

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

Mayor Bruner called the meeting to order.

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

**SPECIAL RECOGNITION:**

**Post Employment Recognition**

Mayor Bruner read a testimonial and presented a gift to retiree Jack "Eddie" Pierce for 24 years, 8 months and 25 days of total service. Mr. Pierce acknowledged his appreciation and stated the City has been very good to him. Public Utilities Director Kelly Randall gave a brief history about Mr. Pierce's employment with the City and expressed appreciation for all his hard work.

**CONSENT AGENDA:**

**Resolutions:**

- A. BR-2011-23 Inmate Boarding Agreement Between Hall County and the City of Gainesville
- B. BR-2011-24 Gainesville-Hall County Development Authority Issuance of Revenue Bonds for the Benefit of IMS Gear Georgia, Inc.
- C. PR-2011-24 Authorize CSC to Apply for and Accept an FY12 Legacy Link Grant – \$1,230,956
- D. PR-2011-25 Authorize CSC to Apply for and Accept the IRS Volunteer Income Tax Assistance Program Grant
- E. PR-2011-26 Flat Creek Stream Restoration – Upper North Fork of Flat Creek and Midtown Greenway Award of Contract
- F. PR-2011-27 Application for Participation in the 2011 Georgia Initiative for Community Housing (GICH) Program
- G. PR-2011-28 Acceptance of the 2011 Community Development Block Grant (CDBG) Program Number B-11-MC-13-0012

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

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann

**DISCUSSION:**

Council Member Figueras stated she received some questions from citizens regarding the block grant program. She asked Housing Manager Chris Davis to provide information.

Mr. Davis stated a plan of activities was submitted to the Housing and Urban Development (HUD), as approved by the Council, for specific needs to be carried out in certain areas within the City.

Council Member Hamrick stated this may be the last year Gainesville receives this grant considering the financial condition in Washington. He felt it was important to make the congressional delegates aware of the desire to continue this program.

**Vote – 5 favor**

**ALCOHOLIC BEVERAGE LICENSE APPLICATIONS:**

**3 Lil Pigs BBQ, 1705 Cleveland Highway**

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

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

**Rick's Smokin Pig BBQ, 130 John W. Morrow Jr. Pkwy**

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

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

**REPORT:**

**Community Development, Planning Division**

*Action taken by the Gainesville Planning and Appeals Board on August 9, 2011 and new items to be referred to the Planning and Appeals Board.*

Community Development Director Rusty Ligon stated there were two items to be referred to the September 6<sup>th</sup> Council Meeting including one special use request and one zoning amendment request and two items to be referred to the Sept 13<sup>th</sup> Planning and Appeals Board including one variance request and one road action request. The report was noted as follows:

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **August 9, 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 **September 13, 2011**:

**A. Planning and Appeals Board Actions for 08/09/11:**

- 1) **Conditionally approved** the request from **Greg Loyd** to vary the front yard setback along Thompson Bridge Road and Green Street Circle, open space requirement, impervious surface requirement, frontage landscape strip requirement, and parking requirement on a 0.31± acre tract located at the north side of the intersection of Thompson Bridge Road and Green Street Circle (a/k/a **1151 Thompson Bridge Road NE**) having a zoning classification of Neighborhood Business (N-B).  
Ward: One  
Tax Parcel Number(s): 01-074-003-002  
Request: Dunkin' Donuts restaurant with drive-thru

- 2) **Recommended conditional approval** of a request from **Greg Loyd** for a Special Use on a 0.31± acre tract located at north side of the intersection of Thompson Bridge Road and Green Street Circle (a/k/a **1151 Thompson Bridge Road NE**), having a zoning classification of Neighborhood Business (N-B).  
Ward Number: One  
Tax Parcel Number(s): 01-074-003-002  
Request: Dunkin' Donuts restaurant with drive-thru
  
- 3) **Accepted withdrawal** of the request from **Steve Hamby** to annex a 2.137± acres tract located on the north side of Industrial Drive at its terminus (a/k/a **2093 Industrial Drive**) and to establish zoning as Light Industrial (L-I).  
Ward: Four  
Tax Parcel Number(s): 08-007-003-012 (part)  
Request: Sewer for a proposed office building
  
- 4) **Recommended conditional approval** of a request from **ACR Property Services, LLC** to amend 105.51± acres consisting of Pods C, D, E, J and K of an existing Planned Unit Development (P-U-D) zoning having road frontage along Mundy Mill Road, Mountain View Road and Old Oakwood Road (a/k/a **0 Mundy Mill Road, 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); and 08-043-000-077  
Request: Amend conditions 17 and 18 of Ordinance No. 2011-01 to allow Pod's J and K to have the same development standards for apartments as Pod's C, D and E.

**B. New items to be referred to the Planning and Appeals Board for 09/13/11:**

- 1) Request from **Steve Rossi** to vary the front yard setback along Browns Bridge Road on a 0.7± acre property located at the east side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2896 Browns Bridge Road SW**), having a zoning classification of Regional Business (R-B).  
Ward Number: Four  
Tax Parcel Number(s): 08-015-006-002  
Request: Drive-thru restaurant
  
- 2) Request from the **Gainesville City Schools** to abandon 0.58± acre portion of School Street right-of-way located between its intersection with Fair Street and High Street having a zoning classification of Residential-II (R-II).  
Ward Number: Three  
Request: Abandonment of right-of-way

**Motion to accept the report as presented and to refer the new items to the Planning and Appeals Board.**

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

**PUBLIC HEARING:**

**Proposed Home Rule Ordinance: Amendment to Ward Boundaries**

City Attorney Palmour reviewed the procedures to conduct a public hearing and confirmed the public hearing had been properly advertised.

City Clerk Denise Jordan used a power point presentation supplement the presentation. She gave an overview of the project to date. She discussed the 2010 Census Data and noted the deviations. She also gave a brief overview of discussions at past meetings which included the Board of Education meeting and a Community Meeting.

Mrs. Jordan discussed the PROP2RE map and Attorney Whalen's suggested changes. It was noted that an independent consultant reviewed the map to determine if (1) the Ward 3 black population could be increased and (2) Ward 5 could remain as is. The consultant was unable to accomplish those two items. Mrs. Jordan also stated there were no comments on file from the Council Members nor from the community regarding the proposed map.

Mrs. Jordan commented on the map options as follows:

1. PROP1 map was prepared by the State Reapportionment Office. It had not been distributed but was available for review if so desired.
2. PROP2RE map modified boundaries as requested by the Project Team and originated from the PROP1 map. This map (PROP2RE) had been discussed since the July 20<sup>th</sup> meeting.
3. PROP3 map was submitted by the Board of Education. Copies of this map with statistical data were distributed.
4. PROP4 map was submitted by Mr. Emory Turner. Copies of the map with statistical data were distributed.

Attorney Drew Whalen discussed the analysis of the maps. He gave a brief overview of the previous redistricting discussions and information. He had been informed that the Board of Education had not formally discussed the PROP3 map.

Mr. Whalen commented on the PROP4 map noting it showed an overall deviation of almost 0%. This confirmed the ability to achieve a 0% deviation but the law allows some deviation when legitimate criteria exist. He felt protection of incumbents was an important criteria and was uncertain that all incumbents had been protected in the PROP4 map noting the information had not been verified.

Council Member Figueras presented a revised PROP4 map which showed all Council Members in their correct ward. However, some of the Board of Education members were not in their correct ward.

Mr. Whalen stated it was important to note that whatever plan is adopted will need to be reviewed by the Department of Justice. They will ask what alternatives were considered. He stated all proposed plans must be reviewed and analyzed prior to proceeding with adoption of the plan. He didn't feel he was in a position to fully discuss the PROP4 map.

A plan comparison was distributed. Mr. Whalen reviewed the information then expressed his opinion that Council needed to decide if they're ready to move forward. He stated two to three weeks were built into the schedule which allowed time for the Council to meet with the Board of Education and still implement a plan via Home Rule Ordinance.

Mr. Whalen stated he wanted Council to have all the necessary information to be comfortable enough to move forward with the adoption of the Home Rule Ordinance. He felt it was also important that the City and Board of Education adopt the same map. He suggested it may be appropriate at this time for the Council to meet with the Board of Education to discuss the proposed maps. He noted there was an aggressive timeline to complete the process.

Mayor Bruner confirmed that a meeting with the Board of Education to discuss the proposed plans would be productive. She felt this was very important for the citizens.

Council Member Dunagan stated he didn't understand what had changed since the last discussion about the PROP3 map.

Mr. Whalen stated he could not confirm that the PROP3 plan was an unacceptable plan. In his evaluation, he felt the PROP2RE map was better than the PROP3 map. Mr. Whalen stated he couldn't address how the Census data collection counted Hispanics noting this has been an issue for a lot of voting rights cases.

Council Member Figueras asked which plan best meets the Department of Justice requirements. She expressed her concern that every vote will count no matter which plan is chosen. She asked if the PROP2RE map fit the one vote one count criteria at which time Mr. Whalen stated he felt that it did. He went on to state the Department of Justice could be comfortable with map 2 or 3.

Council Member Wangemann stated he wanted the main thing to stay the main thing. In redistricting, you're looking for the population to be evenly distributed. It was important to make sure the constitutional mandate of one person one vote was upheld. He stated he would be very much in favor of the PROP2RE map that the project team devised.

Council Member Dunagan stated further review of the PROP3 plan showed that some Council Members are right on the property line.

City Clerk Denise Jordan stated maps 3 and 4 had not been evaluated in the same manner as the PROP2RE map. The project team could reconvene to review and analyze the PROP3 and PROP4 maps if the Council desired to move in that direction.

City Attorney Palmour opened the floor for comments.

FAVOR:

**Emory Turner, 560 Hunter Street**, stated he prepared the PROP4 map with the assistance of a group of demographers paid by taxpayers. He addressed Mr. Whalen's concern with Ward 4 being on the borderline with the deviations for Hispanics noting that although it has been the fastest growing ward due to the Hispanic population, the trend now shows the numbers are going back down. He stated the purpose for the change in the map was to create majority-minority districts for Wards 3 and 4. He thanked Council for the opportunity to present his plan. Upon inquiry from Mayor Bruner, Mr. Turner stated he was not sure which Board of Education members were not in the correct ward.

City Clerk Denise Jordan stated a quick overview of the map indicated Board of Education Members Mr. Syfan, Ms. Diaz and Mr. Smith might have been drawn outside their wards (Wards 1, 4 and 5 respectively).

**Deloris Diaz, Ward 4 Board of Education representative, 2719 Englewood Drive**, stated she was unsure of what she wanted. The Board of Education Members had not met as a group to discuss or take action on the PROP3 map. Speaking on behalf of Ward 4 and herself, Ms. Diaz stated she was prepared to offer her support for the PROP3 plan because the numbers showed the majority-minority Hispanic population in Ward 4 had been preserved. She would appreciate the opportunity to work with Council to review the plans and discuss what will best serve the community.

City Attorney Palmour asked if there were any other comments and emphasized the importance of the public's input. There being none, the matter was returned to Council.

Mayor Bruner suggested allowing the Board of Education to discuss the PROP3 map. She also suggested meeting with the Board of Education to discuss the proposed plans before adopting a plan. She felt it was important for the City and Board of Education to have the same map.

Council Member Dunagan stated he agreed with Mayor Bruner but felt there was a high deviation (close to 5%) on the PROP3 map.

Council Member Wangemann stated he came to the meeting ready to accept the PROP2RE map; however, he felt it would be necessary to meet with the Board of Education to reach an agreement and accept the same map which would be best for all citizens.

Council Member Figueras asked when the meeting would take place and how this would affect the adoption of the Home Rule process.

City Clerk Denise Jordan reviewed the timelines as previously set.

There was discussion about the dates and the timeline to complete the analysis and review of the proposed maps, the adoption of the Home Rule Ordinance and the advertisements. Mrs. Jordan stated the project team could be reconvened to review the maps and report back to the Council noting there was a short window of time. There was discussion about meeting dates and the possibility of a called meeting if necessary.

City Manager Kip Padgett stated a significant amount of money had been spent on this project and emphasized the need for closure. He confirmed Council's consensus for the Project Team to meet and review the maps and to report back to Council. The Board of Education would be invited to attend any future meetings.

## **COUNCIL'S ISSUES:**

### **Council Member Wangemann**

1. Commented on a cleanup effort on Saturday on Gaines Mill Road.
2. Commended Council Member Figueras and City Clerk Denise Jordan for great job at the Second Saturday Meeting.
3. Reported the delivery of 191 Invitations. As a result, three citizens were in attendance.
4. Delivered invitations to the September 8<sup>th</sup> Comprehensive Planning Meeting at 5:00 PM at Gainesville High School.

### **Council Member Dunagan**

Reported the state is reconvening to discuss redistricting at the statewide level and the maps are not favorable for Gainesville-Hall County. He discussed this issue with others and asked

the City Manager to prepare a letter to Governor Deal expressing concerns about going from five to nine representatives noting this would terribly dilute Gainesville-Hall County. The letter was disbursed to Council.

There was consensus from Council to forward the letter to Governor Deal and other present delegation representatives.

**Council Member Figueras**

1. Gave an overview of discussions from The One Community Organization (Second Saturday) meeting.
2. Thanked everyone in attendance tonight for the redistricting discussion and specifically recognized the individuals that serve as references for the Department of Justice.

**Council Member Hamrick**

1. Received a request from a Broad Street resident advising Crown Ministries vacated the buildings they were leasing. He wondered if the crosswalk and stop signs were still needed on Broad Street.
2. Requested a change to the current vendor policy. He asked Council to consider raising the minimum amount to \$1,500 for bids to streamline the process a little. City Manager Kip Padgett stated the policy would be placed in Council mailboxes for future discussion.

**Mayor Bruner**

1. Provided a brief report on the Comprehensive Plan and the upcoming meeting.
2. Expressed appreciation to the City Clerk working on the Redistricting Project.

**EXECUTIVE SESSION:**

City Manager Kip Padgett requested an executive session to discuss personnel.

**Motion to close the Council Meeting to enter an Executive Session to discuss personnel at 6:48 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.**

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

STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

**Motion to close the Executive Session and to continue the Council Meeting at 7:01 PM.**

Motion made by Council Member Wangemann

Motion seconded by Council Member Dunagan

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

**OTHER BUSINESS:**

**Housing Authority Appointments**

**Motion to appoint Faron Thompson to fill the unexpired term of Joseph Chipman on the Housing Authority.**

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

**Motion to appoint Mary Brown to serve on the Housing Authority in the position of Resident Commissioner.**

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

**ADJOURNMENT: 7:02 PM**

**DJ/ag**

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Ruth H. Bruner, Mayor

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Denise O. Jordan, City Clerk