

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

Mayor Dunagan called the meeting to order.

Catherine Casper, Church of Jesus Christ of Latter Day Saints, delivered the invocation after which the Pledge of Allegiance was recited in unison.

SPECIAL RECOGNITION:

Post Employment Recognition

Mayor Dunagan read the names of the retirees for the quarter, i.e. Douglas Sosebee, Sue Walker, Judy Weaver and Ronald "Tex" Carver. Together they had a total accumulated service of 93 years, 4 months, 9 days. Mrs. Walker was the only one able to attend. The Mayor read a testimonial executed by the Council and presented tokens of appreciation. Mrs. Walker expressed her appreciation. Public Utilities Director Kelly Randall expressed appreciation for Mrs. Walker's service.

CITIZEN'S ISSUES:

David Andrews, 826 Vine Street, stated he had seen a lot of things that needed to be changed in public housing and felt the current administrator wasn't responding to the issues. He commented on a few issues/concerns with the buildings and stated he felt public housing needed to be upgraded. Mr. Andrew's stated he has lived in public housing for 10 years and he knew Council could not do this alone. Council needed someone that was willing to address the issues.

Mayor Dunagan suggested that Mr. Andrews attend the next Housing Authority meeting to share his concerns.

CONSENT AGENDA:

Minutes:

- A. January 3, 2012 Council Meeting
- B. January 17, 2012 Council Meeting

Motion to approve the minutes accepting edits as presented.

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

Resolutions:

- A. AR-2012-06 Regarding Second Quarter Budget Adjustment for Fiscal Year 2012
- B. BR-2012-03 Authorization to Lease and Transfer Title of the Georgia Mountains Center to the Gainesville Redevelopment Authority
- C. PR-2012-06 FY2012 Water Service Connections
- D. PR-2012-07 Georgia Department of Transportation 2012 Local Maintenance and Improvement Grant
- E. PR-2012-08 Lee Gilmer Memorial Airport Terminal Area Improvements Engineering Design Services Authorization

Motion to adopt the resolutions as presented.

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

GENERAL LEGISLATION:

Proposed Ordinance

Local Vendor Preference Policy Amendment

Motion to hold first reading on Ordinance 2012-05, AN ORDINANCE TO AMEND CHAPTER 2-4 ENTITLED "PURCHASING" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SUBPARAGRAPH (d) ENTITLED "EXEMPTIONS" OF SECTION 2-4-29 ENTITLED "LOCAL VENDOR PREFERENCE" TO PROVIDE FOR AN EXEMPTION FOR SITUATIONS FOUND IN CONFLICT WITH FEDERAL OR STATE LAWS OR GRANTING AGENCY CONTRACTS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Kip Padgett stated this was first reading to amend the existing purchasing ordinances to address grants that don't allow a local preference.

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

ANNEXATION / ZONING:

Second Reading: Ordinance No. 2012-03

Rezone 0.51± Acres at 430 Prior Street

Motion to hold second reading on Ordinance 2012-03, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.51± ACRE TRACT LOCATED ON THE EAST SIDE OF PRIOR STREET, NORTHEAST OF ITS INTERSECTION WITH PARK STREET (A/K/A **430 PRIOR STREET NE**) FROM RESIDENTIAL-II (R-II) TO RESIDENTIAL AND OFFICE, WITH CONDITIONS (R-O-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

**Second Reading: Ordinance No. 2012-04
Rezone 3.54± Acres at 0 Fairbanks Drive**

Motion to hold second reading on Ordinance 2012-04, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 3.54± ACRES TRACT LOCATED ON THE EAST SIDE OF FAIRBANKS DRIVE, SOUTHEAST OF ITS INTERSECTION WITH MEEKS DRIVE (A/K/A **0 FAIRBANKS DRIVE SW**) FROM PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) TO OFFICE AND INSTITUTIONAL, WITH CONDITIONS (O-I-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

PUBLIC HEARING:

Community Development Item:

Transmittal of the Annual Update to the Capital Improvements Element & Short Term Work Program of the City of Gainesville's Comprehensive Plan.

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

Director of Community Development Rusty Ligon stated this was the annual update to the Department of Community Affairs (DCA) to show impact fee collections and expenditures over the past fiscal year. He was happy to report the collections were at a three year high.

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 BR-2012-04 entitled *Transmittal of the Annual Update to the CIE* as presented.

Motion made by Council Member Bruner
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 14, 2012 and new items to be referred to the Planning and Appeals Board.

Director of Community Development Rusty Ligon stated there was one item to refer to the March 6th Council Meeting including a rezoning request and three items to be referred to the March 13th Planning and Appeals Board meeting including two variances and one annexation. 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 14, 2012**, 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 13, 2012**:

A. Planning and Appeals Board Actions for 02/14/12:

- 1) **Recommended conditional approval** of the request from **The Norton Agency Insurance, LLP** to rezone a 0.61± acre tract located on the east side of Boulevard, north of its intersection with Park Street (a/k/a **424 Boulevard NE**) from Residential-II (R-II) to Residential and Office (R-O).
Ward Number: Two
Tax Parcel Number(s): 01-038-003-011
Request: Professional office

B. New items to be referred to the Planning and Appeals Board for 03/13/12:

- 1) Request from **The Norton Agency Insurance, LLC** to vary the minimum driveway width standards and the maximum number of parking spaces allowed on a 0.61± acre tract located on the east side of Boulevard, north of its intersection with Park Street (a/k/a **424 Boulevard NE**), having a zoning classification of Residential-II (R-II). **Note: This applicant has also filed a request to rezone this property from Residential-II (R-II) to Residential and Office (R-O) which will be considered by the City Council during a public hearing on March 6, 2012.**
Ward Number: Two
Tax Parcel Number(s): 01-038-003-011
Request: Professional office
- 2) Request from **America's Home Place, Inc.** to vary the stream protection buffer requirement on a 22.0± acres property located on the east side of Dawsonville Highway across from Beechwood Boulevard, south of its intersection with Ahaluna Drive (a/k/a **0 Dawsonville Highway, 1232 Ahaluna Drive, 1162 Lakeshore Circle**), having a zoning classification of Residential-I (R-I) and Office and Institutional (O-I).
Ward Number: Five
Tax Parcel Number(s): 01-114-001-002A; 01-115-001-007B and 055
Request: Future shopping center

- 3) Request from the **Gainesville Truck Center, Inc.** to annex a 14.03± acres tract located on the north side of Industrial Drive at its terminus (a/k/a **0 and 2145 Athens Highway**) and to establish zoning as Light Industrial (L-I).
Ward: Three
Tax Parcel Number(s): 15-022D-000-005, 006 and 008
Request: Sewer for the existing truck center

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 Bruner
Vote – 5 favor

CITY MANAGER'S ISSUES:

Resolution AR-2012-07

Remaining Funds from Purchase of Emergency Response Vehicle

City Manager Kip Padgett stated the proposed resolution was for the transfer of funds in the amount of \$12,965.50 from a previous Capital Improvements Project budget to the Fire Department's operating budget for the purchase of some additional emergency response and rescue equipment.

Motion to adopt the resolution AR-2012-07 as presented.

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

Comprehensive Plan Open House

City Manager Kip Padgett reported an open house for the Comprehensive Plan will be held at the Georgia Mountains Center tonight from 5:30 PM to 7:30 PM.

Hall County Jail

Mayor Dunagan asked about the jail located in the downtown area. City Manager Kip Padgett stated a reporter advised this matter was discussed by the County Commission during their work session and they will consider selling the property at the upcoming Commission Meeting. He commented on the City's investment in Midtown which is located in the area of the jail and on the current purchase price of the jail, i.e., \$7 million, which was not affordable for the City. Mr. Padgett acknowledged there was no formal notification from the County Commission regarding the matter.

CITY ATTORNEY ISSUES:

**Proposed Ordinance
Moratorium on Sweepstake Cafes**

Motion to hold first reading on Ordinance 2012-06, AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF GAINVESVILLE, GEORGIA TO PROVIDE FOR THE APPROVAL OF A TEMPORARY, 180 DAY MORATORIUM ON ACCEPTING APPLICATIONS FOR ZONING PERMITS FOR SWEEPSTAKES CAFÉS OR VARIATIONS THEREOF; TO PROVIDE FOR SEVERABILITY; TO BAR THE ACCEPTANCE OF ANY APPLICATIONS FOR ZONING PERMITS FOR SWEEPSTAKES CAFÉS OR VARIATIONS THEREOF DURING THE MORATORIUM TIME PERIOD; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Police Chief Brian Kelly asked for approval of a moratorium on sweepstake cafes for a period of six months (180 days). He reviewed the proposed ordinance and commented there was some interest to bring this type of business into the city limits. The purpose of the moratorium is to give the city the opportunity and time to research/study the possible affects this could have on the community. The state legislators are working on this to see how this will affect the state as a whole.

Upon inquiry from Council Member Bruner, Chief Kelly stated they were not currently in violation of state law and individuals operating these businesses had indicated they bring jobs into the community.

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

OTHER ISSUES:

Council Member Figueras

1. Commended the Parks and Recreation Board and staff for recognition of the volunteers.
2. Commended the Communications and Tourism Office staff for making sure the Fishing 4 Reel Tournament was a success.
3. Reminded everyone that February is Black History month and announced movie showings at the Beulah Rucker Center each Tuesday night in this month.
4. Expressed condolences to the families of the victims of the recent car accidents.

Council Member Wangemann

Expressed appreciation for the individuals that attended the meeting.

ADJOURNMENT: 6:01 PM

DJ:ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk