

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

Mayor Dunagan called the meeting to order.

INVOCATION:

Reverend Wendy Cordova, Gainesville First United Methodist Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

CONSENT AGENDA:

Resolutions:

- A. BR-2013-31 Assignment of a Portion of Lot A-5 and A-6 Airport Industrial Park
- B. BR-2013-32 Intergovernmental Agreement to Conduct Municipal Election
- C. BR-2013-33 Qualifying Period for November 5, 2013 Municipal Election
- D. PR-2013-19 2420 Browns Bridge Road Sanitary Sewer Extension Request
- E. PR-2013-20 Authorization to Apply for and Accept FY14 Legacy Link Grant for \$466,346
- F. PR-2013-21 Bogus Road / Wellspring Trail Water Main Extension Request
- G. PR-2013-22 Riverside Drive Water Treatment Plant Chemical System Improvements
Conceptual Design and Community Outreach Services

Motion to adopt the resolutions as presented.

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

Council Member Figueras mentioned the qualifying period for the 2013 election would be set for August 26th through August 28th.

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

Minutes:

- A. May 7, 2013 Council Meeting
- B. May 21, 2013 Council Meeting

Motion to approve the minutes accepting the edits as presented.

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

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

APPOINTMENTS:

Mayor Pro Tem

Motion to appoint Council Member Robert L. Hamrick to fill the unexpired term of Council Member George Wangemann as Mayor Pro Tem.

Motion made by Council Member Bruner
Motion seconded by Council Member Figueras
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Election Superintendents

Motion to appoint Denise Jordan and Charlotte Sosebee to serve as Election Superintendents for the November 5, 2013 election.

Motion made by Council Member Bruner
Motion seconded by Council Member Figueras
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Absentee Ballot Clerk

Motion to appoint Charlotte Sosebee to serve as Absentee Ballot Clerk for the November 5, 2013 election.

Motion made by Council Member Figueras
Motion seconded by Council Member Hamrick
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

RESOLUTION:

BR-2013-34 Emergency Interim Successors

Mayor Dunagan indicated the order for Emergency Interim Succession was proposed as follows:

1. Mayor C. Danny Dunagan, Jr.
2. Mayor Pro Tem Robert L. Hamrick
3. Council Member Myrtle W. Figueras
4. Council Member Ruth H. Bruner
5. Council Member George Wangemann

Motion to adopt resolution BR-2013-34 as presented.

Motion made by Council Member Bruner
Motion seconded by Council Member Hamrick
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

PUBLIC HEARING:

Annexation/Zoning Items:

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

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

Attorney Frank Jenkins introduced the proposal and noted the summaries of the Planning and Appeals Board hearing had been made available to the Council. He stated the request was to annex 115 island properties consisting of 197.07± acres into the City. He indicated the properties included gateways into the City and other commercial properties. The request assigned the zoning classification that matched the current use. He reviewed the conditions which were noted as follows:

1. The effective date of the ordinance shall be August 1, 2013, in order for the City to provide an orderly transition and provision of services.
2. All nonconforming uses as defined by the City of Gainesville Unified Development Code, §9-11-3-1, Definitions, shall be governed by the applicable provisions of said Code. See §9-11-3-1 through §9-11-3-9.
3. 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 one year from the effective date of this ordinance.
4. 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.

Community Development Director Rusty Ligon addressed the following questions from the Planning and Appeals Board Meeting:

1. What concessions has the City given to Dick's Sporting Goods at the mall? None
2. Why hasn't the City addressed crumbling sidewalks on Prior Street? The Public Works Director stated the city has been working on sidewalks and would be addressing the prior Street area in approximately two weeks.

City Attorney Palmour asked those opposing the request to stand. Five responded. He opened the floor to receive their comments.

OPPOSITION:

Ken Neidenbach, owner of Village Pets at 1500 Browns Bridge Road, resides at 427 Prior Street, stated he contacted the City's Business License Office, the Tax Office and the Public Utilities Department to determine his future costs. He proceeded to share the difference between current versus future costs.

Reverend Anwann Hill, property owner of 401 Forest Avenue, commended the City for offering great police and fire services. He expressed concern that he first heard about the hearing earlier today. He felt property owners should have a right to say whether or not they want to come into the City. He asked the Council to reconsider this matter and challenged Council to find a better solution. He stated he would hold them (Council) accountable for their decision noting they would all be up for reelection at some point in time.

John Jones, Office Pros on Browns Bridge Road, stated he lives in the County and could not vote for any of the Council Members. He felt the annexation process was a means to increase city revenue. He expressed a desire for consolidation to eliminate duplicate services. He stated the people who are affected are not able to vote for the elected officials making this decision.

Gainesville is a government of all people. This action is at the expense of the Hall County tax payer that has no defense in this matter. He could not go along with this action and felt they had no representation.

Community Development Director Rusty Ligon stated there would not be any duplication of services. If the Council approves the request, all services would be provided by the City.

Larry Raines, Gainesville Industrial LLP, stated he resides in Forsyth County and has nine (9) properties that will be affected by this request. He stated he was confused about the selection criteria. He did not feel any of his properties were an island. He didn't understand why the City was picking some properties to annex. Mr. Raines felt he was paying higher taxes. He understood the need to increase the tax base and felt the city should be fair by annexing all or none.

Upon request, Mr. Raines indicated his properties affected by this request were 821 West Ridge Road, 825 West Ridge Road, 839 West Ridge Road, 820 West Ridge Road, 811 West Ridge Road, 1049 Black Drive, 1041 Black Drive, 1029 Black Drive and 828 West Ridge Road.

Mr. Raines felt Mr. Jones' comments regarding consolidation were relevant and should be discussed.

Community Development Director Rusty Ligon explained how a property is determined to be an island. He also shared the three criteria used to identify the properties included in the proposed request, i.e., (1) located on a gateway into or out of the city, (2) holds commercial zoning or (3) has a commercial use.

Mike Holland, Holland Wrecker Service, felt the City was trying to correct a mistake. He stated he didn't want to be in the City and felt Mr. Jones' comments made sense. He asked Council to vote against this request.

There being no other comments the hearing was closed and the matter was returned to the council for a decision.

Motion to deny the request for annexation.

Motion made by Council Member Wangemann
The motion died for lack of a second.

Motion to hold first reading on Ordinance 2013-11, 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

DISCUSSION:

Council Member Wangemann stated he personally didn't like to force anyone to do anything against their will. He felt this was a case of forcing someone to do something against their will. He repeated Mr. Jones' statement that this was taxation without representation. He commented on the law and stated it trampled on individual property rights. He sincerely urged a no vote.

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

Motion to hold first reading on Ordinance 2013-12, 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
Opposed: Wangemann

OTHER BUSINESS:

Beulah Rucker Oliver Intersection

Council Member Bruner announced the Department of Transportation would recognize Beulah Rucker Oliver by renaming an intersection in her honor at 11:00 AM on Tuesday, July 9th. Everyone was invited to attend the ceremony to be held at the Beulah Rucker Oliver Museum.

Georgia Municipal Association (GMA) Board Meeting

Council Member Figueras provided the City Manager with materials from the Georgia Municipal Association (GMA) Board Meeting.

Gainesville is Beautiful

Council Member Figueras commented on the beauty in and around Gainesville noting Gainesville is recognized as one of the best in everything.

Council Meeting Invitations

Council Member Wangemann indicated there were three individuals in attendance as a result of his door-to-door invitations. He reported 9,200 invitations had been extended and thanked those who attended this meeting in response to his invitation.

Second Saturday Meeting (aka Citizens Involvement Advisory Roundtable)

Council Member Figueras shared information about the Second Saturday Meeting to be held on Saturday, July 13th at the Fair Street Neighborhood Center.

ADJOURNMENT: 6:11 PM

DJ/ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk