

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras  
STAFF PRESENT: Padgett, Sheppard, Palmour, Felts, Jordan

Mayor Bruner called the meeting to order.

The Pledge of Allegiance was recited in unison after which Council Member Hamrick delivered the invocation.

**ORGANIZATIONAL MEETING:**

**Appointment of Mayor Pro Tem**

**Motion to appoint Council Member Dunagan to serve as the Mayor Pro Tem for 2011.**

Motion made by Council Member Wangemann  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

**Emergency Interim Successors Resolution**

**Motion to adopt Business Resolution BR-2011-01 naming the Emergency Interim Successors as follows: Mayor Ruth H. Bruner; Mayor Pro Tem C. Danny Dunagan, Jr.; Council Member George Wangemann; Council Member Robert L. Hamrick and Council Member Myrtle W. Figueras.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Dunagan  
**Vote – 5 favor**

**2011 Council Meeting and Work Session Calendar**

**Motion to adopt the 2011 Council Meeting and Work Session Calendar as presented scheduling Council Meetings on the first and third Tuesday of each month at 5:30 PM in the Municipal Court Room within the Gainesville Justice Center and scheduling Work Sessions on the Thursday preceding the Council Meeting at 9:00 AM in the City Manager's Conference Room within the Administration Building unless otherwise published.**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

**Designation of Official Organ**

**Motion to designate *The Times* as the legal organ for 2011.**

Motion made by Council Member Wangemann  
Motion seconded by Council Member Hamrick  
**Vote – 5 favor**

**Appointment of City Manager (1 Year Term)**

**Motion to reappoint Kip Padgett as the City Manager for 2011.**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

**Appointment of City Attorney (1 Year Term)**

**Motion to reappoint James E. Palmour, III as the City Attorney for 2011.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Dunagan  
**Vote – 5 favor**

**Appointment of City Auditor (1 Year Term)**

**Motion to reappoint Rushton & Company as the City Auditor for 2011.**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
Vote – 5 favor

**Appointment of Municipal Court Judge (2 Year Term)**

**Motion to reappoint G. Hammond Law, III as the Administrative Hearing Officer for 2011.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Hamrick  
**Vote – 5 favor**

**Appointment of Municipal Court Solicitor (2 Year Term)**

**Motion to reappoint Leonard Parks as the Municipal Court Solicitor for 2011.**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

**Appointment of Deputy Court Solicitor (1 Year Term)**

**Motion to appoint Theodore Cassert as the Deputy Solicitor for 2011.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

**Appointment of Administrative Hearing Officer (1 Year Term)**

**Motion to appoint G. Hammond Law, III as the Administrative Hearing Officer for 2011.**

Motion made by Council Member Wangemann  
Motion seconded by Council Member Dunagan  
**Vote – 5 favor**

**Appointment of Council Members as Ex-Officio Members to the Boards/Committees**

**Motion to appoint the following as 2011 ex-officio members:**

**Council Member Wangemann to the Beautification Steering Committee  
Mayor Bruner to the Chicopee Woods Area Park Commission  
Mayor Bruner to the Greater Hall Chamber of Commerce Board of Directors  
Mayor Bruner to the Gainesville-Hall County Development Authority  
Mayor Bruner Gainesville Redevelopment Authority  
Council Member Hamrick to the Planning and Appeals Board  
Council Member Dunagan to the Parks and Recreation Board  
Mayor Bruner to the HALLmark Initiative  
Mayor Bruner to the Economic Development Council  
Council Member Figueras to the Main Street Gainesville Advisory Board  
Council Member Hamrick to the Friends of the Parks  
Council Member Figueras to the Historic Preservation Commission  
Council Member Dunagan to the Housing Authority**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

**Appointment to Georgia Mountains Regional Commission**

**Motion to appoint Council Member Wangemann to serve as Gainesville's representative.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Dunagan  
**Vote – 5 favor**

**Appointment to Metropolitan Planning Organization Policy Committee**

**Motion to appoint Mayor Bruner to serve as Gainesville's representative.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Hamrick  
**Vote – 5 favor**

**CONSENT AGENDA:**

**Minutes:**

**Motion to approve the minutes for November 16, 2010 accepting edits as presented.**

Motion made by Council Member Wangemann  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

**APPOINTMENT:**

**Planning and Appeals Board, Ward 5 Representative**

**Motion to appoint John Snyder for a two year term.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Dunagan  
**Vote – 5 favor**

**PUBLIC HEARING:**

City Attorney Palmour reviewed the public hearing process and confirmed the items had been advertised.

***Request from Butler Property, LLC to amend 65.425± acres consisting of Pods C, D and E of an existing Planned Unit Development (P-U-D) zoning having road frontage along Millside Parkway, Mountain View Road and Old Oakwood Road (a/k/a 2975 Mountain View Road SW and 3755 Meeks Drive SW). Ward Number: Four. Tax Parcel Number(s): 08-012-009-003 (part); 08-031-004-001 (part). Request: Amend conditions 17 and 18 of Ordinance No. 2010-13 to allow the option of constructing apartments within Pods C, D and E with no additional density and to lower the minimum apartment square footage from 775 square feet to 500 square feet.***

Director of Community Development Rusty Ligon reviewed the request. He stated the Planning and Appeals Board recommended approval amending two of the thirty conditions (Conditions 17 and 18). The conditions which are noted as follows:

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.

2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GaDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.
9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.

12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1,148 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

18. The height of an apartment building shall not exceed three stories, although  $\frac{3}{4}$  splits will be allowed. Each apartment unit will contain a minimum of 750 square feet for Pod's J and K, and a minimum of 650 square feet for Pod' C, D, and E. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.
20. The subject property may be developed for up to 885,000 square feet of commercial/retail space. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.
28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to develop of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the

proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instanter to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

28. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:

- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
- Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
- A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
- Sidewalks and streetlights throughout community.
- All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
- Open space - 18%.
- Pedestrian trail plan (3.5± miles) connecting entire community.
- Parkway plan sidewalk width sufficient to create a bicycle lane.
- Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
- Every single-family home shall be built to accommodate at least one fireplace.
- No vinyl siding on any product within development excluding soffit areas.
- Each pod of townhouses and apartments will have its own amenities package.
- All underground utilities.
- Uniform mailboxes will be provided for each detached single-family residential pod.
- Uniform street signs will be provided throughout the development.

30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.

Several questions from Council were addressed.

FAVOR:

**Wes Robinson**, spoke on behalf of the applicant noting they desired to amend the size of the one bedroom homes. Things have changed since the proposal was originally introduced. They are still trying to offer a mixed community.

**Frank Norton, 434 Green Street**, co-owner of the Norton Agency, stated he and his brother own the largest rental housing operation in the region. He commented on live, work, play and educate as the original goal for the Mundy Mill Community. He felt the request under consideration meets the original goal and puts the project back on track.

OPPOSE:

**Dean Warnock, 3762 Windsor Court, Maple Forge**, stated his subdivision was the closest to this development and the farthest reach for the City of Gainesville. Eight months ago the subdivision appeared before Council asking that the standards not be reduced. Today, he was back again for the same reason. He commented on promises that were made to the Maple Forge residents and how he would be affected.

**Kelvin Simmons, 3641 Brownwell Court, Maple Forge**, echoed Mr. Warnock's comments noting they have a nice subdivision. He stated he was heavily involved in the project while serving on the school board and everything has changed. The property value will significantly decrease if small units are added to the project. He commented on his knowledge of a 550 square foot area and couldn't imagine anyone living in such a small space. He was concerned about gang activity increasing. Mr. Simmons felt sometimes we think about the dollars instead of the value of the human being. He disagreed with bringing small apartments to this area. He asked Council to think about where they live and what surrounds their homes. He also asked how many more apartments were needed in Gainesville-Hall County, expressing his opinion that there wasn't a problem finding living space. He closed by asking Council to be careful how they voted and to be concerned about the tax payers in Gainesville.

REBUTTAL:

Wes Robinson, upon request from the Mayor, indicated Maple Forge would be on the opposite side of Mountain View Road. The units will be owned and operated by Wendell Stark. They would be well maintained.

Wendell Stark didn't think he would do anything to devalue other properties. He was working to establish a long range plan for Mundy Mill based upon the original intentions. He didn't agree with the assumption that smaller homes would attract people that would not be good neighbors. He was unable to anticipate if the development would be a gated community.

Mr. Warnock rebutted on the basis that there were no plans and to approve the request on a promise wasn't the best idea.

Upon inquiry from Council Member Hamrick, there was some discussion about the construction process noting the builders would be under contract.

There being no other comments, the hearing was closed and the matter was returned to Council for a decision.

**Motion to hold first reading on Ordinance 2011-01, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING CONDITIONS 17 and 18 OF THE EXISTING PLANNED UNIT DEVELOPMENT ZONING AS CONTAINED IN ORDINANCE NO. 2010-13 ON A 65.425± ACRES PORTION OF THE 605± ACRES MUNDY MILL DEVELOPMENT CONSISTING OF POD'S C, D AND E HAVING ROAD FRONTAGE ALONG MILLSIDE PARKWAY, MOUNTAIN VIEW ROAD AND OLD OAKWOOD ROAD; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to the Zoning Map)**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
**Vote – 4 favor, 1 oppose (Hamrick)**

***Request from the City of Gainesville to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to amend Chapter 9-2-2 entitled “General Definitions” and Table 9-5-1 of Article 9-5 entitled “Permitted and Special Uses for Residential Zoning Districts”, and Table 9-6-1 of Article 9-6 entitled “Permitted and Special Uses for Nonresidential Zoning Districts”, to allow for Residential Industrialized Buildings; to amend Chapter 9-10-2 entitled “Principal Residential Uses” to provide standards for Single-Family and Two-Family Dwellings; and to amend Section 9-16-5-17(c) entitled “Physical Site Limitations” of Chapter 9-16-5 entitled “Tree Protection” to allow for alternative compliance to provide for a tree replacement fund.***

Director of Community Development Rusty Ligon stated staff proposed the following three amendments as part of it review of the Unified Land Development Code:

1. Allow residential industrial buildings to be permitted in all zoning districts where existing single family site built construction is permitted.
2. Establish minimum building standards for single and two family housing.
3. Establish a tree replacement fund for development sites unable to plant the specified number of trees due to site limitations.

Mr. Ligon reported the Planning and Appeals Board recommended denial of the first amendment and approved the other two amendments.

City Attorney Palmour opened the floor for comments. There were no comments.

**Motion to hold first reading on Ordinance 2011-02, AN ORDINANCE TO AMEND TITLE 9 ENTITLED “UNIFIED LAND DEVELOPMENT CODE” OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND CHAPTER 9-2-2 ENTITLED “GENERAL DEFINITIONS”; TO ADD THE DEFINITION OF AN INDUSTRIALIZED BUILDING; TO ADD THE DEFINITION OF A RESIDENTIAL INDUSTRIALIZED BUILDING; TO AMEND TABLE 9-5-1 ENTITLED “PERMITTED AND SPECIAL USES FOR RESIDENTIAL ZONING DISTRICTS”; TO DELETE “INDUSTRIALIZED BUILDING (HOME)” USE IN ITS ENTIRITY; TO PERMIT BY RIGHT RESIDENTIAL INDUSTRIALIZED BUILDINGS AND INDUSTRIALIZED BUILDINGS WITHIN THE RESIDENTIAL-I-A (R-I-A), RESIDENTIAL-I (R-I), NEIGHBORHOOD CONSERVATION (N-C), RESIDENTIAL-II (R-II) AND RESIDENTIAL AND OFFICE (R-O) ZONING DISTRICTS; TO AMEND TABLE 9-6-1 ENTITLED “PERMITTED AND SPECIAL USES FOR NONRESIDENTIAL ZONING DISTRICTS” TO ALLOW RESIDENTIAL INDUSTRIALIZED BUILDINGS BY SPECIAL USE PERMIT WITHIN THE OFFICE AND INSTITUTIONAL (O-I) AND NEIGHBORHOOD BUSINESS (N-B) ZONING DISTRICTS; TO AMEND BY ALLOWING INDUSTRIALIZED BUILDINGS WITHIN THE OFFICE AND INSTITUTIONAL (O-I), NEIGHBORHOOD BUSINESS (N-B), CENTRAL BUSINESS (C-B), REGIONAL BUSINESS (R-B), GENERAL BUSINESS (G-B), LIGHT INDUSTRIAL (L-I) AND HEAVY INDUSTRIAL (H-I) ZONING DISTRICTS; TO AMEND CHAPTER 9-10-2 ENTITLED “PRINCIPAL RESIDENTIAL USES” TO ADD SECTION 9-10-2-6 ENTITLED “SINGLE-FAMILY AND TWO-FAMILY DWELLINGS”; TO AMEND SECTION 9-16-5-17(c) ENTITLED “PHYSICAL SITE LIMITATIONS” TO PROVIDE FOR A TREE REPLACEMENT FUND FOR THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR**

SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Dunagan  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

**COUNCIL'S ISSUES:**

**Council Member Hamrick**

1. Asked that Council remember Mr. Rodger Milliken and his commitment to the community.
2. Felt there was confusion about franchise fees and asked if Georgia Power could make a statement addressing this subject.
3. Gainesville will celebrate its 190<sup>th</sup> birthday in November and felt there should be something special should be planned to precede the 200<sup>th</sup> birthday.
4. Asked that the City Clerk record the number of people attending each Council Meeting to have information at the end of the year regarding the effectiveness and convenience of the modified schedule.
5. Asked that the City extend congratulations to Doug Carter as he takes his position as Chairman of the State Chamber of Commerce. He felt the City should offer a facility if meeting space was needed during his tenure.

**Council Member Figueras**

Issued commendations to the Governor elect and the Administrative Services Department.

**Council Member Dunagan**

Congratulated the Hall County Commissioners that were sworn into office.

**Council Member Wangemann**

1. Thanked two guests for being in attendance in response to invitations that were distributed.
2. Commented on an upcoming Community Cleanup Project and shared the final figures for 2010 litter cleanup efforts.

**CITY MANAGER'S ISSUES:**

**Resolution BR-2011-02**

**Partner with the Georgia Department of Revenue to Ensure Proper Payment of Sales Tax**

City Manager Kip Padgett stated the General Assembly passed a bill allowing municipalities to share information with the Department of Revenue to ensure businesses are properly compliant with state and local sales tax laws. The proposed resolution authorized Gainesville to participate in a voluntary program.

**Motion to adopt the resolution as presented.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Dunagan  
**Vote – 5 favor**

**EXECUTIVE SESSION:**

City Manager Kip Padgett requested an Executive Session to discuss potential litigation.

**Motion to close the Council Meeting to enter an Executive Session to discuss potential litigation at 6:38 PM.**

Motion made by Council Member Dunagan

Motion seconded by Council Member Wangemann

**Council Members voting in favor of the motion were Bruner, Dunagan, Wangemann, Hamrick and Figueras.**

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras

STAFF PRESENT: Padgett, Sheppard, Palmour, Randall, Jordan

**Motion to close the Executive Session to continue the Council Meeting at 6:59 PM.**

Motion made by Council Member Dunagan

Motion seconded by Council Member Wangemann

**Council Members voting in favor of the motion were Bruner, Dunagan, Wangemann, Hamrick and Figueras.**

**ADJOURNMENT: 6:59 PM**

/dj