

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

Mayor Dunagan called the meeting to order.

Minister Gwen Lewis, Freedom Ministries Christian Center, delivered the invocation after which the Pledge of Allegiance was recited in unison.

CONSENT AGENDA:

Minutes

- A. October 2, 2012 Council Meeting
- B. October 5, 2012 Called Council Meeting
- C. October 16, 2012 Council Meeting

Motion to approve the minutes excepting edits as presented.

Motion made by Council Member Bruner

Motion seconded by Council Member Hamrick

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

Resolutions:

- A. AR-2012-15 Regarding Reappropriation Budget Adjustment for Fiscal Year 2013
- B. AR-2012-16 Regarding First Quarter Budget Adjustment for Fiscal Year 2013
- C. BR-2012-39 Establishment of Worker's Compensation Self-Insurance Program
- D. PR-2012-54 Pump Station 23 Improvements Award of Contract

Motion to adopt the resolutions as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

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

PUBLIC HEARINGS:

Annexation/Zoning Items:

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

Request from the City of Gainesville to annex and zone 115 unincorporated island parcels and right-of-way comprising a total of 197.07± acres currently located within the jurisdiction of Hall County.

Community Development Director Rusty Ligon reviewed the application and state law authorizing the annexation of unincorporated islands. He commented on the zoning designation and the procedure for annexing the properties. Staff recommended the following six conditions:

1. The effective date of the ordinance shall be January 2, 2013, in order for the City to provide an orderly transition and provision of services.
2. All current legal uses within subject unincorporated island properties shall be grandfathered in the City under the current Unified Land Development Code.
3. All legal nonconforming uses shall not be re-established if abandoned for a period of 12-months and shall not be allowed to change to another nonconforming use, provided that the use itself remains unchanged. (Example: An auto body shop could be sold to another individual and retain its privileges as a nonconforming use, so long as the use was the same "auto body shop" and not expanded or changed.)
4. A nonconforming building or sign will be grandfathered in as a legal non-conforming structure unless deemed to be unsafe and shall not be rebuilt, altered, replaced or repaired beyond 60% of its replacement cost as determined by the City Building Official.
5. The unincorporated island properties listed within Section II of this ordinance shall be exempt from Gainesville Public Utilities sewer tap and administration fees for a period of 1 year from the effective date of this ordinance.
6. The unincorporated island properties listed within Section II of this ordinance shall be exempt from an Occupancy Permit fee for a period of 1 year from the effective date of this ordinance for any legal existing use.

Mr. Ligon commented on the need to improve the gateway corridors identified through the Comprehensive Plan noting the most recent update to the Plan reaffirmed the City's commitment to improving these corridors.

City Attorney Palmour opened the floor for comments.

OPPOSE:

Chris Smith spoke on behalf of James Joy, 1230 Industrial Boulevard. Mr. Joy was concerned about taxes on this property noting it was a vacant lot. He requested a grandfather clause for the property.

John Jones, county resident, owner of Office Pros, expressed concern about the tax increase. As a county resident, he felt he did not have a vote on this issue. He couldn't afford the additional taxes. He felt the change was unnecessary. He was afraid of what would happen next. Mr. Jones stated he bought the building knowing it was in the county. He estimated the annexation would cause a \$300,000 decrease in property value and was highly against this change.

Amy Van Greer, Arrow Truck Lines, 1216 Industrial Boulevard, expressed concern about how this was handled. She also commented on a tract of property directly across the street that was not included in this request.

Abb Hayes, Hulsey Oliver & Mahar, 200 E. E. Butler Parkway, represented the owner of the Big Lots Shopping Center. This was their third time objecting to island annexation. He objected to the process and felt the timeline was designed to limit public comment/interest. He had worked with the City on many occasions and was a friend of the City. He didn't think this process was comparable to the standard in which the City normally operates. Mr. Hayes commented on the tax increase for the property he represented. He presented and distributed a legal and constitutional objection to each Council Member, the City Manager, the City Attorney, the City Clerk and the Community Development Director. He commented on what he felt were administrative errors that resulted in improperly proceeding with this annexation. Mr. Hayes

expressed appreciation for comments made by Planning and Appeals Board (PAB) member Jane Fleming during their public hearing. He stated annexations should be a partnership, not a one sided process. He hoped the Council would abandon this process as done in the past.

Kenneth Neidenbach, city resident and county business owner, felt everyone was struggling. He shared estimated calculations as to how the annexation would impact his business (approximately \$1800 per year). He was a small business owner that could not afford additional expenses. Mr. Neidenbach presented a letter from My Brew Heaven expressing opposition to the request.

Jennifer Dimo, 4951 Taylor Lane, represented Robert Dimo who owned property on Browns Bridge Road. Three years ago was the last time it was leased. She felt this was the worst time ever for a tax increase. She recognized there were other island properties that were not included. She felt the process was arbitrary. She didn't understand how the gateway corridors would look better after being annexed into the city and she did not see how annexation would fix any problems. She expressed a desire for a wholesale process instead of picking and choosing those to be included.

Upon inquiry from Council Member Figueras, Mr. Ligon stated the process was in compliance with advertising requirements noting there was a tight window of time. In regards to signage identifying the annexation, Mr. Ligon stated legal advice was sought and determined signage was not necessary.

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 2012-33, AN ORDINANCE ANNEXING A TOTAL OF 115 UNINCORPORATED ISLAND PROPERTIES AND RIGHT-OF-WAY CURRENTLY LYING WITHIN THE UNINCORPORATED LANDS OF HALL COUNTY, GEORGIA; SAID ISLANDS AND RIGHT-OF-WAY COMPRISING A TOTAL OF 197.07± ACRES BEING MORE FULLY DESCRIBED BY THE LISTED PROPERTIES AND RIGHT-OF-WAY CONTAINED HEREIN; SAID ISLANDS BEING ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to City Limit Boundary)

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

Oppose: Wangemann

Motion to hold first reading on Ordinance 2012-34, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A TOTAL OF 115 UNINCORPORATED ISLAND PROPERTIES AND EXISTING RIGHT-OF-WAY CURRENTLY LYING WITHIN THE UNINCORPORATED LANDS OF HALL COUNTY, GEORGIA; SAID PROPERTIES AND RIGHT-OF-WAY COMPRISING A TOTAL OF 197.07± ACRES MORE FULLY IDENTIFIED HEREIN; AND ESTABLISHING ZONING CLASSIFICATIONS WITH CONDITIONS AS INDICATED HEREIN AT THE TIME OF ANNEXATION; REPEALING CONFLICTING ORDINANCES;

TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (Amendment to Zoning Map) **with conditions.**

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

Oppose: Wangemann

Tax Allocation District Item:

Request from Garrison Investment Group to create a Tax Allocation District (TAD) regarding the Lakeshore Mall Redevelopment Plan.

Gary Mongeon, Bleakly Advisory Group, stated the firm was retained to work with City staff and the Garrison Investment Group to establish a Tax Allocation District (TAD) for the mall property which had been declining in value for quite some time. They were seeking assistance to make \$2.1 million in improvements in terms of TAD financing which would address demolition and street improvements. The proposed improvements were expected to cause a tax increase which will help finance the bonds. No other property owners were affected by this TAD. Mr. Mongeon stated the request was within the statutory limits of what the City is authorized to do in respect to TADs.

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 hold first reading on Ordinance 2012-35, AN ORDINANCE CREATING THE LAKESHORE MALL REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT NUMBER TWO--LAKESHORE MALL; DESIGNATING THE BOUNDARIES OF THE REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT; ESTABLISHING THE TAX ALLOCATION INCREMENT BASE FOR THE TAX ALLOCATION DISTRICT; ADOPTING A REDEVELOPMENT PLAN FOR THE AREA; ESTABLISHING THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS OR OBTAIN OTHER FINANCING NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREA; AUTHORIZING THE CITY COUNCIL TO ACT AS THE REDEVELOPMENT AGENT TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW AND THE URBAN REDEVELOPMENT LAW; AND FOR OTHER PURPOSES.

Motion made by Council Member Figueras

Motion seconded by Council Member Bruner

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

CITY MANAGER'S ISSUES:

City Manager Kip Padgett announced the Communications and Tourism Department received the Community Sponsor Award from the Lake Lanier and Kayak Club.

OTHER ISSUES:

Council Member Figueras commented on several concerts she attended over the weekend.

ADJOURNMENT: 6:19 PM

DJ:ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk