

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

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

PRESENTATION:

NGA / Hooters Tournament

Golf Course Director Rodger Hogan announced Charter Communications as the new sponsor for this year's tournament noting the Charter Childhood Cancer Awareness Classic as the charity. He introduced the following: Charter Representatives Ashlie Prior and Adrienne Swinton; NGA/Hooters Tour Representative Todd Barbee; and Jeff McAfee from the Joanna McAfee Childhood Cancer Foundation.

Mr. Barbee gave a brief history of the Hooters Tournament. He stated the tournament will be held March 21-27th and gave details about the event.

Jeff McAfee thanked Council and shared information about the Joanna McAfee Childhood Cancer Foundation noting his daughter lost the battle to cancer. He stated their mission was to raise awareness about childhood cancer and the foundation. He felt the need to expand the efforts beyond Warner Robbins.

SPECIAL RECOGNITION:

Post Employment Recognition

Council recognized former employees Wallace Garbutt, James Lathem, Norris Ratliff and Ron Walters. Their total accumulated service was 99 years, 4 months and 12 days.

Mayor Bruner read the testimonial and presented tokens of appreciation. Council, the Fire Chief and the Wastewater Operations Superintendent expressed appreciation to Mr. Garbutt and Mr. Lathem. The remaining individuals were unable to attend the meeting.

Boy Scouts Troop 3

Council Member Wangemann stated he was teaching the Merit Badge segment. Several Scouts were in attendance to observe government in action.

CITIZEN'S ISSUES:

Bobb Brown, stated he was on the Board of Directors at Copper Springs and indicated there were some problems. He stated the developer did a good job of making it best for him but not suitable for those who live there. He shared concerns about private streets, parking, loud music and enforcement issues noting there were some serious confrontational incidents as a result of the problems. The Hall County Fire Marshall stated parking on the streets was illegal but they were unable to provide enforcement. He stated these were serious problems having no recourse because the streets are private.

Mr. Brown felt the optimum solution was to deannex from the City of Gainesville noting the City of Oakwood was agreeable to accepting ownership of their streets and providing service. He felt the residents were paying taxes but not receiving services.

He considered another solution which involved working with the Gainesville Planning Board but the Public Works Engineer reviewed the streets and indicated they were not acceptable to code.

Mr. Brown proposed a third option which consisted of a Memorandum of Understanding (MOU) between the Copper Springs Board of Directors and the Gainesville City Council to resolve the issue to obtain police enforcement/presence in the neighborhood as well as maintenance and repair of the streets. With the city's assistance, they could establish speed limits and be proactive toward solving the problems that are not being addressed.

City Manager Kip Padgett noted the Police Chief was in attendance and encouraged Mr. Brown and the homeowners to meet to discuss the issues. Mr. Padgett read the restrictions regarding the City's acceptance of the streets that were stated on the final plat for the subdivision. He briefly commented on the deannexation process and its petition requirements. Mr. Padgett stated the project was a Planned Development which allows the developer to set the standards. These developments occur at the risk that the City will not accept the streets.

Council Member Hamrick asked about the maintenance of the streets and who oversees this maintenance. Mr. Brown stated when there is a problem related to winter freeze, the residents handle it. There are no cracks/potholes so there's no maintenance at this time.

Council Member Hamrick stated if the streets were brought up to standard then the city could accept them. Mr. Brown stated this was not an option because of the Green Acres Laws.

Mayor Bruner stated the Council will take the information under advisement.

CONSENT AGENDA:

Resolutions:

- A. PR-2011-01 Flat Creek Stream Restoration – Upper North Fork of Flat Creek Land and Easement Acquisition
- B. PR-2011-02 Selection of Urban Collage, Inc. for the Completion of the Comprehensive Plan Update

Motion to adopt the resolutions as presented.

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

ALCOHOLIC BEVERAGE LICENSE APPLICATION:

Shell Food Mart, 2580 Monroe Drive

City Manager Kip Padgett stated this was a new application for the package sale of beer. The application was in order.

Motion to approve the application as presented.

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

Sidebar 120, 120 Bradford Street

City Manager Kip Padgett stated this was a new application for consumption on the premises of beer, wine and liquor. The application was in order.

Motion to approve the application as presented.

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

GENERAL LEGISLATION:

**Second Reading: Ordinance 2011-03
Amendment to Service Charges – Returned Checks**

Motion to hold second reading on Ordinance 2011-03, AN ORDINANCE TO AMEND TITLE 2 ENTITLED “FISCAL AFFAIRS” OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SECTION 2-2-1 BY CHANGING THE SERVICE CHARGES IMPOSED FOR RETURNED CHECKS ISSUED TO THE CITY; 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 Figueras
Motion seconded by Council Member Dunagan
Vote – 5 favor

**Second Reading: Ordinance 2011-04
Amend Title 10 entitled “Schedule of Fees” as it pertains to Water and Sewer**

Motion to hold second reading on Ordinance 2011-04, AN ORDINANCE TO AMEND TITLE 10, ENTITLED “SCHEDULE OF FEES” OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SECTION 10-1-17 (3) TO REVISE FEES CHARGE; SECTION 10-1-41(e) TO REVISE FEES CHARGE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

REPORT:

Community Development, Planning Division

Action taken by the Gainesville Planning and Appeals Board on February 8, 2011 and new items to be referred to the Planning and Appeals Board.

Director of Community Development Rusty Ligon stated there are no items to refer to the March Council Meeting and one variance request to refer to the upcoming Planning and Appeals Board Meeting. The report was noted as follows:

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **February 8, 2011**, and **(B)** all new items, including variance requests, received by Planning Division staff to be referred by City Council to the Planning and Appeals Board for consideration during the public hearing to be held on **March 8, 2011**:

A. Planning and Appeals Board Actions for 02/08/11:

There were two variance requests on the agenda in which the Planning and Appeals Board has final action. ***Therefore, there will be no items moving forward to City Council in March.*** For your information, the action taken by the Board was as follows:

- 1) **Conditionally approved** the request from **Oscar Carillo** to vary the front yard building setback requirement along Wilson Drive on a 1.136± acre tract located on the northwest side of the intersection of Athens Highway and Wilson Drive (a/k/a **2121 Athens Highway**), having a zoning classification of General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 15-022D-000-002
Request: Building addition
- 2) **Denied** the request from **Hall County Board of Education** to vary the electronic message board color requirements on a 33.834± acres parcel located on the southwest side of the intersection of Atlanta Highway and Tumbling Creek Road (a/k/a **2723 Tumbling Creek Road SW**) having a zoning classification of General Business (G-B) and Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-026-000-001
Request: Full color digital monument sign

B. New items to be referred to the Planning and Appeals Board for 03/08/11:

- 1) Request from **Shiloh Signs, Inc.** to vary the sign illumination requirements to allow for internal illumination on a 2.25± acres tract located on the east side of E. E. Butler Parkway at its intersection with Washington Street and Brenau Avenue (a/k/a **102 E. E. Butler Parkway**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-003-001-012
Request: Internal illuminated wall and monument signs

Motion to accept the report as presented.

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

COUNCIL'S ISSUES:

Mayor Bruner

1. Reported the City is accepting applications for the Citizen's Government Academy.
2. Reminded Council of several upcoming events noted on the calendar.

Council Member Wangemann

1. Delivered 100 invitations this week most of which were in the Copper Springs Subdivision. He was promoting the Frances Meadows Aquatic Center and the Citizen's Government Academy while inviting citizens to the meetings.
2. Commented on the upcoming Community Cleanup.

Council Member Figueras

1. Shared information about citizens' participation in the One Community Meetings (held on the second Saturday of each month). Asked citizens to consider attending these meetings as another option for obtaining information about the city.
2. Commented on the upcoming Fair Street Area Neighborhood Planning Unit meeting and distributed a map for the Council to review. She requested comments from Council after which City Manager Kip Padgett asked Council to limit discussion to whether the Council would like to be the applicant for this request.
3. Announced that the Tourism Office has been working on a fishing tournament that is scheduled to be held at Laurel Park on February 25th and 26th.
4. Reported Main Street will have a meet and greet at the Main Street Market on tomorrow at 8:30 AM.
5. Hoped everyone would vote on the Education Special Purpose Local Option Sales Tax (SPLOST).

Council Member Hamrick

1. Received a call from a citizen on Prior Street stating they are being invaded by coyotes. Representatives from the Department of Natural Resources will be meeting with the citizen. The City may need to distribute some information to citizens regarding the problem and some possible suggestions.
2. Reported the Chamber of Commerce was wondering if the City would have additional property to be used for industrial purposes. He hoped property on Monroe Drive would be considered.
3. Noticed a bill had been introduced to tweak Special Purpose Local Option Sales Tax (SPLOST) funds. He felt it would be beneficial to write a letter in support of this legislation.

CITY MANAGER'S ISSUES:

Fulenwider Project

City Manager Kip Padgett stated the Community Development Department is working on a plan for the Fulenwider Project in response to Mr. Hamrick's request. They are to bring this issue to a work session in the spring.

Koch Foods Extension Request

City Manager Kip Padgett stated in 2006, Council entered into an agreement with Koch Foods to sell a tract of property for construction of a building. They have requested an extension due to hard economic times. This is their second request for an extension. The request is to allow them until August 23, 2013 to construct the building.

Motion to grant an extension until August 23, 2013 as requested.

Motion made by Council Member Wangemann
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 6:32 PM.

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

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

Motion to close the Executive Session and adjourn the Council Meeting at 6:50 PM.

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

ADJOURNMENT: 6:50 PM

DJ:ag

Ruth H. Bruner, Mayor

Denise O. Jordan, City Clerk