

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

Mayor Dunagan called the meeting to order.

Evelyn Johnson, Bethel AME Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

CITIZEN'S ISSUES:

Johanna Falber, stated she was from Gwinnett County and was the founder of Stubby's Heroes, an organization that promotes healthy and responsible dog care/stewardship. The organization also promotes healthy ownership. She was present to discuss the possible restriction or ban on pit bulls. She provided a brief background history of the dog known as the pit bull. Ms. Falber was upset about passing a law to punish a certain breed of dog. She felt the issue was not the breed. It was the owners. She asked Council to review the material she provided and to consider the sentiment of the group.

City Attorney Palmour stated he had researched the issue and found Georgia had a long standing judicial opinion that dogs are a harmless species of animal regardless of its breed. A vicious dog is defined by its actions not by breed which makes it difficult to limit a specific breed. The City has an ordinance that makes it unlawful to have a dangerous or potentially dangerous animal without a certificate of registration. Mr. Palmour shared some specifics of the ordinance and had determined the city couldn't exclude the ownership of a specific dog breed inside the city limits.

Hillary Vernon, Fayetteville, stated she is a multiple pit bull owner. She was pleased to learn the City had done its research. She distributed information and commented on the difficulty in distinguishing a true pit bull breed noting testing was the most reliable option. She commented on the use of tax payer dollars to identify them implying the community may not agree with such action.

Kim Newman, Gwinnett County, thanked the City Attorney for researching this issue. She felt if we follow the City ordinance and are fair with the owners then we can resolve the problems. The dogs are not dangerous. Aggressive animals are rare. It takes people to make them aggressive. Ms. Newman reported having 30+ years of animal training experience. She recommended training, incentives and the elimination of chaining/tethering the dogs to see a better canine citizen and owner.

Brett Buckwald, University of Georgia student, stated he was very glad the City had done its research. He felt breed specific legislation could be costly and could be a bad political move. He felt education and awareness programs were important tools. Mr. Buckwald stated there was a lot of statistical information missing from the reports. He felt there had been some sensationalism within the media and reported dog bite fatalities related to pit bulls had declined since 1988.

Kimberly Major, Gainesville, thanked Council for taking the pit bull issue seriously. She is a responsible owner and didn't want to have to choose between where she lives and a family member.

Evelyn Johnson announced Bethel AME Church will recognize Veterans on May 27th at 11:00 AM. This event was open to the public.

CONSENT AGENDA:

Resolutions:

- A. BR-2012-17 Gainesville and Hall County Development Authority Issuance of Revenue Obligation for the Benefit of Gainesville Independent School, Inc. (Lakeview Academy)
- B. BR-2012-18 Amend the Intergovernmental Agreement with Hall County Regarding Fiber Installation
- C. PR-2012-19 U.S. Department of Justice Byrne Justice Assistance Grant Application 2012
- D. PR-2012-20 New Holland Milliken and Co. Sanitary Sewer Extension Cost Participation Request
- E. PR-2012-21 FY2011 Road Paving Project Adding West Haven Drive and Florence Drive

Motion to adopt the resolutions as presented.

Motion made by Council Member Hamrick

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

APPOINTMENTS:

Building Board of Appeals

Mechanical Position currently held by Doug Magnus

Motion to reappoint Doug Magnus to serve another five year term on the Building Board of Appeals.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Chicopee Woods Area Park Commission

Position currently held by R. K. Whitehead

Motion to reappoint R. K. Whitehead to serve another three year term on the Chicopee Woods Area Park Commission.

Motion made by Council Member Hamrick

Motion seconded by Council Member Bruner

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Ethics Commission

Motion to appoint the following individuals to serve a four year term on the Ethics Commission: Johnny Nivens as the Ward 1 representative, Boyd C. Steed, Jr. as the Ward 2 representative, Nathaniel Burton as the Ward 3 representative, Bill Currans as the Ward 4 representative, and Joan Alford as the Ward 5 representative.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

GENERAL LEGISLATION:

**Second Reading: Ordinance No. 2012-10
Amendment to Chapter 6-2 Entitled "Occupation Tax"**

Motion to hold second reading on Ordinance 2012-10, AN ORDINANCE TO AMEND CHAPTER 6-2 ENTITLED "OCCUPATION TAX" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND THE OCCUPATION TAX AMOUNT PROVIDED IN SECTION 6-2-4(c)(1); TO DELETE IN ITS ENTIRETY THE ADMINISTRATION FEE PROVIDED IN SECTION 6-2-4(c)(2); TO AMEND SECTION 6-2-24 TO DELETE THE ADMINISTRATIVE FEE; TO REPEAL 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

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

**Second Reading: Ordinance No. 2012-11
Amendment to Chapter 10 Entitled "Schedule of Fees" (Inspections and Permits)**

Motion to hold second reading on Ordinance 2012-11, AN ORDINANCE TO AMEND CHAPTER 10 ENTITLED "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND THE FOLLOWING CODE SECTIONS TO ADJUST CONSTRUCTION, ALTERATION, INSPECTION, REINSPECTION AND PERMIT FEES TO COVER THE COST THEREOF: SECTION 10-1-91 ENTITLED "BUILDING CODE", SECTION 10-1-92 ENTITLED "ELECTRICAL CODE", SECTION 10-1-93 ENTITLED "GAS CODE", SECTION 10-1-95 ENTITLED "HEATING, VENTILATING AND AIR CONDITIONING PERMIT FEES", SECTION 10-1-97 ENTITLED "PLUMBING CODE"; 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 Hamrick

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

PUBLIC HEARING:

Community Development Block Grant (CDBG) Fourth Program Year 2012 Annual Action Plan

Housing Manager Chris Davis stated the City is an entitlement community which allows the receipt of grant funds from the U.S. Department of Housing and Urban Development (HUD) each year. It is necessary to provide an annual plan for the funds that are received. He gave a recap of the projected budget and provided an overview of the requirements and action plan. Mr. Davis reported the City would receive a total funding of \$380,250.00 (estimated) plus projected program income from loans distributed through previous grant awards. He briefly shared the plans for utilizing the funds noting the draft plan had been available for 30 days and a public meeting for citizen input was held prior to today's meetings.

City Attorney Palmour conducted the public hearing and 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 PR-2012-22 entitled *Community Development Block Grant (CDBG) Fourth Program Year 2012 Annual Action Plan* as presented.

Motion made by Council Member Wangemann
Motion seconded by Council Member Bruner

DISCUSSION:

Council Member Figueras commended Housing Manager Chris Davis for all he has done for public housing. She noted there had been a public hearing at The One Community Meeting. Other details will be discussed at a June 9th meeting at the Fair Street Neighborhood Center.

Council Member Hamrick commented on a long history of approaching and overcoming housing issues. Gainesville was the recipient of the first Magnolia Award which speaks to the efforts of the city.

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

CITY MANAGER'S ISSUES:

Project Resolution: Community Home Investment program (CHIP) Acceptance of FY 2012 Housing Grant

City Manager Kip Padgett stated \$306,000 had been received from the Department of Community Affairs in Community Home Investment (CHIP) Grants. The proposed resolution authorized the execution of the contract documents.

Motion to adopt Resolution PR-2012-23 entitled *Community Home Investment Program (CHIP) Acceptance of FY2012 Housing Grant* as presented.

Motion made by Council Member Hamrick
Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

OTHER BUSINESS:

Council Member Figueras

1. Reported attendance at a recent Main Street Board meeting and provided a brief summary of upcoming activities/events.
2. Shared a citizen's request for the City to explore extending the Greenway from the Train Depot to the Limestone Corridor by way of the railroad.
3. Provided a brief report on events she attended over the last week.

Council Member Wangemann

1. Reported an estimated 3500 people attended the Spring Chicken Festival noting the proceeds are placed in the Tree Replacement Fund and the Environmental Education Fund.
2. Announced North Georgia College will celebrate Community Health on May 17, 2012.
3. Announced the Great American Cleanup was held in Lula, Oakwood and Flowery Branch. The cleanup collected 12,800 pounds of litter.
4. Reported he had knocked on 5,020 doors during his effort to personally invite citizens to attend the Council Meeting. He felt this had been a beneficial and productive effort.

Mayor Dunagan

1. Announced this was City Clerk Week. He thanked the City Clerk and Deputy City Clerk for their work and commitment to the City. Council also expressed appreciation.
2. Mayor Dunagan stated there had been some comments from Commissioner Lutz and Commissioner Gibbs regarding the water rate differential. There will be another study in this next fiscal year. In 1997, and again in the 2006 agreement, the City and County agreed to prepare and jointly fund a water rate differential and tax equity study every four years. To date, there has been no tax equity study performed by the County. Four (4) water rate differential studies have been performed by the City at a cost of \$100,000 each. The City has not been reimbursed by the County. The County participated in each water rate differential study. Each study showed a rate differential greater than two times the City rate and the City has never charged what the study suggested. He invited the County, once again, to join in the study and to live up to the 1997 study. The City will be glad to answer any questions regarding this issue and will be happy to address their concerns.
3. Mayor Dunagan thanked staff for efforts to get a traffic light at Howard Road and State Route 365. Staff has quietly worked with the Department of Transportation (DOT) to improve this intersection since the last fatality. He thanked various other parties for their assistance.

ADJOURNMENT: 6:15 PM

DJ:ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk