

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

Mayor Bruner called the meeting to order.

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

CITIZEN'S ISSUES:

Mayor Bruner introduced and welcomed Lindsey Robinson as a new reporter for *The Times*.

PRESENTATION:

Girl Scout Troop 1912

LaDon Shaw and Cheryl Legette, Girl Scouts of Historic Georgia, were in attendance to conduct a ceremony inducting Mayor Ruth Bruner and Gainesville City School Superintendent Dr. Merrienne Dyer into Girl Scout 1912. Ms. Legette shared the history of the Girl Scouts and the purpose of Troop 1912 noting Mrs. Sandra Deal as an honorary member.

Council Member Figueras read a proclamation that led the induction ceremony. Inductees Ruth Bruner and Merrienne Dyer recited the Girl Scout pledge and were pinned.

Mayor Bruner expressed appreciation for the opportunity to be a part of the honorary group.

CONSENT AGENDA:

Minutes:

- A. May 3, 2011 Council Meeting

Motion to adopt the minutes excepting the edits as presented.

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

Resolutions:

- A. BR-2011-18 Retirement Plan A Document Revision Amending Section 6.01
- B. PR-2011-22 Justice Assistance Grant (JAG) Application 2011

Motion to adopt the resolutions as presented.

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

APPOINTMENTS:

- A. Main Street Gainesville Advisory Board
- Position currently held by Gladys Wyant
 - Position currently held by Gary Funk
 - Position currently held by Linda Orenstein
 - Position currently held by Debra Harkrider

Motion to appoint Amanda McClure to replace Gladys Wyant, Brett Fowler to replace Gary Funk and Derrick Case to replace Linda Orenstein for two-year terms on the Main Street Gainesville Advisory Board; and to appoint DeAnna Brown to fill the unexpired term of Debra Harkrider on the Main Street Gainesville Advisory Board.

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

- B. Metropolitan Planning Organization – Community Advisory Committee (MPO – CAC)
- Ward 1 - Position currently held by Will White
 - Ward 2 - Position currently held by Ed Meyer
 - Ward 3 - Position currently held by Linda Carruth
 - Ward 4 - Position currently held by Berlinda Lipscomb
 - Ward 5 - Position currently held by Diana Dokken

Motion to appoint Connie Propes to replace Will White, Diane O’Kelley to replace Ed Meyer, Emory Turner to replace Linda Carruth and Mary Jardine to replace Diana Dokken to serve two-year terms on the MPO – CAC; and to reappoint Berlinda Lipscomb to serve another two-year term on the MPO - CAC.

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

GENERAL LEGISLATION:

**Second Reading: Ordinance No. 2011-11
Amendment to Title 10 Schedule of Fees**

Motion to hold second reading on Ordinance 2011-11, 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(a) TO REVISE MONTHLY SANITARY SEWER SERVICE FEES FOR ALL CLASSES OF USERS; TO AMEND SECTION 10-1-41 TO REVISE WATER SERVICE FEES FOR ALL CLASSES OF USERS; 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

**Second Reading: Ordinance No. 2011-12
On-Street Parking Prohibited on Alpine Street**

Motion to hold second reading on Ordinance 2011-12, AN ORDINANCE TO AMEND SECTION 3-4-175 ENTITLED "SCHEDULE 5; PARKING PROHIBITED, ONE SIDE", OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; 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 Wangemann
Vote – 5 favor

PUBLIC HEARINGS:

City Attorney Palmour reviewed the public hearing process and confirmed the items were properly advertised.

Annexation / Zoning Items:

Request from Jamie Collins to rezone a 1.419± acres tract located on the northeast side of Thompson Bridge Road, north of its intersection with Lanier Avenue (a/k/a 1452, 1464 and 1472 Thompson Bridge Road NE), from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B). Ward Number: One. Tax Parcel Number(s): 01-087-004-008, 009 and 010. Request: Taco Bell restaurant with drive-thru.

Director of Community Development Rusty Ligon reviewed the application. A commercial driveway permit will be required by the Department of Transportation. The Planning and Appeals Board voted to approve the request with the following four conditions.

1. The subject property shall be limited to a restaurant use with a drive-thru and those uses permitted under the Neighborhood Business (N-B) zoning district.
2. Any drive-thru speaker shall be directed toward Thompson Bridge Road (S.R. 60) away from the existing residential property.
3. A minimum 10-foot wide buffer shall be required along the northerly property line adjacent to the property zoned Neighborhood Business (N-B) containing the single-family home. A minimum 35-foot wide buffer shall be required along the easterly property line adjacent to the single-family property zoned Residential-I (R-I). The design of the proposed buffer areas shall be subject to Community Development Department approval. This may include the type, number and placement of trees to be installed as well as an opaque fence.
4. There shall be no future access to or from the subject property via Walker Street.

Mayor Bruner asked questions about the appearance in the front of the restaurant.

Council Member Wangemann asked if the buffer at Pizza Hut would be comparable to the requirements for this development. He also asked if there had been any complaints from residents living behind Pizza Hut.

City Attorney Palmour opened the floor for comments.

FAVOR

Steve Gilliam, Law Office at 301 Green Street, represented the applicant. He stated there was 80 feet of buffer in the back of the property. He introduced residents/property owners in the audience that were in favor of the project. He commented on the history of the property and felt the project was consistent with the history of this area. He also commented on drive-thru technology being very different from years ago. Mr. Gilliam reserved time for rebuttal.

OPPOSED

Connie Propes, 695 Honeysuckle Lane, commented on the anticipated 550 visits to Taco Bell. She commented on the leveling of the land and the impact to the people that live behind the property (on Walker Street) indicating there was no buffer that would eliminate the noise. She asked that the Council consider waiting until after the new Comprehensive Land Use Plan is presented.

Bill Morris, 801 Honeysuckle Road, asked why should the citizens of the neighborhood show up to the meeting if the decision to change this corridor has already been made. He thought there was already a Comprehensive Land Use Plan in effect and wanted to know why we're not following it. He felt the City should stand by the existing Plan. He commented on confusion in the analysis portion of the report relating to items 3 and 4. He commented on the direction of the speakers which would be turned toward a church implying this may impact worship service. He hoped all would vote against the request.

Louis Kennedy, 710 Honeysuckle Lane, stated she was against this development. She noted the church that was mentioned is a school during the week days. There are homes along the corridor. She felt this was the only area left to get a glimpse of Gainesville before you reach the downtown area. She expressed her concerns regarding the changes to the corridor and the negative affects to the property values. She felt it was important to think beyond today. She commented on the current traffic problems and their attempts at getting a traffic signal at Virginia Avenue. Ms. Kennedy asked Council to consider what would happen to the constituents.

REBUTTAL

Mr. Gilliam stated there would not be 550 new visits. This number represents the existing traffic patterns and the anticipated number of patrons at the restaurant. He stated there have been no complaints in this area. Upon inquiry, Mr. Ligon commented on the current and proposed zoning issues.

Council Member Wangemann confirmed staff was in the process of developing a new Comprehensive Land Use Plan. He wondered if staff had already looked at this corridor and would the new plan be different from the existing plan? Mr. Ligon stated they had not looked at this corridor yet.

Upon inquiry from Council Member Figueras, Mr. Ligon stated he anticipated final adoption by June 30, 2012.

Mr. Gilliam stated the Planning and Appeals Board accepted the plan. The clients accepted the conditions in the proposed ordinance.

Mr. Morris stated the Pizza Hut does not have a drive-thru with a speaker system which explains why there are no complaints. He also commented on item 3 in the report regarding the Future Land Use Map and wanted to confirm this has been approved by the Council. Council confirmed the current plan was approved in 2004.

Ms. Kennedy felt the number of cars already in that area was debatable. She felt it was important to determine why people have not complained noting a lot of the surrounding property was rental property. She asked that this information be considered before making a decision.

City Attorney Palmer closed the hearing and the matter was returned to Council for a decision.

Council Member Dunagan commented on the road being a five lane highway with mixed use which is what Council wanted. In regards to the speaker, he didn't think there would be an issue noting his business is in the area and he can't hear the McDonald's speaker on the quietest day.

Motion to hold first reading on Ordinance 2011-13, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON 1.419± ACRES LOCATED ON THE NORTHEAST SIDE OF THOMPSON BRIDGE ROAD, NORTH OF ITS INTERSECTION WITH LANIER AVENUE (A/K/A 1452, 1464 AND 1472 THOMPSON BRIDGE ROAD NE) FROM RESIDENTIAL-I (R-I) AND NEIGHBORHOOD BUSINESS (N-B) TO GENERAL BUSINESS, WITH CONDITIONS (G-B-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to Zoning Map)

Motion made by Council Member Dunagan
Motion seconded by Council Member Figueras

DISCUSSION:

Mayor Bruner shared her feelings on this issue. This was the last attractive corridor in the City and there was a need to be careful about what is developed in this area.

Vote – 4 favor, 1 oppose (Bruner)

Request from One Eleven, LLC for a Special Use on a 0.27± acre tract located on the east side of Thompson Bridge Road, south of its intersection with Oak Tree Drive (a/k/a 996 Thompson Bridge Road NE), having a zoning classification of Neighborhood Business (N-B). Ward Number: Two. Tax Parcel Number(s): 01-068-001-018A. Request: Drive-thru coffee restaurant.

Director of Community Development Rusty Ligon reviewed the request. The Planning and Appeals Board approved the request with the following three conditions:

1. The applicant/property owner shall improve the existing free-standing sign. The improvements shall include converting the existing v-shaped sign into a monument sign with an architecturally compatible base, not to exceed 10-feet in height. The sign shall be completed within 90-days of the special use approval for the subject property.

2. The exterior front and both sides of the relocated building shall have a 3-1/2 foot tall brick or stone architectural base as measured from the finished grade as to comply with the Gateway Corridor Overlay Zone requirements.
3. The applicant shall be required to make some landscaping improvements between the building location and Thompson Bridge Road. These improvements may include the planting of trees, plants, shrubs or concrete planter boxes in order to improve the aesthetics of the property. The final design of the proposed frontage planting area shall be subject to Community Development Department approval.

City Attorney Palmour opened the floor for comments. There being none, the hearing was closed and the matter was returned to Council for a decision.

Motion to adopt Resolution ZR-2011-02 allowing a Special Use on a 0.27± acres tract at 996 Thompson Bridge Road NE for a drive-thru coffee restaurant in a Neighborhood Business (N-B) zoning district with conditions.

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

COUNCIL'S ISSUES:

Council Member Figueras

Thanked everyone who attended the activities that celebrate the nation's birth and freedom. She specifically mentioned the celebration at Memorial Park. Mayor Bruner expressed appreciation to Memorial Park for hosting the event.

Council Member Wangemann

1. Gave a Community Cleanup update and shared the next scheduled event.
2. Confirmed the County will continue to fund the Keep Hall Beautiful Program.
3. Distributed 128 invitations. There were no attendees today.

CITY ATTORNEY ISSUES:

Resolution BR-2011-19

Deed Under Power of Sale By the City of Gainesville, Georgia

City Attorney Palmour stated this was a deed to complete the foreclosure on a tract of property (property owned by Viola Damon).

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

EXECUTIVE SESSION:

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

Motion to close the Council Meeting to enter an Executive Session to discuss litigation at 6:21 PM.

Motion made by Council Member Dunagan

Motion seconded by Council Member Hamrick

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, Palmour, Jordan
STAFF ABSENT: Sheppard

Motion to close the Executive Session at 6:35 PM.

Motion made by Council Member Dunagan

Motion seconded by Council Member Figueras

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

ADJOURNMENT: 6:35 PM

DJ:ag

Ruth H. Bruner, Mayor

Denise O. Jordan, City Clerk