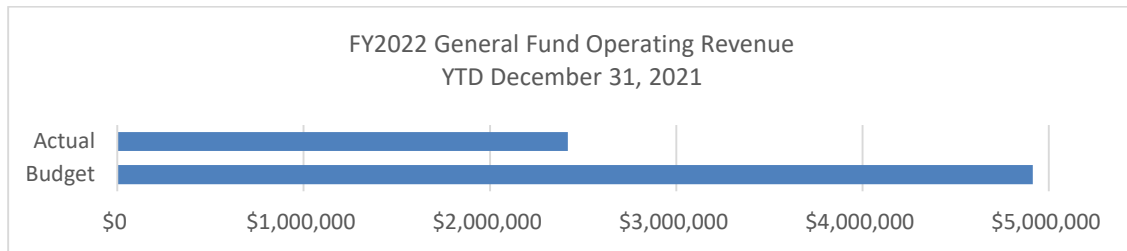


# CITY OF DAHLONEGA

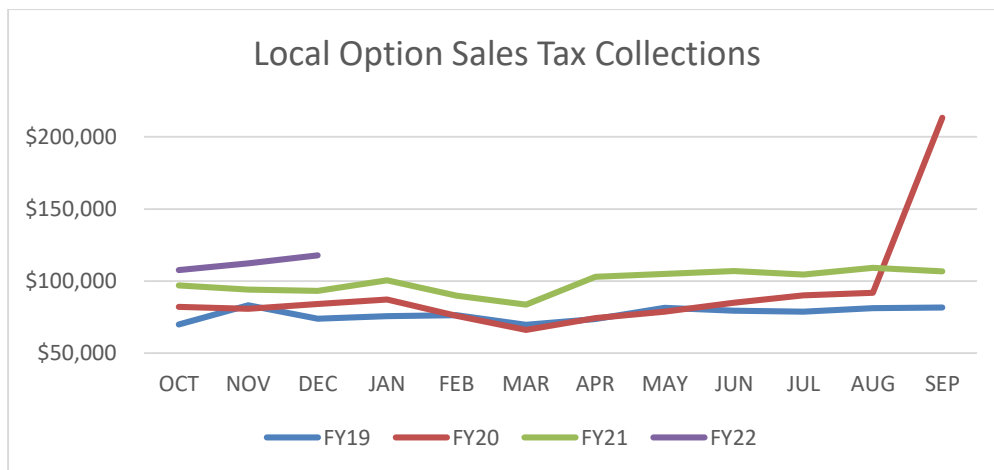
## MONTHLY FINANCIAL REPORTS

For the Three Months Ended December 31, 2021

### GENERAL FUND



- The annual property tax bills were levied and mailed by the Tax Commissioner on October 1<sup>st</sup> with a due date of December 1<sup>st</sup>. To date, 96.06% of 2021 taxes budgeted have been collected.
- Sales tax collections have increased. The change in the State law related to taxation of internet sales has continued to have a positive impact on our collections.



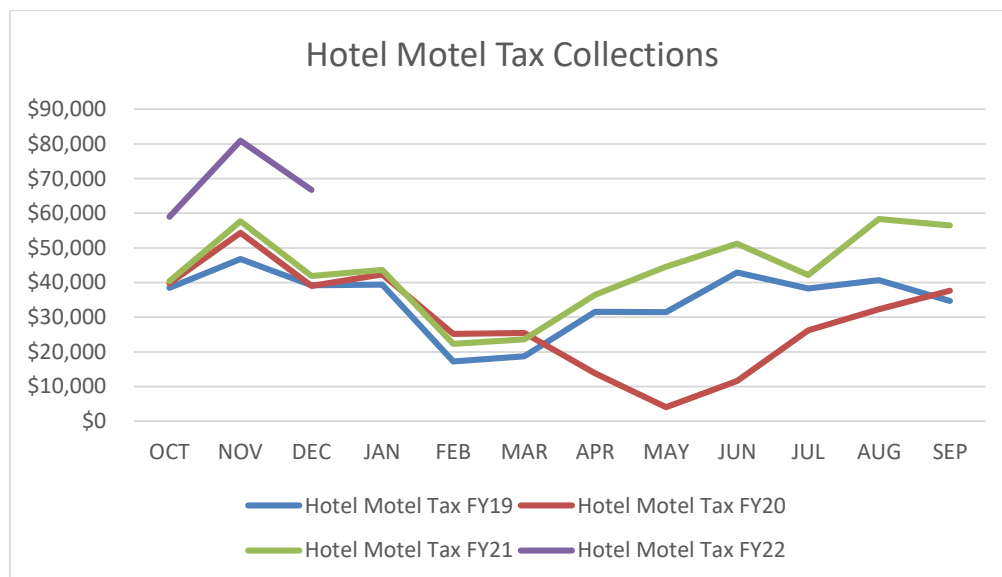
- The annual revenue for Insurance Premium Tax came in at \$436,601 this year, which is 3.3% greater than received last fiscal year.
- Alcoholic Beverages Taxes and Licenses revenue collected year-to-date slightly increased from the prior year.
- Permit revenue collected year-to-date is outpacing last year's collections.
- Department expenditures are in line with budget expectations.

### DOWNTOWN DEVELOPMENT AUTHORITY

- Operational results are on track with the budget.

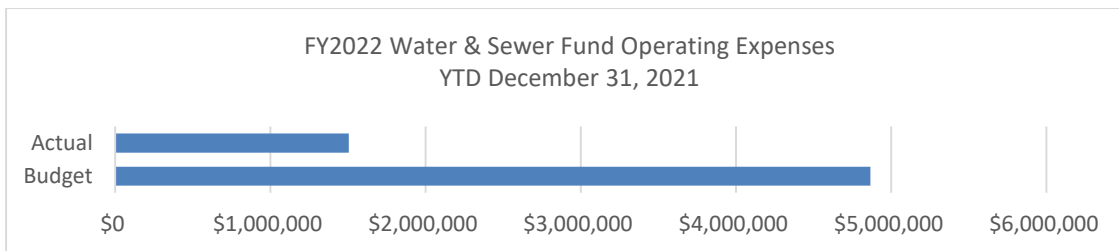
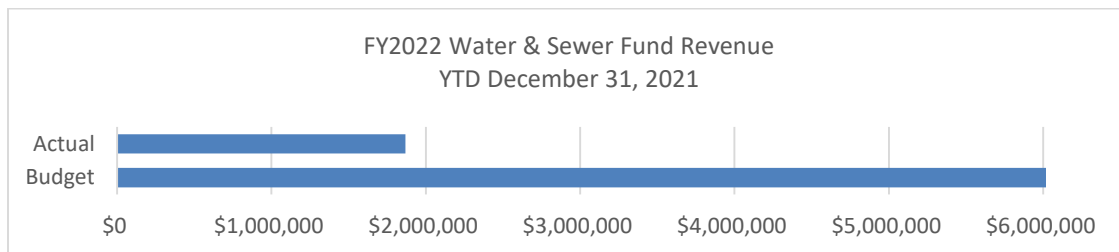
### HOTEL/MOTEL TAX FUND

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



### WATER AND SEWER FUND

- Water and sewer sales were trending higher than budget. Revenue from water sales and sewer charges is 4.24% more than last year.
- All department expenses are in line with the budget.



### SOLID WASTE FUND

- Refuse Collection Charges are Revenues are 5.26% greater than the prior year.
- Expenses are meeting budget expectations.

### STORMWATER ENTERPRISE FUND

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

(Prepared for Council and Management by Allison Martin 01/21/2022)



# City Council Agenda Memo

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**DATE:** January 12, 2022  
**TITLE:** Cyber Security Plan Update  
**PRESENTED BY:** Allison Martin, Finance Director

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## **AGENDA ITEM DESCRIPTION:**

Update of the city's Cyber Security Plan.

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## **HISTORY/PAST ACTION:**

The City of Dahlonega implemented a Cyber Security Plan in 2019. Due to staff turnover, it is necessary to update the policy. The only changes to the plan were to update personnel and to note which payment systems are outsourced which relieves the city of the liability of storing sensitive data. The city also received notice that failure to have a plan could impact insurance renewal rates or the ability to obtain cyber security insurance.

---

## **FINANCIAL IMPACT:**

Should the city fail to have a Cyber Security Plan, there could be an increase in insurance premiums or the city could be denied the option of having cyber security insurance.

---

## **RECOMMENDATION:**

The recommendation of staff is to approve the updated plan.

---

## **SUGGESTED MOTIONS:**

I make a motion to approve the updated plan.

---

## **ATTACHMENTS:**

Cyber Security Plan – for internal viewing only; plan not made public to protect the integrity of the plan

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# CITY COUNCIL AGENDA REPORT

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**DATE:** February 7, 2022

**TITLE:** Local Maintenance and Improvement Grant (LMIG) Resurfacing 2022-001

**PRESENTED BY:** Vince Hunsinger, Capital Projects Manager

---

**AGENDA ITEM DESCRIPTION:**

This item is to inform the Council of the upcoming bid to complete asphalt resurfacing of city streets in Dahlonega identified as LMIG Project #2022-001. Staff has selected North Hall Road and Dalton Drive for resurfacing.

---

**HISTORY/PAST ACTION:**

This project is a result of Public Works' annual assessment of city streets and helps achieve resurfacing goals found in our Road Maintenance Plan. The Bid Opening for this project was 1/25/22.

---

**FINANCIAL IMPACT:**

The available budget for the project as of 1/25/22 is \$109,328.42. which is a combination of funds from the City's general fund (30%) and the GDOT Local Maintenance & Improvement Grant Program (70%).

The low bid for this project is \$145,102.71. We will be using remaining budget from the In-House Paving Project and a portion of the OSS/SAP budget for this project.

---

**RECOMMENDATION:**

The Capital Projects Team recommends that the Council accept the bid from Colditz Trucking as the contractor for our 2022 LMIG Paving Project 2022-001.

---

**SUGGESTED MOTIONS:**

City Council approve Colditz Trucking as the contractor for the Local Maintenance and Improvement Grant (LMIG) Resurfacing 2022-001.

---

**ATTACHMENTS:**

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# CITY COUNCIL AGENDA REPORT

---

**DATE:** February 7, 2022  
**TITLE:** Asphalt Leveling and Resurfacing of City Streets in Dahlonega, GA In House Project # 2022-002  
**PRESENTED BY:** Vince Hunsinger, Capital Projects Manager

---

## AGENDA ITEM DESCRIPTION:

This item is to inform the Council of the upcoming bid to complete asphalt resurfacing of city streets in Dahlonega identified as Asphalt Leveling and Resurfacing of City Streets in Dahlonega, GA In House Project #2022-002. This work is in addition to the 2022 LMIG-funded resurfacing described in a previous agenda report. This project will be to complete the total required amount of resurfacing for Welch Drive, Housely Road, Dogwood Drive, Woodland Hills, Hill Crest Drive, Self Drive, Trahlyta Trail, and Laurel Lane. The contracted bid for this portion of the project is estimated to be approximately \$150,000 based on required quantity of asphalt.

---

## HISTORY/PAST ACTION:

This project is a result of Public Works' annual assessment of city streets and helps achieve resurfacing goals found in our Road Maintenance Plan. The bid opening for this project was 1/25/2022.

---

## FINANCIAL IMPACT:

The available budget for the project is \$149,031.06.

The lowest bid for this project is \$146,105.31. The remaining budget will be applied to the 2022 LMIG project.

---

## RECOMMENDATION:

The Capital Project Team recommends that the Council approve Colditz Trucking as the contractor for the Asphalt Leveling and Resurfacing of City Streets In Dahlonega, GA In House Project #2022-002.

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## SUGGESTED MOTIONS:

Motion to approve Colditz Trucking as the contractor for the Asphalt Leveling and Resurfacing of City Streets in Dahlonega, GA In House Project #2022-002.

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## ATTACHMENTS:

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# City Council Agenda Memo

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**DATE:** January 11, 2022  
**TITLE:** Georgia Mountains Regional Commissions Council Position  
**PRESENTED BY:** Mary Csukas, City Clerk

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## **AGENDA ITEM DESCRIPTION:**

Gina Kessler, the Executive Assistant at GMRC, needs to fill the vacant position left by retiring Mayor Sam Norton. The seat can be filled by any elected official for the City of Dahlonega.

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## **HISTORY/PAST ACTION:**

The GMRC Council meets the last Thursday of every month at 6:00 p.m., if in person or 5:00 p.m. if Zoom. The in-person meetings rotate throughout the region.

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## **FINANCIAL IMPACT:**

None

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## **RECOMMENDATION:**

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## **SUGGESTED MOTIONS:**

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## **ATTACHMENTS:**

GMRC Bylaws

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# BYLAWS OF THE GEORGIA MOUNTAINS REGIONAL COMMISSION

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By Authority of Article 2, Chapter 8 of Title 50  
Of the Official Code of Georgia Annotated  
As Amended by House Bill 1216

## ARTICLE I NAME, CREATION, AND LOCATION

- SECTION I:** **Name.** The official name of this organization shall be the Georgia Mountains Regional Commission; hereinafter called the "Commission." The governing body of the Georgia Mountains Regional Commission shall be Council of the Georgia Mountains Regional Commission, hereinafter called the "Council."
- SECTION II:** **Creation.** The organization was created in 1962 pursuant to resolutions and ordinances adopted by its member governments. These Bylaws constitute restated Bylaws approved by its membership and adopted July 1, 2009 and amend and supersede all Bylaws in force and effect through the date of these amended Bylaws, this amendment being adopted in conformity with the Georgia Planning Act (the "Act"), as amended, enacted by the legislature of the State of Georgia providing for Regional Commissions and with an effective date of July 1, 2009.
- SECTION III:** **Location.** The principal office of the Commission shall be located at such place as the Council (as hereinafter defined) shall determine and as reported to the Georgia Secretary of State. At all such times the principal office of the Commission shall be located within the geographic boundaries of the Georgia Mountains Region ("Region"). The establishment of a principal office shall not preclude the establishment of additional office locations at some point in the future.

## ARTICLE II MEMBERSHIP

- SECTION I:** **Member Counties.** Member counties of the Commission are Banks, Dawson, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White. As used in these Bylaws, the terms "Region" shall refer to the geographic boundary represented by these Member Counties.
- SECTION II:** **Member Municipalities.** Municipalities within a member county are members of the Commission. Where a municipality is located in two or more counties, membership shall be determined by the member status of the county in which the municipality is chartered. Member municipalities are: Alto, Avalon, Baldwin, Blairsville, Bowersville, Canon, Carnesville, Clarkesville, Clayton, Clermont, Cleveland, Cornelia, Dahlonega, Dawsonville, Demorest, Dillard, Flowery Branch, Franklin Springs, Gainesville, Gillsville, Hartwell, Helen, Hiawassee, Homer, Lavonia, Lula, Martin, Maysville, Mt. Airy, Mountain City, Oakwood, Royston, Sky Valley, Tallulah Falls, Tiger, Toccoa, and Young Harris.
- SECTION III:** **Active Membership.** An active member in the Commission shall be a county or municipality as provided in Article II, Sections I and II, which is:
- A. Current in payment of local assessments (dues) as established by the Council;

- B. Properly represented by membership on the Council as provided in the Act and these Bylaws; and
- C. Maintains member representative attendance sufficient to enable participation in the planning process of the Commission as set forth in these Bylaws.

**SECTION IV: Changes in Membership.** Any change in the membership of the Commission as provided in Article II, Sections I and II shall be in accordance with a resolution of the Georgia Department of Community Affairs adopted pursuant to 50-8-4 (f) of the Official Code of Georgia, as the same may be amended from time to time.

**SECTION V: Member Dues.** Member governments shall pay annual dues for membership to the Commission. The Council shall determine as necessary, on a per capita basis, the dues assessment which shall be required from its member governments.

### **ARTICLE III PURPOSES AND FUNCTIONS**

**SECTION I: Overall Purpose.** The Commission shall be an organization constituted to serve its members and shall be member driven. The purpose of the Commission shall be to create, promote, and foster the growth, economic prosperity, and continuing development of the industrial, civic, commercial, educational, natural, and human resources of the region and member communities. The Commission shall function as the regional planning entity for land use, economic development, GIS, transportation, historic preservation planning, and workforce development.

**SECTION II: Specific Purposes.** Consistent with the Commission's overall purpose, the Georgia Mountains Regional Commission shall seek to achieve the following specific purposes:

- A. To encourage, promote, and pursue programs and policies which will achieve distribution of population, land development, and land use within the Region that will facilitate the effective delivery of public services and the location of appropriate public facilities;
- B. To encourage, promote, and pursue programs and policies to improve the quality of life within the Region of its jurisdiction through the protection and enhancement of the Region's sensitive natural resources, environmental quality, and heritage;
- C. To encourage, promote, and pursue programs and policies which will provide improved coordination among governmental agencies striving to serve the Region;
- D. To encourage, promote, and pursue programs and policies to improve and strengthen the fiscal capabilities of local governments within the Region including securing alternative sources of funding and increasing the effectiveness of services performed by local governments within the Region;
- E. To encourage, promote, and pursue programs and policies which will facilitate economic growth, expansion of job opportunities and the tax base;
- F. To encourage, promote, and pursue programs and policies through which transportation needs within the Region can be served in an efficient and effective manner and;
- G. To encourage, promote, and pursue programs and policies to assist local governments

in preparing and implementing comprehensive plans that will develop and promote the essential public interests of the state and its citizens, and which will advance positive governmental relations among the state, regional and local levels.

**SECTION III: Programmatic Services.** The Georgia Mountains Regional Commission shall serve the local governments with active membership status in the Region by providing services of, or permitted by, this organization by the Act which at a minimum includes:

- A. Coordinate and assist member local governments in preparing, revising and updating local plans for submission to the Commission;
- B. Provide technical assistance to members for the purpose of improving the effectiveness and efficiency of local service delivery;
- C. Prepare and maintain a regional plan to be adopted by the Georgia Mountains Regional Commission's Council in accordance with the act and prescribed procedures and guidelines;
- D. Review and approve local plans submitted by members in accordance with the Minimum Planning Standards established by the State of Georgia and in conformance with the requirements of § 50-8-36 of the Official Code of Georgia;
- E. Operate a mediation process to resolve conflicts between two or more local governments or local government(s) and the Commission;
- F. Participate in compiling a Georgia data base and network in accordance with State guidelines;
- G. Assist in the preparation, review and evaluation of applications to the United States Government and/or the State of Georgia for loans or grants to municipalities, counties, authorities, commissions, Councils, and/or agencies within the Region for consistency with adopted regional plans and policies;
- H. Engage in a continuous program of research, study and planning of matters affecting the Region, including, but not limited to, land use, water resources, housing, transportation, waste disposal, recreation, environmental quality, and economic development, and to pursue the implementation of the recommendations developed from these programs;
- I. Serve as the official planning agency for the Region, especially when the designation of an area or regional planning agency shall be required under the provision of state and/or federal loan and grant programs;
- J. Enter into all contracts or agreements necessary for performance of its responsibilities.
- K. Administer and manage federal or state revolving loan programs or loan packaging programs;
- L. Serve as the liaison with other governments, including federal government agencies and state agencies, for its members;
- M. Adopt a regional plan for the Region, which shall take into consideration (1) issues and opportunities facing the region, (2) the recommendations of the Commissioner

of the Department of Community Affairs regarding such issues and opportunities, and (3) the local plans for the Region; and

- N. The exercise of any of those powers granted to the Commission pursuant to 50-8-35 of the Official Code of Georgia, as the same may be amended from time to time.

#### **ARTICLE IV COUNCIL**

**SECTION I: Composition.** The Council of the GMRC shall be appointees representing the twelve (12) counties and thirty-seven (37) cities of the Region. The Council shall be structured consistent with the requirements of the Official Code of Georgia Annotated, Section 50-8-34, and shall maintain active membership as referenced in Article II, Section 3 above. Membership on the Council shall be determined as follows:

- A. County Officials: The Council shall include the chief elected official of each county governing body within the Region. If the chief elected official for a county is unable to serve on the council, he or she shall appoint another elected county official. In the event a county within the Region is or shall become a consolidated government with no other municipality within that county, then a second elected official of such consolidated government shall be appointed to the council by the chief elected official for the county.
- B. City Officials: The Council shall include members who are elected city officials appointed on the basis of one from each member county within the Region. In those counties in which there is only one city, the city official representative shall be an elected official of that one city. In those counties in which there is more than one city, the method of determining the city official appointment from that county shall be determined by the cities within that county.
- C. Private Sector: Additional members shall serve on the Council as allowed by Commissioner of the Department of Community Affairs pursuant to O.C.G.A. § 50-8-34(b)(5). Such members shall not be public officials. Such members shall reside within the Region. These members shall be chosen by the Council after seeking the advice of the host county (the county from which the member will come) and the collective cities of that county. Appointees should be active members of the business or professional community represented, and shall be capable of representing the broad private sector business interests of the county from which he or she is appointed.
- D. The current Governor of the State of Georgia and his successors in office shall appoint three (3) members to the Council. One shall be a current school superintendent or an elected school board member serving within the Region. Two additional members shall be non-public (private sector) members. Each of the Governor's appointments shall be a resident of the Region.
- E. The Council shall include one (1) non-public (private sector) member appointed by the current Lt. Governor of the State of Georgia and his successors in office which non-public member shall be a resident of the Region.
- F. The Council shall include one (1) non-public (private sector) member appointed by the current Speaker of the House of the State of Georgia and his successors in office which non-public member shall be a resident of the Region.

All appointees shall be certified to the GMRC prior to July 1<sup>st</sup> of each year. Membership on the Council shall become effective as of the first day of July of each year. Vacancies on the

Council shall be filled according to the selection procedures outlined above.

**SECTION II: Chief Elected Official.** For the purposes of these Bylaws, Chief Elected Official means the official of any county or municipality elected in a public election as chief elected official (regardless of whether the position is called Chairman, Mayor, or by any other designation). For those local member governments where no person is elected as chief elected official, a member of the governing body may be designated by resolution of the governing body to serve on a caucus or the Council when specified as the chief elected official.

**SECTION III: Terms.** Terms of members of the Council shall be as follows:

- A. The default term of all members shall be for one year and until the member's successor is elected or appointed, or as otherwise expressly stated as follows:
  - 1. Elected officials serving on the Council shall serve concurrent with their elected term of office.
  - 2. Private sector members of the Council shall serve for a term of one year.
  - 3. Appointments by the Governor, Lieutenant Governor, and the Speaker of the House of Representatives, and their successors shall serve for a term of two years.
- B. Terms shall run from July 1<sup>st</sup> of one year to June 30<sup>th</sup> of the following year and vacancies during this period are filled for the remainder of the unexpired term.
- C. The term of a member shall be terminated immediately upon:
  - 1. Resignation of the member;
  - 2. Death of the member or inability to serve as a member due to medical infirmity or other incapacity;
  - 3. Any change in local elective office or residence of the member (i.e. moves outside the region) which would cause the composition of the Council not to comply with requirements of State law or these Bylaws; or
  - 4. The failure to attend three (3) consecutive meetings of the Council. By failing to attend three consecutive meetings of the Council, the member so absent shall be deemed to have elected not to serve, thus creating a vacancy as to that Council membership to be filled according to the Bylaws. The Council Member so failing to attend meetings shall not be eligible to fill the vacancy created by said absence. The use of a proxy to cast a vote as described in Article IV, Paragraph 4(E) below, shall count as being present at a meeting.
  - 5. The foregoing notwithstanding, the Executive Committee of the GMRC shall have the ability to excuse absences or suspend attendance requirements for the Council or any subset of the Council because of war, riot, strike, natural disaster, terrorist attack, epidemic, pandemic, significant illness as determined by the Executive Committee, act of God, or other unforeseen action or circumstances which makes travel and attendance at a meeting of the Council to be impossible, impracticable, or dangerous to self or others.

**SECTION IV: Votes and Voting.** Unless otherwise specified, each active member of the Council shall have one vote.

- A. Caucus for purposes of this section is an informal meeting group of Council members or designated representatives of member local governments. A caucus shall be

governed by such rules as the members of the group required to caucus shall determine among themselves. The caucus shall, however, decide action on the basis of members present, and declare established rules (i.e., plurality or majority vote).

- B. Votes of the Council shall be counted based on Council members qualified under Article IV, Sections 1 through 4 above and in attendance. Proxies shall be permitted only as described in paragraph 4(E), below. Other than as provided herein, a Council member shall not assign the right of vote to another individual.
- C. Except as otherwise provided in these Bylaws, Council action on plans and programs, votes of commendation or censure, matters of Commission policy, or general resolutions shall be approved by a majority vote of the quorum which is at least 25 percent of the active membership as outlined in Article IV, Section 5(h) below. For the purpose of calculating quorum, proxies possessing written proxy forms shall be included.
- D. Upon direction of the Chairman, voting may be taken based on a roll call of each appointee to the Council, with each appointee indicating his/her vote, and all absent appointees so noted for recording and verifying said vote.

**SECTION V: Proxies.** In the event that a member of the Council cannot attend a meeting of the Council, the member may nevertheless have his or her vote on issues presented to the Council cast by a written proxy. The use of a proxy is governed by the following requirements:

- A. Not later than one (1) day prior to the meeting at which a proxy will be used, the Council member desiring to cast his or her vote by proxy shall request a proxy form from the Commission by contacting the Commission's principal office.
- B. The proxy form transmitted to the Council member shall include on it those matters which are expected to come before the Council for a vote at the given meeting. Upon this form, the Council member shall indicate his or her vote (aye, nay, abstain) on each issue identified. The Council member shall sign the form and have it notarized. The Council member shall also indicate on said form "who" it is that shall serve as the proxy to cast the indicated votes.
- C. The proxy may not cast a vote on any issue, motion, amendment to a motion, or other matter presented for a vote which is not specifically identified on the proxy form or for which the absent Council member has not indicated his or her voting preference.

**SECTION VI: Meetings.** The Council shall hold regular meetings not less than ten times in each year beginning on July 1st and continuing through the next June 30<sup>th</sup> as provided in the Act. Additionally:

- A. The Council's meeting schedule shall be established by the Chairman at the beginning of each fiscal year, including designated meetings provided in these Bylaws, to facilitate meeting arrangements, to protect dates from conflicting with schedules, and to promote the goal of full membership attendance. The Chairman may cancel and reschedule meetings when significant circumstances or conditions indicate the purpose of the meeting cannot be achieved, included but not limited to inclement weather.
- B. The last meeting of the fiscal year, normally in June, shall be the annual business meeting of the Council. The agenda shall include, among other business, approval of the annual work plan and budget.
- C. Special or called meetings of the Council may be called by the Chairman or written

notice of 10 members of the Council qualified under Article IV, Section 1 above, when determined necessary for the purpose of transacting Commission business. Such meeting notice shall be provided to Council members at least 72 hours in advance of the meeting, and the notice shall set the date, time, place, and agenda for the meeting. Special meetings shall be called for a specific purpose and only the purpose for which the meeting was called shall be discussed.

- D. The Commission may conduct a workshop(s) or retreat(s) for Council members and invitees on a significant regional issue during the year and regular Council meetings may be held in conjunction with these functions.
- E. One or more occasions may be conducted annually for Council members, local officials, and invited friends of the Commission to recognize contributions to growth and development of the Region. The costs of any such occasion shall be paid from authorized fund accounts or sources.
- F. Meetings of the Council shall be conducted in conformance with the applicable provisions of the Georgia Open Meetings law.
- G. There shall be an agenda for each meeting, listing the items to be considered and when appropriate, information relating to such items.
- H. A quorum shall be required for any official meeting. A quorum shall consist of at least 25% of the active membership qualified under this article.
- I. A written record (minutes) shall be kept of all actions taken at the Council and Committee meetings. Such record shall describe the subject considered, the motions made, a brief summary of discussion of the motion, if any, and the results of the vote on the motion.
- J. Except as otherwise provided, all meetings of the Council shall be conducted in accordance with ROBERT'S RULES OF ORDER, as amended.

**SECTION VII: Reimbursement of Expenses.** Council members may receive reimbursement for travel expenses in accordance with the Commission's Travel Policy incurred for out of Region attendance to Commission related functions as an official representative of the Commission under the following conditions:

- A. The Chairman shall authorize Council member attendance to the out of Region function(s) prior to the Council member incurring expenses and in consultation with the Executive Director regarding budget provisions;
- B. Amounts will be reimbursable under the established per diem rates and shall be limited to expenses of the Council member only (spouse or guest expenses are not allowable under State law) and shall be based on travel policies in effect for reimbursement of staff allowable costs;
- C. Amounts will be reimbursed under the established per diem allowance and upon submission of required payment requests and vouchers (allowance includes any expenses paid directly by GMRC such as transportation [i.e., airfare], meals, lodging, and/or registration [including meals]).

**SECTION VIII: Training.** All new members shall attend an orientation training session within the first

six months of appointment to the Council. Existing members shall attend training at least once every two years. Failure to attend training shall result in removal from the Council. The Executive Director shall establish a training program and provide training once per year or as needed. Upon the approval of the Executive Committee, training may be provided by teleconference.

## **ARTICLE V**

### **DUTIES OF THE COUNCIL**

1. Management: The Council shall manage the Commission's affairs in accordance with these Bylaws. It shall direct the investment and care of the funds of the Commission; make appropriations for specific purposes directly connected with Commission activities; take measures to advance the interests of the Commission and its member local governments; and generally direct its business in accordance with the powers, duties, and responsibilities pursuant to the Act and these Bylaws.
2. Executive Director: The Council shall employ a full time Executive Director, the chief administrative official responsible for the day-to-day administration of the Commission, and may remove the Executive Director in accordance with the provisions of Article VII, Section 3 of these Bylaws.
3. Committees: In addition to provisions in these Bylaws, the Chairman of the Council may appoint committees and committee members as the Chairman shall deem appropriate, except the Nominating Committee. The Nominating Committee shall be appointed by the Council.
4. Annual Work Plan and Budget: The Council shall adopt the Commission's annual work plan and budget for the next fiscal year on or before June 30<sup>th</sup> of each year.
5. Local Assessments (Dues): The Council shall review population figures provided by the Georgia Department of Community Affairs as the basis for per capita assessments to be paid to the Commission and, as part of the annual budget process, establish the per capita rate.
6. Review Comprehensive Land Use Plans: The Council, or appropriate committee, shall review and evaluate all land use plans concerned with the Region and recommend modifications of any local and regional plan, or any part thereof, which is inconsistent with regional policies and development guidelines established by the Council. The Council shall also review other plans as may be required.
7. Personnel Policies and Practices: The Council shall adopt personnel policies and practices with specific reference to job descriptions and qualifications pursuant to provisions in the Act.
8. Financial Policies and Procedures: The Council shall adopt Financial Policies and Procedures for the organization for oversight and fiscal responsibilities.
9. Auditor: The Council shall determine the selection of an independent auditor for the Commission who shall be a Certified Public Accountant qualified and experienced in governmental accounting.
10. Reports: The Council shall review and approve quarterly financial statements of accounts and an annual audit by an independent auditor for submission in accordance with the Act and other applicable State law.
11. Performance Standards: The Council shall review and approve performance standards to provide for the measurement of the approved work plan of the Commission.



**ARTICLE VI**  
**OFFICERS AND DUTIES**

- SECTION I: Officers.** The officers of the Council shall consist of a Chairman, Vice Chairman, and Secretary. The Chairman, Vice Chairman, and Secretary shall be elected by the Council from among its membership qualified under Article IV, Section I, in accordance with these amended Bylaws. The Executive Director is automatically designated to serve as the Assistant Secretary and the Treasurer.
- SECTION II: Nomination.** In each year in which a slate of officers is to be elected for a two-year term, a nominating committee shall be established by the March meeting of the Council to nominate a Chairman, Vice Chairman, and Secretary. The nominating committee shall consist of five members, equitably representing the Council, and shall be recommended by the Chairman subject to approval by a quorum of the Council as defined in this document. The nominating committee shall make its report at, or before, the April Council meeting. Nominations may also be made from the floor prior to a vote by the Council.
- SECTION III: Election.** The election of officers shall be conducted on or before the meeting of the Council in May. The nominee for each office receiving a majority vote of the quorum, which is at least 25% of the active membership as outlined in Article IV, Section 5(h) shall be declared elected.
- SECTION IV: Term.** Elected and appointed officers shall serve a term of two (2) years commencing on July 1<sup>st</sup> of the odd numbered years.
- SECTION V: Succession.** An individual elected as Chairman, Vice Chairman, or Secretary is eligible to be re-elected to three consecutive terms in the same office. Thereafter, the individual is not eligible for election to the same position unless there is a break in service of at least one year.
- SECTION VI: Vacancy.** In the event of a vacancy in the office of the Chairman, Vice Chairman, and/or Secretary, the Council shall elect a replacement from among its membership to fill the unexpired term. The election may be held at a regular or called meeting of the Council providing members are given a minimum 10 days notice.
- SECTION VII: Power and Duties of the Chairman.** The powers and duties of the Chairman shall be as follows:
- A. Preside at all meetings of the Council;
  - B. Serve as chief policy advocate of the Commission;
  - C. Exercise general oversight of all the affairs of the Commission;
  - D. Authenticate, by signature, resolutions adopted by the Council;
  - E. Represent or designate representative(s) of the Commission at hearings, conferences, and other events as required;
  - F. Appoint all committees of the Council except the Nominating Committee and serve as an ex-officio member of all appointed committees;
  - G. Appoint nominees and Council liaison to advisory committees/councils of the

Council;

- H. Recommend nominees or appoint representatives or liaisons to affiliate organizations when requested or notified by the affiliate organization;
- I. Appoint an acting Executive Director in the event of disability of the Executive Director or until the Council can discharge its duties if the position of Executive Director becomes vacant;
- J. Jointly execute contracts with the Executive Director pursuant to the Act; and
- K. Carry out such other duties as provided in these Bylaws or actions and resolutions of the Council.

**SECTION VIII: Powers and Duties of the Vice-Chairman.** During the absence or disability of the Chairman or in the event that a vacancy occurs in the office of Chairman, the Vice Chairman shall exercise all the powers and discharge all duties of the Chairman.

**SECTION IX: Powers and Duties of the Secretary.** The powers and duties of the Secretary shall be as follows:

- A. Authenticate, by signature, the official minutes of the Council;
- B. Witness or attest to signature(s) on these Bylaws, their Amendments, and Resolutions of the Council;
- C. In the absence of the Chairman and Vice Chairman, exercise all the powers and discharge all the duties of the Chairman.

## **ARTICLE VII EXECUTIVE DIRECTOR**

**SECTION I: Appointment.** The Active Membership of the Council shall appoint an Executive Director for an indefinite term. The Council membership shall be notified at least 10 days prior to a vote. A majority vote of the active membership of the Council is required to appoint the Executive Director. The appointee need not be a resident of the Region nor of the state at the time of his/her appointment.

**SECTION II: Qualifications.** The Executive Director shall have the following minimum qualifications:

- A. Be a citizen of the United States;
- B. Have a minimum of a baccalaureate degree from an accredited college or university (a graduate degree, or comparable experience, in a field related to management, planning, and/or administration, although not required, is desirable);
- C. Have demonstrated public speaking and writing skills;
- D. Have acquired progressive experience in personnel management; and
- E. Have the ability to work effectively with councils, commissions, and committees; to plan, monitor and evaluate budgets; to manage people; to organize, plan, and implement activities appropriate to further the Commission's goals.

**SECTION III: Removal.** The membership of the Council shall be notified at least 10 days prior to a vote.

A majority of the active membership of the Council, shall be required to remove the Executive Director. The Executive Director may be removed by the Officers of the Council for just cause subject to approval of the Council at the next Council meeting.

**SECTION IV: Powers and Duties.** The Executive Director shall be the Chief Administrative Officer of the Commission. He or she shall be responsible to the Council for the administration of the Commission's affairs placed in his charge by or under these Bylaws and for implementing policy directive of the Council. He shall have the following powers and duties:

- A. Appoint and, when necessary, suspend or remove any employee of the Commission;
- B. Authorize fair and competitive salaries and employee benefits for Commission personnel in accordance with the personnel rules, the personnel classification and pay plan, and the budget as adopted by the Active Membership of the Council;
- C. Set up and modify the organization of staff and staff functions as necessary or appropriate to effectively and efficiently carry out Commission programs and to maintain financial capabilities of the Commission;
- D. Authorize reimbursement procedures and rates for travel and per diem expenses consistent with State and Federal program guidelines;
- E. Authorize Commission membership in state or national associations of benefit to the Commission or programs it may undertake;
- F. Authorize expenses within budget limits and fiscal procedures for purposes directly related to the operation of the Commission offices or its programs including:
  - 1. Purchase of an item or service, rental or lease of an item, or securing a service by retainer specifically budgeted and approved by the Council in action to adopt the budget;
  - 2. Purchase of an item or service or otherwise authorize expenditure of funds in accordance with the Procurement Policy adopted by the Council;
  - 3. Rental or lease of equipment or space without Council approval providing the lease does not present a commitment beyond the current fiscal year or can be terminated with 30 days or less notice; and
  - 4. Rental or lease of equipment or space with Council approval when the agreement involves a long-term commitment.
- G. Execute contracts in conjunction with the Chairman as required by state law with program funding sources and program service providers on behalf of the Commission as authorized in the approved annual work plan and budget or with the authorization of the Council if not included in the approved work plan and budget;
- H. Open and maintain bank accounts and investment accounts in the name of the Commission and collect and deposit monies due to the Commission in such accounts in accordance with State laws;
- I. Authorize the issuance of all checks of the Commission in accordance with established fiscal procedures;
- J. Obtain suitable bond, as required by the Council, and funding resources;

- K. Ensure that all provisions of laws affecting the Commission are enforced and executed as intended;
- L. Prepare the agenda for and attend all Council meetings with the right to take part in discussion but without a vote;
- M. Prepare a proposed annual work plan and budget for submission to, and subsequent adoption by, the Council, and upon the Council adoption, execute the work plan and budget;
- N. Keep the Council advised as to the progress on the work plan of the Commission and make recommendations to the Council concerning the affairs and operations of the Commission as deemed appropriate or necessary;
- O. Report to the Council on all matters affecting the organization as directed by the Council;
- P. Make recommendations to the Council on producing comprehensive plans, development guides, evaluation of grants and local plans, and other such matters as might be requested by the Council;
- Q. Seek supplemental funding on behalf of the Commission in the manner established by the Georgia Department of Community Affairs to determine eligibility for such supplemental funding; and
- R. Perform other duties as required or prescribed by the Council.

**SECTION V:**     **Compensation.** The salary of the Executive Director shall be fixed by the Council at the time of his or her appointment consistent with the Personnel Classification and Pay Plan. The Executive Director shall thereafter be reviewed not less than annually by the Executive Committee as measured by standards developed by the Council. Salary increments based on performance review shall be consistent with the Commission's Salary Administration Regulations.

## ARTICLE VIII

### PERSONNEL ADMINISTRATION

**SECTION I:**     **Merit Principle.** All appointments and promotions of employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

**SECTION II:**    **Personnel Rules.** The Executive Director shall prepare personnel rules for the Commission and submit them to the Council for adoption. These rules shall provide for:

- A. The classification of all positions and the administration of the classification plan;
- B. A pay plan for all positions and the administration of the pay plan;
- C. The hours of work, attendance regulations and provisions for personal leave;
- D. Grievance procedures;
- E. An employee insurance and retirement program; and
- F. Other provisions needed for the administration of the personnel program.

- G. Unless otherwise specified, the Executive Director shall initiate and administer the personnel rules as referenced above.

## **ARTICLE IX ORGANIZATION**

**SECTION I:**     **Structure.** The organizational staffing structure of the Commission shall be recommended by the Executive Director and approved by resolution of the Council.

## **ARTICLE X BUDGET AND FINANCE**

**SECTION I:**     **Fiscal Year.** The fiscal year of the Commission shall begin July 1<sup>st</sup> and end June 30<sup>th</sup>.

**SECTION II:**    **Local Assessments.** Each county and municipality in the Region shall pay annual dues for membership in the Regional Commission. The county and municipalities in that county are responsible for establishing arrangements among themselves for the apportionment, and payment of the assessed dues. If an arrangement for the payment of such dues is structured so that a county pays dues only on behalf of residents of the unincorporated areas of the county, then the annual dues paid by such county shall come solely from revenues derived from the unincorporated area of the county. Additionally:

- A. Initial Dues assessments shall be one dollar and twenty-five cents (\$1.25) per capita and shall be based on the most recent official census figures provided by the Georgia Department of Community Affairs. Thereafter dues assessments may be modified by Resolution of the Council, however, such dues shall not be less than that per capita amount which is required to make the commission eligible for supplemental state funding pursuant to O.C.G.A. § 50-8- 33, as the same may be amended from time to time.
- B. Payments shall be made to the Commission on a periodic basis as billed.

**SECTION III:**   **Proposed Budget.** On or before the April meeting of the Council each year, the Executive Director shall submit a proposed annual work plan summary and budget for the next fiscal year to a committee established for such purposes. The budget shall show the funds needed from funding sources to accomplish the Commission's program for the year. The budget shall be a balanced budget.

**SECTION IV:**    **Recommended Work Plan and Budget.** On or before the May meeting of the Council each year, the committee established shall recommend to the Council the annual work plan and budget for consideration by the Council. Copies of the recommended work plan and budget shall be available to each member.

**SECTION V:**     **Adopted Work Plan and Budget.** On or before the June annual business meeting of the Council, the Council shall adopt a final work plan and budget for the next fiscal year. Copies of the work plan and budget shall be available to each member.

**SECTION VI:**    **Appropriations.** From the date of adopting the budget by the Council, the amount stated therein as proposed expenditures shall be appropriated to the work plan initiative. Any unbudgeted object or issue becoming available after the budget has already been approved will not be made unless unobligated funds are available and approval has been received from the Council, based upon the recommendation of the Executive Director.

**SECTION VII: Limits of Expenditures.** Expenditures made under the budget shall not exceed the amount appropriated by the budget. Whenever it appears that revenue will fall below the budgeted estimate, appropriations and expenditures shall be adjusted to balance with actual income expected.

**SECTION VIII: Financial Reports.** The Executive Director or his/her designee will present to the Council, on a periodic basis and not less than quarterly, a financial statement showing the year-to-date financial activities of the Commission for the fiscal year.

**SECTION IX: Annual Audit.** Within ninety (90) days following the close of each fiscal year, the Executive Director shall have an audit conducted by the Commission's independent Certified Public Accountant. This report will be submitted to the Council and shall reflect the financial activities of the Commission during the preceding fiscal year.

**SECTION X: Notice of Local Assessments (Dues).** Each member government shall be billed quarterly by the Commission for local assessments (dues). In the event that a member shall fail to remit payment, such failure of payment shall be referred to the Council. A member government failing to remit payment according to billing terms shall not be an active member, with voting privileges revoked, until all dues and arrears are paid in full.

## **ARTICLE XI**

### **NOTICES: WAIVERS OF NOTICE**

**SECTION I: Notice.** Except as otherwise specifically provided in these Bylaws, notice is required to be given to any member or officer, notice will be sufficient if in writing and provided by mail by depositing the same in the post office or letter box in a postpaid sealed wrapper, addressed to such member, officer, or director at such address as appears on the books of the Commission; by telegram; or by facsimile machine known to be personally available to the recipient; and such notice shall be deemed to have been given at the time when the same is sent or mailed.

**SECTION II: Waiver.** When any notice is required to be given by law or by these Bylaws, a waiver thereof by the person or persons entitled to said notice given before or after the time stated therein, in writing, shall be valid. If such person attends such meeting, such attendance shall constitute a waiver, unless the member attends the meeting for the sole purpose of objecting to the transaction of businesses, and so states his objection at the beginning of the meeting.

## **ARTICLE XII**

### **COMMITTEES**

**SECTION I: Establishment.** Unless otherwise specified herein, the Chairman shall have the authority to establish committees:

- A. A committee has no staff and no budget;
- B. A committee shall function in an advisory capacity to the Chairman and Council and may present recommendations for consideration by the Chairman and/or the Executive Committee or Council;
- C. Every effort shall be made for committee membership to equitably represent the region.
- D. A committee may appoint additional members, as needed, to more effectively carry out its duties;

- E. Each committee shall have a Council member liaison appointed by the Council Chairman to facilitate the purposes of the committee;
- F. Each committee may have a staff liaison designated by the Executive Director to coordinate and assist the committee within the limits of the work plan and budget for the staff.

**SECTION II: Dissolution.** If a committee becomes inactive or if the purposes for which it was established no longer exist, the Chairman may dissolve the committee.

**SECTION III: Establishment of the Executive Committee:** The foregoing notwithstanding, the Commission shall have an Executive Committee made up of the Officers of the Commission and other such members of the Commission appointed to the Executive Committee by the Chairman. The Executive Committee shall make recommendations upon those issues presented to the Executive Committee. Unless otherwise specifically required to come before the Executive Committee, the Chairman shall set the agenda for the Executive Committee and shall determine what matters shall come before it for recommendation. To bring a matter before the Executive Committee it is not necessary that the matter be something upon which the full Council must pass.

**SECTION IV: Executive Committee Powers.** With the exception of any future limitations specified by majority vote of the council, the Executive Committee shall function collectively as a committee for the following purposes:

- A. Determine procedures, guidelines, and limitations for the Executive Director to follow in matters of staff salaries and otherwise provide supervision of the Executive Director in same;
- B. Set policies, procedures, and guidelines for personnel administration;
- C. Conduct annual performance evaluation of Executive Director; and
- D. Carry out other duties as delegated to them by the Council.

### ARTICLE XIII

#### CONFLICTS WITH RESOLUTION AND LAW

**SECTION I: Status of Resolution.** Whenever a resolution of the Georgia Mountains Area Planning and Development Commission and the Georgia Mountains Regional Development Center, both being predecessor organizations to the Georgia Mountains Regional Commission, or a resolution of the Commission shall be in conflict with these Bylaws, these Bylaws shall control.

**SECTION II: Status of Laws.** Whenever these Bylaws are in conflict with the State or Federal law, law shall take precedence over these Bylaws' parts in conflict with the law.

### ARTICLE XIV

#### AMENDMENTS TO BYLAWS

**SECTION I: Procedure.** These Bylaws may be amended, supplemented, or superseded by a

majority of the quorum, which is at least 25% of the active membership, as outlined in Article IV, Section 6(h) above. A notice to amend the Bylaws shall be mailed to members of the Council and shall contain the proposed changes at least ten (10) days before the regular meeting of the Council at which the changes is to be voted.

## **ARTICLE XV**

### **ETHICS**

**SECTION I: Purpose.** The purpose of this Code of Ethics is to, as it pertains to GMRC Officials:

- A. Encourage high ethical standards in official conduct;
- B. Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the GMRC;
- C. Require disclosure by such officials of private financial or other interest in matters affecting the GMRC; and
- D. Serve as a basis for disciplining those who refuse to abide by its terms.

**SECTION II: Scope.** The provisions of this code of ethics shall be applicable to all GMRC Officials, including but not limited to members of the GMRC Council and those officials appointed by the GMRC Council. Notwithstanding anything herein to the contrary, state law shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This code of ethics shall be interpreted to supplement, and not replace, said provisions of state law.

**SECTION III: Definitions.** Solely for the purpose of this code of ethics:

- A. *GMRC Official* or *Official*, unless otherwise expressly defined does not include GMRC employees, but does mean the Executive Director, Members of the Council, the GMRC's Attorney, and all other persons holding positions designated by the GMRC's Bylaws or pursuant to State Law, as amended. The term also includes all individuals, including GMRC employees, appointed by the Council or its officers, as appropriate, to authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Council.
- B. *Council* means the Council of the Georgia Mountains Regional Commission.
- C. *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Council or other board, committee or commission, as well as the discussions or deliberations of the Council, board, or commission which can or may lead to a vote or formal action by that body.
- D. *Employee* means any person who is a full-time or part-time employee of the GMRC.
- E. *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- F. *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- G. *Remote interest* means an interest of a person or entity, including an Official, which



would be affected in the same way as the general public. For example, the interest of an Official in the property tax rate, general fees charged by the GMRC and services provided by the GMRC to member local governments is deemed remote to the extent that the Official would be affected in common with the general public.

H. *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

1. The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity, or
2. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;
3. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the GMRC; or
4. The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

#### **SECTION IV: Prohibitions.**

- A. No official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the GMRC.
- B. No official, in any matter before the Council or other GMRC appointed body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- C. No official shall act as an agent or attorney for another in any matter before the Council or other GMRC appointed body.
- D. No official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law. The foregoing notwithstanding, neither this provision nor any other provision of these Bylaws shall prohibit an official or any member of an official's family from participating in random drawing held at GMRC meetings, which are open to the public, and receiving any prize awarded thereby so long as any member of the public in attendance at the said meeting is provided an equal chance to participate in the random drawing and is equally eligible to win the same prize.
- E. No official shall enter into any contract with, or have any interest in, either directly or indirectly, the GMRC except as authorized by state law.
  1. This prohibition shall not be applicable to the professional activities of the GMRC attorney in his or her work as an independent contractor and legal advisor on

behalf of the GMRC.

2. This prohibition shall not be applicable to an otherwise valid employment contract between the GMRC and a GMRC official who is appointed by the GMRC Council (such as the Executive Director).
  3. Any official who has a proprietary interest in an agency doing business with the GMRC shall make that interest known in writing to the Council and the Executive Director.
- F. All public funds shall be used for the general welfare of the people and not for personal economic gain.
- G. Public property shall be disposed of in accordance with state law.
- H. No official shall solicit or accept other employment to be performed, or compensation to be received, while still a GMRC official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of GMRC duties. This provision shall not affect the ability of members of the governing authorities of the local governments which make up the GMRC from serving on the GMRC Council as provided by State Law.
- I. If an official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- J. No official shall use GMRC facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- K. No official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- L. An official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- M. An official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- N. An official shall not order any goods or services for the GMRC without prior official authorization for such an expenditure pursuant to the GMRC's procurement policy. No official shall attempt to obligate the GMRC nor give the impression of obligating the GMRC without proper prior authorization.
- O. No official shall draw travel funds or per diem from the GMRC for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the GMRC.

**SECTION V: Conflict of Interest.**

- A. An official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- B. An official who serves as a corporate officer or member of the board of directors of a nonproftentity must disclose their interest in said entity to the Council prior to participating in a vote or decision regarding funding of the entity by or through the GMRC.
- C. Where the interest of an official in the subject matter of a vote or decision is remote or incidental, the official may participate in the vote or decision and need not disclose the interest.

**SECTION VI: Board of Ethics.**

- A. The Board of Ethics of the GMRC shall consist of three (3) residents of the Georgia Mountains Region. One such resident shall be appointed by the Chairman of the GMRC Council; one such resident shall be appointed by the Council of the GMRC, and the third shall be appointed by the Chairman of the GMRC Council subject to approval by a majority of the Council.
- B. All members of the Board of Ethics shall be residents of the Georgia Mountains Region for at least one (1) year immediately preceding the date of taking office and shall remain aresident while serving on the Board.
- C. All members of the Board of Ethics shall serve a two (2) year term.
- D. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunitywith the GMRC or has been employed by the GMRC within that time frame.
- E. Members of the Board of Ethics with any matter pending before the GMRC, or any pending orpotential litigation against the GMRC or any Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member ofthe Board of Ethics shall be selected in the same manner as the disqualified individual.
- F. The members of the Board of Ethics shall serve without compensation. The Council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the GMRC, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.
- G. No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state.
- H. No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in somejurisdiction within the boundaries of the Georgia Mountains Regional Commission.
- I. Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to

their qualification to serve as a member of the Board of Ethics.

- J. Members of the Board of Ethics may be removed by majority vote of the Council.
- K. In addition to all other powers granted herein, the Board of Ethics shall have the following powers as well:
  - 1. To establish procedures, rules, regulations, forms, and protocols not otherwise inconsistent with these Bylaws and state law for governing its affairs and carrying out its duties.
  - 2. To appoint a hearing officer to conduct the hearing of the Board of Ethics in lieu of the hearing being conducted by a member of the Board of Ethics.

**SECTION VII: Receipt of Complaints.**

- A. All complaints against officials shall be filed with the Executive Director or, if the complaint is against the Executive Director, with the Chairman of the Council. Upon receipt of a complaint in proper form, the Executive Director or his designee (or, if the complaint is against the Executive Director, the Chairman of the council or his designee) shall forward a copy of the complaint to the official or officials charged in the complaint within no more than seven (7) calendar days. All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this Article.
- B. Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- C. Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the official.
- D. The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- E. The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the Council has not prescribed such forms.

- F. Findings of the Board of Ethics shall be submitted to the Council for action.
- G. To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election to a city, county, or state office, whether currently serving as a city, county or state official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

**SECTION VIII: Service of Complaint.** The Executive Director (or in the event the complaint is against the Executive Director, the Chairman of the Council) shall cause the complaint to be served on the official charged as soon as practicable but in no event later than seven (7) calendar days after the receipt of a proper, verified complaint. Service may be personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board of Ethics shall be rendered to Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of the time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power of jurisdiction of the Board of Ethics or the Council to act upon any complaint.

**SECTION IX: Right to Appeal.**

- A. Any official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- B. An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Hall County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

**SECTION X: Penalty.** Any person violating any provision of this article is subject to:

- A. Public reprimand or censure by the Council;
- B. Request for resignation by the Council; or
- C. Removal from the official's position by the Council.

Date of Amended Bylaws Adoption: 6/24/21

  
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Sam Norton, Chairman  
Georgia Mountains Regional Commission

  
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Ken Schubring, Secretary  
Georgia Mountains Regional Commission