

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

Mayor Dunagan called the meeting to order.

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

CONSENT AGENDA:

Resolutions:

- A. BR-2012-05 Declaration of Surplus Property
- B. BR-2012-06 Write Off of Delinquent Personal Property Tax
- C. BR-2012-07 Write Off of Delinquent Water Bills
- D. BR-2012-08 Intergovernmental Agreement for Alum Sludge Disposal
- E. PR-2012-09 Ratification of Submittal of an Application for WBF Junior Grant

Motion to adopt the resolutions as presented.

Motion made by Council Member Figueras
Motion seconded by Council Member Wangemann

DISCUSSION:

It was stated that the delinquent water bills consisted of uncollectible items that had been delinquent for at least seven years.

Vote – 5 favor

GENERAL LEGISLATION:

Second Reading: Ordinance No. 2012-05
Local Vendor Preference Policy Amendment

Motion to hold second 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.

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

**Second Reading: Ordinance No. 2012-06
Moratorium on Sweepstake Cafes**

Motion to hold second 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.

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

PUBLIC HEARING:

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

Adoption of the Community Agenda as Part of the 2030 Comprehensive Plan

Robert Beagle, Urban Collage, stated the information to be presented was previously discussed at the individual meetings. He also complimented the staff for being very professional. He used a power point presentation to address the following topics: public outreach options, community workshops and agenda, character area framework, details about each of the character areas, and the next steps. He stated this is the first step of the process. The plan will need to be submitted to the Georgia Mountains Regional Commission (GMRC) for review and approval. This was a request for approval to submit the plan to GMRC for review. They have 90 days to provide comments.

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

Motion to adopt Resolution BR-2012-09 entitled *Adoption of the Community Agenda as Part of the 2030 Comprehensive Plan* as presented.

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

City Attorney Palmour confirmed the hearing had been properly advertised.

Adoption of the Economic Opportunity Gateways Urban Redevelopment Plan

Amie Gore, Bleakly Advisory Group, presented information supplemented by a power point presentation. She addressed the following: benefits of an opportunity zone, creating an opportunity zone, the Gainesville Urban Redevelopment plan, the context map consisting of three subareas identified during the process, and discussion of the next steps.

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-2012-10 entitled *Adoption of the Economic Opportunity Gateways Urban Redevelopment Plan* as presented.

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

Annexation/Zoning Item

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.

Community Development Director Rusty Ligon reviewed the application. The Planning and Appeals Board voted to approve the request with the following six conditions.

1. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of a single-family residential appearance and be characteristic of the surrounding historic properties, and shall be subject to the Community Development Director approval.
2. Any fire escape addition shall be located to the rear of the existing structure.
3. Any proposed new parking areas or potential storm water management areas shall be located to the rear of the structure and shall be adequately screened from the adjacent residential uses located along the north, south and east property lines. The buffer area may consist of an opaque fence and or a solid vegetated buffer. The existing privet hedge shall be maintained along the south and east property lines, as well as along the northern property line where feasible. The final installation, placement, maintenance and type of the buffer shall be subject to the Community Development Director approval.
4. The subject property shall be limited to no more than 11 total parking spaces including handicapped parking. This shall not include parking within the proposed detached garage which shall be limited to 1-story and 1,000 square feet in size.
5. The subject property shall be limited to one (1) monument sign for a future office use not to exceed five (5) feet in height and twenty (20) square feet in size.
6. An updated as-built boundary survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future professional office use.

City Attorney Palmour confirmed the hearing had been properly advertised and he opened the floor for comments.

FAVOR:

Frank Norton, Jr., 434 Green Street, stated he represents the applicant. The Norton family has been leaders when it comes to historic preservation. He commented on actions of his father and other family members to gain National Historic Register Designation. The Insurance Division contracted with the property for expansion and their intent was to preserve and renovate the property in a first class manner. He commented on the changes to occur if the request is approved. He commented on the possibility that another developer could remove the home and build another structure. He distributed two handouts and requested to reserve the remainder of his time for rebuttal. Council asked several questions.

Council Member Bruner inquired about the request for overflow parking and changes to the driveway to save the Hemlock tree.

Upon Council Member Hamrick's inquiry, Mr. Norton stated approximately 15 employees would transfer to the site and there would be very limited client interaction.

Bob Norton commented on the overall plans. He stated they were trying to do what made good business sense. He commented on a misunderstanding about a previous zoning hearing. He indicated he never implied nor intended for anyone to believe the business would be relocated outside the city limits. They are not asking for anything that will jeopardize the current lifestyle of neighbors. They have outgrown their space and want to expand to the property which is located directly across from their existing space. In closing, he expressed appreciation for the ability of the company to grow. The goal was to grow the business and present new opportunities for the citizens of Gainesville.

Chip Frierson, representing the property owner, indicated the home was built by his grandfather. He commented on offers for the home and shared what appeared to be the appeal for the home. Mr. Frierson stated the home was on the National Register for Historic homes but not the local registry. He commented on the potential of someone buying and destroying the home which was not his preference. He stated the home had been on the market for over a year. The only real and viable options were for commercial use. He felt the Norton Group had history in the neighborhood and would make improvements.

OPPOSE:

Kelly Bivens, stated her parents live next door to the proposed property. She commented on various reasons why she was offended that the Norton plan will offer no side buffers for the adjacent property, support the removal of trees and compromise pedestrian rights due to increased traffic. She felt there were other viable options that would not require so many modifications. She was also offended by the use of "Norton Campus" because this signifies a place of learning and she was offended by the assumption of approval because of clout.

Fred Powell, 418 Boulevard, commented on the purpose of zoning laws, democracy and the right for representation. He stated the Norton Agency has surpassed capacity at their existing site and is now trying to change the zoning of another neighborhood. The Norton's currently own two properties on Boulevard. He commented on parking ratios and implied there could be a parking issue. The Norton's are not only asking for a change in zoning but for multiple variances. He shared the history of the area and admired those that restored the historic homes. If given the choice to bulldoze or remodel for an office, he would choose the latter. The home is not in distress. It is a nearly extinct type home that is perfect for a family to occupy.

There are more than enough properties on Green Street to accommodate the Norton's needs. He commented on the 2030 Comprehensive Plan and felt the vision for this property was out of focus. He had faith in the Planning and Appeals Board and the Council to deny the request.

Debra Harkrider, 805 Park Street, felt this would be an ongoing problem that will come up again in the future because of the mixed use of the college area. She stated Ward 2 has houses used for businesses. She felt the issue was parking. She was concerned with the noise, access to the storage unit, parking and other factors. She's not against the use of the home as a business but was more concerned about the traffic, noise and security lighting. She hoped there was a way to do something to take care of the parking problem.

Melissa Chandler, 423 Prior Street, stated the condo complex backs up to the proposed project. She would be closest to the garages. She was totally opposed to the rezoning. She felt this would change the atmosphere of the complex. She was concerned about noise, pollution and the light pollution shining into her bedroom. She felt this change would seriously devalue her home. Ms. Chandler commented on why she selected the neighborhood. She asked if the Norton family would choose to have a garage and large parking lot next to their house. She asked Council to say no to the rezoning.

Brenda Powell, 418 Boulevard, stated she lives next door to the property in question. She commented on her discussion with Mr. Norton which included a discussion of how they plan to use the space. She stated the garage was to store signs. People would be coming and going into the property. Mr. Norton told her she didn't have to worry about the garage noting it would be turned toward an apartment complex. She indicated Mr. Norton stated the perfect property was next door but it was not available. Mrs. Powell stated she was very active in the community and shared information about the five properties she owns in the area. Mr. Norton told her the real estate business was not as good as it once was but the insurance business was doing well. She commented on the parking indicating her observations revealed 7:30 AM to 9:30 AM as the busiest time for the Norton Agency. Ms. Powell stated Mr. Norton has five entrances into his business. She read a letter from Kathy Amos expressing strong objection to the rezoning request. The letter commented on Historic Preservation Commission zoning efforts in this area and suggested that the Norton Agency purchase the Smith-Palmer home at 446 Green Street. Mrs. Powell provided various pictures to illustrate how the area looks. She noted the placement of the garage will block this view. She also presented a picture of a sign that said slow, residential area. She felt this request was a tremendous impact on the community.

Attorney Palmour asked all those in opposition to the request to stand at which time approximately 15 people stood.

REBUTTAL:

Frank Norton, Jr. stated this would be an insurance center. There are no signs in the garages and extended an invitation to view the space. He confirmed that he lobbied for exclusion from the Boulevard Historic Preservation Designation. This was a mixed use office multi-family educational community. He referred to a previous document that indicated there were only three owner-occupied single family dwellers on Boulevard. He noted it had changed and improved significantly. He commented on the proposal at hand and indicated the Powell's had their property for sale in 2008 with listing for a bed and breakfast which would require a zoning change.

DISCUSSION:

Council Member Bruner and Council Member Figueras asked several questions in regards to the driveway, preservation of trees, garage being used for signs, parking, and the amount of customer interaction.

Council Member Hamrick stated he had great admiration for Boulevard because his mother lived in this area until her death. People want to maintain the integrity of their neighborhoods. He agreed the area was in transition since there are only three residential homes left on the street. He was hearing that the community wanted to maintain its integrity. He felt the main concern dealt with parking and requested an explanation regarding the reduction from 32 to 20 parking spaces.

There was some discussion from Mr. Norton and Mr. Ligon about the number of parking spaces. Mr. Norton felt the 20 space would reduce parking on the street.

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 2012-07, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING 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) 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. (Amendment to Zoning Map) with an amendment to condition four noted as follows:

The subject property shall be limited to no more than 20 total parking spaces including handicapped parking. Drives may be poured concrete, but all parking spaces shall be constructed of pervious material. This shall not include parking within the proposed detached garage which shall be limited to 1-story and 1,000 square feet in size. The drive back to the garage shall be constructed of pervious material. All parking lot lighting shall be non-spill low ground lighting. The new entry drive on the north end of the lot shall be 18 feet wide and the existing drive abandoned and replaced with landscaping and vegetative buffer.

Motion made by Council Member Bruner
Motion seconded by Council Member Figueras

Council Member Hamrick offered an amended motion to limit the parking spaces to 15 with language as presented by staff.

Vote on the original motion 4 favor, 1 oppose (Hamrick)

NOTE: No action was taken on the amended motion.

OTHER ISSUES:

Council Member Figueras invited everyone to the Second Saturday meeting, March 10th at 9:30 AM at the Fair Street Neighborhood Center.

Council Member Figueras reported she and Council Member Bruner would attend a women's recognition ceremony program in Macon on Thursday, March 8th for the induction of Beulah Rucker into the Women's Hall of Fame.

EXECUTIVE SESSION:

City Attorney Palmour requested an executive session to discuss real estate and potential litigation.

Motion to close the Council Meeting to enter an Executive Session to discuss real estate and potential litigation at 7:16 PM.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

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

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

STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

Motion to close the Executive Session and to adjourn the Council Meeting at 7:45 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

ADJOURNMENT: 7:45 PM

DJ:ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk