

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

Mayor Dunagan called the meeting to order.

INVOCATION:

Dr. Carr delivered the invocation after which the Pledge of Allegiance was recited in unison.

RESOLUTION:

Business Resolution 2013-17
Public Comments During Council Meetings

Upon Mayor Dunagan's request, City Clerk Denise Jordan read the proposed resolution and its attachment referencing the policy.

Motion to adopt the resolution as presented.

Motion made by Council Member Hamrick
Motion seconded by Council Member Bruner

DISCUSSION:

Council Member Wangemann expressed a desire to remove the two minute time limit per speaker. He felt it was important to hear from the public more often to enhance the meetings. He suggested eliminating the time limit.

Council Member Figueras asked that the time limit be at the discretion of the parliamentarian.

Council Member Bruner stated it was necessary to have a time limit in order to provide everyone an opportunity to speak. As a compromise, she suggested a four or five minute limit per speaker.

A majority of the Council was willing to accept an amended motion to change from a two minute time limit to a five minute time limit per speaker.

Motion to amend the resolution.

Motion made by Council Member Hamrick
Motion seconded by Council Member Bruner
Votes favoring the motion: 4 favor, 1 oppose (Wangemann)

Motion to adopt the resolution with amendment as presented.

Motion made by Council Member Bruner
Motion seconded by Council Member Figueras
Votes favoring the motion: 4 favor, 1 oppose (Wangemann)

PROCLAMATIONS:

Georgia Cities Week

Mayor Dunagan read a proclamation declaring April 20-27 to be *Georgia Cities Week*. The proclamation was presented to Communication and Tourism Director Catiel Felts. She shared the plans for the week. The following information was noted:

- Monday: Children's Fingerprinting at First Presbyterian Church and Citizen's Government Academy
- Wednesday: Car Seat Safety Check
- Saturday: Spring Chicken Festival

CITIZEN'S ISSUES:

Jerry Gonzalez, Executive Director of Georgia Association of Latino Elected Officials (GALEO), P. O. Box 29506, Atlanta, stated he had a ten year history of conducting voter registration and leadership training with Gainesville citizens. He provided a copy of data analysis regarding at-large voting indicating there were violations associated with this voting system. Mr. Gonzalez felt the time limit for public comments was an odd coincidence.

Mr. Gonzalez shared his expectation that the City release its data in order to move forward with an amicable resolution and avoid litigation noting this discussion has been on-going since 2011. He expected the City to be open and transparent. He stated this was a serious matter of potential violations of federal law. He felt the amicable resolution was eliminating the at-large voting process.

Council Member Bruner stated Council was waiting to receive the GALEO data. Now that it has been received, it will be forwarded to Attorney Brinson.

Mr. Gonzalez stated the information was forwarded to Mr. Brinson today.

Mayor Dunagan stated Mr. Brinson had not received this information as of this afternoon. Mr. Brinson will make contact once the information has been reviewed.

Tom Torres, 225 Midway Crossing, Cornelia, a senior student at North Georgia, spoke on behalf of Community Partners. He stated Mr. Gonzalez had provided the data information for the second time. He stated this was not a Hispanic or Latino issue. It should be a concern for every citizen. He asked the Mayor and Council to take this matter seriously. He appreciated the Council's comments.

Cale Hatch, 8450 Deliha Way, Gainesville, hoped the community would take every opportunity to dispel any unfair voting process.

CONSENT AGENDA:

Resolutions:

- A. BR-2013-18 City Benefits Renewal Contracts for FY2014
- B. BR-2013-19 Contracts for Employee Benefits
- C. BR-2013-20 Memorandum of Understanding Between the University of Georgia System and the City of Gainesville
- D. BR-2013-21 Write Off of Delinquent Personal Property Tax
- E. BR-2013-22 Write Off of Uncollectible Airport Hangar Receivables
- F. BR-2013-23 Write Off of Uncollectible Returned Checks
- G. BR-2013-24 Write Off of Uncollectible Water Receivables
- H. PR-2013-09 Approval of Local DCA Homeless Assistance Program Applications
- I. PR-2013-10 Bureau of Justice Assistance Bulletproof Vest Partnership Grant Program FY14-15

Motion to adopt the resolutions as presented.

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

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

Minutes:

- A. April 2, 2013 Council Meeting

Motion to approve the minutes accepting the edits as presented.

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

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

ANNEXATION / ZONING

Second Reading: Ordinance No. 2013-04

Rezone 1.26± Acres at 1572, 1582 and 1586 Park Hill Drive NE

Motion to hold second reading on Ordinance 2013-04, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 1.26± ACRES TRACT LOCATED ON THE EAST SIDE OF PARK HILL DRIVE, NORTH OF LAKEVIEW DRIVE (A/K/A 1572, 1582 AND 1586 PARK HILL DRIVE NE) FROM RESIDENTIAL-II (R-II) AND OFFICE AND INSTITUTIONAL (O-I) TO GENERAL BUSINESS, WITH CONDITIONS (G-B-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to Zoning Map)

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

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

Second Reading: Ordinance No. 2013-05

Abandon 0.1172± Acre portion of unopened right-of-way known as Fern Street

Motion to hold second reading on Ordinance 2013-05, AN ORDINANCE OFFICIALLY DISCONTINUING, CLOSING AND ABANDONING A 0.1172± ACRE (173± LINEAR FEET) UNOPENED PORTION OF FERN STREET RIGHT-OF-WAY; WITH ALL ACREAGE BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; TO REPEAL 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

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

REPORT:

Community Development, Planning Division

Action taken by the Gainesville Planning and Appeals Board on April 9, 2013 and new items to be referred to the Planning and Appeals Board.

Community Development Director Rusty Ligon stated there was a rezoning item to refer to the May 7th City Council meeting and two items to refer to the May 14th Planning and Appeals Board meeting consisting of a variance request and a code amendment request.

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **April 9, 2013**, 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 **May 14, 2013**:

A. Planning and Appeals Board Actions for 04/09/13:

- 1) **Approved** the request from **America's Home Place, Inc.** to vary the stream protection buffer requirement on a 25.11± 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 and 1198 Dawsonville Highway, 1232 Ahaluna Drive, 1162 Lakeshore Circle**), having a zoning classification of General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 01-114-001-002A; 01-115-001-006 (Part), 007B (Part)
and 055 (Part)

Request: Future shopping center

- 2) **Recommended conditional approval** of the request from **Foote Miller Properties, LLC** to rezone a 0.55± acre tract located on the northwest side of the intersection of McEver Road and Gould Road (a/k/a **2944 McEver Road**) from Neighborhood Business (N-B) to General Business (G-B).

Ward Number: Four

Tax Parcel Number(s): 08-022-000-009

Request: Automotive repair facility

B. New items to be referred to the Planning and Appeals Board for 05/14/13:

- 1) Request from **Chris Recknor, M.D.** to vary the sign illumination requirements to allow an electronic message board sign on an existing monument sign on a 3.81± acres parcel located on the southeast side of the intersection of Limestone Parkway and Windward Lane (a/k/a **2350 Limestone Parkway NE**) having a zoning classification of Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 09-124-000-086
Request: Electronic message board sign
- 2) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to amend Table 9-5-2 of Article 9-5 entitled "Dimensional Requirements for Residential Zoning Districts" and Table 9-6-2 of Article 9-6 entitled "Dimensional Requirements for Nonresidential Zoning Districts" to incorporate minimum road frontage requirements; to amend Section 9-18-7-3 of Article 9-18 entitled "Banners" to provide for better clarity; to amend Section 9-22-2-22 of Article 9-22 entitled "Incorporation Clause" to provide for better clarity.

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

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

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

OTHER BUSINESS:

Council Member Wangemann recognized Nora Maiden, an artist (painter and poet) who was also a student that would be graduating soon.

CITY MANAGER'S ISSUES:

City Manager Kip Padgett reminded Council the next work session will be on May 2nd at which time the City's recommended budget will be presented.

EXECUTIVE SESSION:

City Manager Kip Padgett requested an Executive Session to discuss real estate, personnel and litigation matters.

Motion to close the Council Meeting to enter an Executive Session to discuss real estate, personnel and litigation matters at 6:01 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

COUNCIL PRESENT: Dunagan, Wangemann, Hamrick, Figueras, Bruner
STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan,
OTHER'S PRESENT: Marlowe and Moss attended the session until 6:35 PM.

Motion to close the Executive Session and continue the Council Meeting at 6:49 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

CITY CLERK ISSUES:

Joint Municipal Association (JMA) Meeting

City Clerk Denise Jordan stated the City of Gainesville would host the JMA meeting on Monday, April 22nd at 6:15 PM at the Civic Center.

Citizen's Government Academy

City Clerk Denise Jordan stated the Citizen's Government Academy would be held on Monday, April 22nd at the Riverside Water Treatment Plant.

OTHER BUSINESS:

Alliance for Literacy

Council Member Bruner reminded everyone of the spelling bee on Tuesday, April 23rd at Pearce Auditorium. The event will benefit the Alliance for Literacy.

Tree Inspections

Upon inquiry from Council Member Figueras, City Manager Kip Padgett confirmed the city's arborist will inspect trees upon request.

Rain Barrels

Council Member Figueras expressed appreciation to the Public Utilities Department for the rain barrels.

Second Saturday Meeting

Council Member Figueras expressed appreciation to Council Member Hamrick and Public Utilities staff for attending the Second Saturday meeting.

Georgia Municipal Association (GMA) If I Were Mayor Essay Contest

Council Member Bruner stated District 2 had a winner in the "If I Were Mayor" Essay Contest. She planned to attend the GMA event honoring the student.

McEver Arts Academy

Mayor Dunagan stated he planned to visit second graders at McEver's Arts Academy on Friday.

Great American Clean Up

Council Member Wangemann commented on the Great American Clean Up.

ADJOURNMENT: 6:54 PM

DJ/ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk